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10 February 2017

Committee Secretary  
Parliamentary Joint Committee on Corporations and Financial Services  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Secretary

**Whistleblower protections in the corporate, public and not-for-profit sectors  
Submission**

Transparency International Australia welcomes the opportunity to make a submission to this historic inquiry. We strongly support the need for comprehensive reform in this area, and welcome the Committee's deliberations and the Government's commitment to act on the results of the inquiry through legislative reform by June 2018.

We note the very wide scope of the inquiry terms of reference. For this reason, Transparency International Australia has updated its public position on what it considers to be the key issues of principle which need to drive the recommended reforms. Please find that position attached, which we trust will assist the Committee in respect of many of its key terms of reference.

We also make the following observations:

- While much of the focus of the Committee is logically upon solving the largest challenge of an effective whistleblower protection framework for private and not-for-profit sector employees and workers, we note that the Committee has also been tasked to inquire into the improvement of protections in the public sector.

In this respect, we note the recommendations of the 2016 Moss Review of the *Public Interest Disclosure Act 2013 (Cth)*, and endorse those recommendations, with the caveat that in our view they do not go far enough in grappling all reform priorities – as reflected in the attached position paper. Again, we are happy to elaborate.

- The Australian Government has committed (for example, in its Open Government Partnership national action plan of December 2016) to an objective of 'harmonising' private sector whistleblower protections with those contained in the *Public Interest Disclosure Act 2013 (Cth)*. We note that given the extent of the recommendations for improvement of that Act, and the likely need for greater flexibility in the implementation of protections across the private and not-for-profit sectors, that this objective is unlikely to be very useful. While key

aspects of whistleblower protection can and should be common, TI Australia considers that as a general principle, a one-size-fits-all approach designed to work for the public sector – even once brought up to a higher standard – should not necessarily be imposed on other sectors. Again, we are happy to elaborate.

- TI Australia was a partner organisation to the Australian Research Council Linkage Project *Whistling While They Work*, and is a supporter organisation to *Whistling While They Work 2*, both led by Griffith University (whose Professor A J Brown is one of our directors). We note that this research is ongoing and hope that the Committee and Government will be able to adapt their timetables on these issues to take full account of its findings, so that the solutions adopted are evidence-based to the maximum extent possible.

We would be very happy to elaborate at a public hearing or to address specific issues of concern to the Committee, in more detail, in a supplementary submission.

Yours sincerely

**The Hon Anthony Whealy QC**  
*Chairman*  
*Transparency International Australia*

Attachment: Transparency International Australia Position Paper 8 (Feb 2017)