

Media Release



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Law Council says stronger whistleblower protections are needed

The Law Council of Australia has today told a Senate hearing that whistleblowers protections are inconsistent and should be strengthened. The Law Council submission recommends that any new whistleblowing laws should:

- be uniform in structure and operation, applying across all contexts and sectors across all States and Territories;
- apply to any whistleblower, without regard to the nature of the relationship to the entity in question;
- encourage internal whistleblowing in the first instance, but acknowledge that disclosure to a regulator can occur at any time;
- include broad rights of restitution and compensation for victimisation; and
- include broad community consultation on the merits of a possible rewards scheme for whistleblowers.

Law Council of Australia President, Fiona McLeod SC, said important ground had been made on the commitment to strengthen whistleblower protections of late, pointing to the commitments of the Federal Government developed through the Open Government Partnership (OGP) last year. Ms McLeod is a co-chair of the OGP Interim Working Group.

"Preventing and addressing corruption depends in part upon effective whistleblower protections. If whistleblower laws are to address the fear of reprisal, and encourage people to come forward with credible information, then clear, nationally consistent protections are necessary," Ms McLeod said.

"The Federal Government should be commended for committing to developing appropriate laws protecting tax whistleblowers and those who report corruption, fraud, tax evasion, and misconduct within the corporate sector. These protections have lagged behind protections for public servants and those available in other countries for some years. The Government has also recognised that there is a public interest in ensuring appropriate protections are afforded to whistleblowers in the public and not-for-profit sectors.

"At present, whistleblowers who disclose information to ASIC in respect of tax evasion or avoidance are not properly protected by the Corporations Act or tax laws. The Australian Tax Office does not have an express power to protect whistleblowers from victimisation. This is not the situation in comparable jurisdictions, where both specific protections from victimisation and compensatory remedies exist."

The Law Council was represented at the Senate hearing this morning by Rebecca Maslen-Stannage and Dr Natasha Molt.

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