



## Protecting whistleblowers in the federal government public sector

### *Public hearing in Canberra on 4 September*

The Commonwealth Ombudsman's views on the establishment of a 'Public Service Ombudsman' with responsibility for investigating public interest disclosures will be one of many issues the House of Representatives Legal and Constitutional Affairs Committee will discuss with the Ombudsman at a public hearing in Canberra on Thursday 4 September 2008. The hearing is part of an inquiry being conducted by the Committee into whistleblowing protections within the federal government public sector.

In Australia now, there are no uniform laws to protect whistleblowers. Some protections exist at both the federal and at the State and Territory level. At the federal level, the *Public Service Act 1999* provides protection for Australian Public Service (APS) employees making disclosures in certain circumstances, and a Commonwealth Government employee who 'blows the whistle' is currently only protected in a narrow range of circumstances.

The Commonwealth Ombudsman has indicated a long-held view that Ombudsman offices have a role to play in any whistleblower protection. The Commonwealth Ombudsman, Professor John McMillan, will appear before the Committee to discuss his position on some of the issues, challenges and best practices, surrounding whistleblowing protections within the federal government public sector.

The Committee Chair, Mark Dreyfus QC, said, "There are no specific whistleblower provisions within the legislation administered by the Ombudsman. However, whistleblowers who act in good faith are entitled to some protection under the *Ombudsman Act 1976*". He added, "The Committee will be interested to hear the Ombudsman's thoughts on the adequacy and coverage of these protections".

The inquiry was referred by the Hon. Robert McClelland MP, on behalf of the Cabinet Secretary, Senator the Hon. John Faulkner. The Committee is to inquire into and report on a preferred model for legislation to protect public interest disclosures (whistleblowing) within the Australian Government public sector, addressing:

- the categories of people who could make protected disclosures
- the types of disclosures that should be protected
- the conditions that should apply to a person making a disclosure
- the scope of statutory protection that should be available
- procedures in relation to protected disclosures, and
- the relationship between the Committee's preferred model and existing Commonwealth laws.

**PUBLIC HEARING PROGRAM: Thursday 4 September 2008**

9:30 am to 10:20 am

Committee Room 1R3, Parliament House, Canberra

The hearing will be webcast (audio only) on <http://webcast.aph.gov.au/livebroadcasting/>**For interview:**

Contact the Committee Chair, Mr Mark Dreyfus QC, MP on (02) 6277 4305 (Canberra) or in his electorate on (03) 9769 1955.

Or Mr Dreyfus' media adviser, Tim Lisle-Williams on 0431 178 280.

**For background information**, including the full terms of reference, please visit the inquiry website at [www.aph.gov.au/laca](http://www.aph.gov.au/laca) or contact the Committee Secretariat on (02) 6277 2358.