

## **WHISTLEBLOWER PROTECTION**

### ***Protected Disclosures***

*“It is important that staff in the public sector are encouraged to come forward with information about the management or operations of their agency, as they are often in the best position to expose serious problems in their workplace.”* NSW Ombudsman 2006

#### ***Labor Failure***

The appalling treatment of Milton Orkopoulos’ former electorate officer, Gillian Snedden and RailCorp’s three year legal battle against former employee Bimla Chand is evidence of the State Labor Government’s contempt for this State’s whistleblower legislation.

The NSW Liberal/Nationals pioneered legislation to protect whistleblowers in 1994 with the *Protected Disclosures Act*. Since this time the State Labor Government has perverted the intent of the laws.

Despite the Act requiring that a joint Parliamentary Committee conduct a review of its operation every two years, there have only been three legislative reviews – in 1996, 2000 and 2006.

These reviews have made numerous recommendations, many of them repeatedly, including the establishment of a stand alone Protected Disclosures Unit within the Ombudsman’s office. They have been ignored.

#### ***Solution***

Strengthen the State’s whistleblower legislation by enacting the Joint Standing Committee on the Independent Commission Against Corruption recommendations set out in their 2006 report.

#### ***Proposal***

The NSW Liberal/Nationals believes government works best for the people it serves, when it is open to public scrutiny, not when it is hiding under a rock or operating in the shadows. This is why the strength of our whistleblower laws is paramount. The *Protected Disclosures Act 1994* goes to the very heart of open, honest and accountable government in this State.

The NSW Liberal/Nationals are committed to restoring integrity to government in NSW and effective protective disclosure legislation is a key part of achieving this goal.

Our proposal to strengthen the *Protected Disclosures Act* includes:

- the establishment of a Protected Disclosures Unit within the Office of the Ombudsman to provide advice to whistleblowers, to monitor the response of public authorities to protected disclosures and to report annually on disclosures made across the NSW public sector.
- Establishing standard guidelines to provide for “the lodgement, investigation, handling and reporting of protected disclosures.”
- Uniform standards for statistical reporting of protected disclosures should be put in place to provide a reliable foundation for any future assessment of the functioning of the Act.

- Alter the name of the Act to 'Public Interest Disclosures Act 1994'.
- Amend the Act to protect the whistleblower where that person had an 'honest belief on reasonable grounds' that their disclosure met the grounds for protection under the Act.
- Amend the Act so as to "impose an explicit requirement on an authority to investigate a disclosure subject to such exceptions as may be prescribed by regulation".
- Introducing the right to seek damages when whistleblowers have suffered detrimental action in reprisal to making protected disclosures.

The public will have a clear choice on this issue between the NSW Liberal/National commitment to openness and a NSW Labor Party mired in scandal and cronyism.