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Community & Public Sector Union
Stephen Jones • National Secretary

7th August 2008
Ms Andréa Cullen
Inquiry Secretary
House of Representatives Standing Committee on
Legal and Constitutional Affairs

By email: laca.reps@aph.gov.au

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BY: LACA

Dear Ms Cullen

Inquiry into whistleblowing protections within the Australian Government public sector

By way of introduction, the PSU Group of the Community and Public Sector Union (CPSU) represents over 200,000 employees in the Australian Public Service, the Australian Government public sector, the ACT Public Service, the Northern Territory Public Service, and other sectors including the telecommunications sector, call centres, employment services and radio and television broadcasting.

The CPSU welcomed Special Minister of State Senator John Faulkner's recent announcement of an inquiry into Whistleblower protection in the Public Service and consideration of a preferred model for legislation to protect public interest disclosures (whistleblowing).

The CPSU has a strong track record of advocating for an adequate framework to protect whistleblowers in the Australian Public Service. CPSU has often had cause to advise or represent the interests of whistleblowers, which has led to a well-developed understanding of the various criteria required to adequately afford their protection.

The current provisions of the Public Service Act, 1999 does not offer any effective remedy to whistleblowers. The CPSU strongly believes that the creation of an independent body, able to report directly to Parliament, is an essential mechanism to ensure the efficacy and credibility of any legal framework established to protect whistleblowers and the public interest.

The CPSU has contributed submissions and recommendations to Senate Inquiries into this subject area, including inquiries by the Senate Finance and Public Administration Legislation Committee in September 2002 and by the Select Committee on Public Interest Whistleblowing in 1994.

Coverage of any Whistleblower legislation should be defined as to include all outsourced work together with contractors and consultants and not be restricted to the increasingly narrow number of APS budget agencies and their direct employees.

Specific powers must be granted so as to give confidence that the investigation will be thorough and appropriate, including:

- Powers to take evidence other and call witnesses
- Powers to call for documents

- The investigation should be conducted "in private" (as in other legislation)
- Specifically allow disclosure of confidential information for purpose of investigation
- Create an offence to obstruct an investigation

Progress reports should require the investigating authority to provide the whistleblower with information within a specified or reasonable time and provide the whistleblower with a report.

CPSU is currently seeking the views and opinions of members around the topic of Open & Transparent Government as part of our *Agenda For Change* conferences being held around the major capital cities. It is our intention to incorporate member views and feedback to help form CPSU's supplementary submission to the Inquiry.

CPSU strongly supports appropriate sanctions to protect the livelihood of public servants who put their careers and reputation at risk by delivering frank and fearless advice, or who blow the whistle on corruption or maladministration.

These protections are clearly in the interest of public sector workers, but they also create a culture of professional, efficient and transparent administration. They serve the public interest.

The CPSU thanks the Committee for the opportunity to comment on these particular issues. CPSU would be pleased to appear before the Committee's public hearing to represent the views of Australian Government public sector workers. The contact person is Alison Rahill, Parliamentary Liaison Officer CPSU

Yours sincerely,

Stephen Jones
National Secretary