

**SUBMISSION TO THE SENATE LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE**  
**Inquiry into the Whistleblower Protection Authority Bill 2025 (No. 2)**

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## **1. Introduction**

I welcome the opportunity to provide a submission to the Legal and Constitutional Affairs Legislation Committee in relation to the Whistleblower Protection Authority Bill 2025 (No. 2). This Bill presents a critical reform in strengthening Australia's integrity and accountability framework, through the establishment of a dedicated, independent statutory authority responsible for whistleblower support and protection.

As a professional engineer with professional experience in dealing with public and private entities, including work involving public interest disclosures, contractual disputes, and compliance with statutory frameworks, I have seen how fear of reprisal and lack of institutional support frequently deters individuals from reporting wrongdoing. A national body empowered to support and protect whistleblowers is essential for a transparent and accountable democracy.

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## **2. Support for the Bill**

I strongly support the objectives of the Whistleblower Protection Authority Bill 2025 (No. 2), particularly the establishment of a centralised, independent Authority with the following functions:

- Receiving and facilitating investigation of disclosures of wrongdoing.
- Investigating reprisals, victimisation, or failure to act on whistleblower concerns.
- Providing support, guidance, and legal/practical assistance to whistleblowers.
- Proactively monitoring the treatment of whistleblowers across Commonwealth agencies.
- Educating both institutions and individuals about whistleblower rights and protections.

This framework responds to longstanding deficiencies in existing legislation and fills a vital institutional gap that has allowed corruption, mismanagement, and misconduct to go unreported or unresolved due to the absence of effective, centralised support.

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## **3. Recommendations**

While the Bill is well-conceived, the following enhancements are recommended to strengthen its practical effectiveness:

### **3.1. Establish Clear Criteria for Action**

Clauses 23 and 25 could be strengthened by providing clearer statutory criteria to guide the Commissioner's discretion when deciding whether to investigate or take no further action. This would help reduce ambiguity, ensure consistency, and promote confidence in decision-making.

### 3.2. Ensure Timely and Transparent Investigations

To avoid delay in resolving disclosures, the Bill should include indicative time frames for the Commissioner to make decisions and inform whistleblowers of outcomes, particularly where the individual has elected to be kept informed (Clause 17). Transparency around progress is key to maintaining whistleblower trust and mental wellbeing.

### 3.3. Guarantee Sufficient Resourcing

Although the Explanatory Memorandum states the Bill will have “no financial impact,” the effective operation of this Authority will depend on adequate staffing and funding. Consideration should be given to either an initial funding guarantee or a statutory obligation to review resourcing within the first two years of operation.

### 3.4. Broaden Support Measures

The Authority should be given flexibility to provide additional support services, including trauma counselling, relocation assistance, and security measures, especially in cases where whistleblowers experience serious retaliation.

### 3.5. National Integration of Protections

While the Bill addresses Federal matters, most whistleblower disclosures occur in contexts that span Federal, State, and private domains. The Authority should be resourced and mandated to liaise with State equivalents and relevant oversight agencies (e.g., ICAC, Ombudsman) to ensure coherent protection pathways.

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## 4. Human Rights Compatibility

The Bill advances human rights protections in line with Australia's obligations under international instruments, notably:

- **Article 19 (ICCPR)** – safeguarding the right to freedom of expression.
- **Article 17 (ICCPR)** – protecting individuals against arbitrary interference with their privacy and reputation.
- **Articles 6 and 7 (ICESCR)** – ensuring the right to work and just conditions of employment, especially relevant where whistleblowers face workplace retaliation.

To the extent the Bill limits rights (e.g., in allowing the Commissioner to withhold disclosure of investigation progress under Clause 26), such limitations are proportionate and necessary to preserve the integrity of investigations.

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## 5. Conclusion

This Bill constitutes a long-overdue and necessary reform to embed the protection of whistleblowers within the Australian legal system. The creation of the Whistleblower Protection Authority is a commendable initiative that addresses a systemic void, and—subject to the modest recommendations outlined above—I support its passage in full.

I thank the Committee for the opportunity to provide this submission and would be pleased to elaborate further if called upon to give evidence.

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**Greg Peak**

12 April 2024