



**Uniting Church in Australia**  
SYNOD OF VICTORIA AND TASMANIA

Centre for Theology and Ministry  
29 College Crescent  
Parkville Victoria 3052  
Phone: 0409 166 915  
jim@victas.uca.org.au

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
E-mail: legcon.sen@aph.gov.au

**Uniting Church in Australia, Synod of Victoria and Tasmania**  
**Submission on the *Public Interest Disclosure Amendment (Review)***  
***Bill 2022***  
**20 January 2023**

The Synod of Victoria and Tasmania, Uniting Church in Australia, welcomes this opportunity to make a submission on the *Public Interest Disclosure Amendment (Review) Bill 2022*. The Synod supports the Bill and requests that the Committee recommend that the Bill be passed through the Parliament.

We particularly welcome broadening the categories of 'detriment' that will apply to the definition of reprisal against a whistleblower. These are aligned with the existing definition of 'detriment' that applies to union and corporate whistleblowers under s.337BA(2) of the *Fair Work (Registered Organisations) Act* and s.1317ADA of the *Corporations Act*.

In 2014, the Synod meeting of hundreds of delegates from congregations across Victoria and Tasmania expressed our continued support for the Commonwealth Government to take action to address corruption in Australia and overseas.

The one concern with the Bill is the broad drafting of the exclusion of the personal work-related conduct provision. There is a need to ensure that the drafting will not allow Commonwealth agencies to treat anything involving work-related conduct as not being entitled to *Public Interest Disclosure Act* protections, even if there is a mixture of work-related conduct and other public-interest wrongdoing mixed up in the case. Further, the drafting of this exclusion and the equivalent exclusion in the *Corporations Act 2001* (s.1317AADA 'Personal work-related grievances') should ultimately be consistent once a best practice formulation is found. Both these provisions seem overly complex and do not clearly communicate their actual intent in a way employees, whistleblowers and employers can easily understand, which increases the likelihood they will be misapplied or abused in the implementation.

While the Synod supports the Bill and notes that it implements most of the recommendations made by the Moss Review, it provides only minimal reforms compared to those needed in the whistleblower space.

Additional reforms are needed in the *Public Interest Disclosure Act* and for private sector whistleblowers. Reforms that the Synod supports for whistleblowers include:

- A Whistleblower Protection Authority to provide advice and support to whistleblowers, to direct their disclosures to the relevant agency (to ensure there is no ‘wrong door’ to a disclosure) and to pursue legal action against those who take retaliatory action against whistleblowers. At the moment, whistleblowers’ attempts to seek remedies of compensation through the courts almost always fail at high personal costs to the whistleblower, particularly psychological costs. The Parliamentary Joint Committee on Corporate and Financial Services inquiry into whistleblowing protections across the corporate, public and not-for-profit sectors in 2017 recommended a Whistleblower Protection Authority;
- A system of rewards for private sector whistleblowers, in recognition that not all whistleblowers can be protected and compensated. Further, in too many cases being a whistleblower can end the career of a person in their current business sector, so they may need a financial pay-out to allow them to transition to a new business sector;
- Clarification of immunities from prosecution;
- Simplification of proof requirements for remedies and compensation. The 2017 inquiry by the Parliamentary Joint Committee on Corporate and Financial Services inquiry into whistleblowing protections recommended separating out the broader grounds for civil remedies and compensation;
- Simplification of access to and consistent access to remedies. The primary avenue provided by the *Public Interest Disclosure Act* and the only avenue for whistleblowers under the *Corporations Act* is the federal court. Federal courts have strict rules of evidence, expensive filing fees and limited scope to assist whistleblowers who represent themselves; and
- Proper protection for public and third-party whistleblowing.

Dr Mark Zirnsak  
Senior Social Justice Advocate  
Synod of Victoria and Tasmania  
Uniting Church in Australia