

1 October 2025

Attorney-General's Department  
Robert Garran Offices  
3-5 National Circuit  
BARTON ACT 2600

By email: [PIDConsultations@ag.gov.au](mailto:PIDConsultations@ag.gov.au)

Dear Sirs,

## **RE: Public sector whistleblower reforms**

### **Who we are**

Governance Institute of Australia is the only fully independent professional association dedicated to the advancement of governance and risk practice in Australia. Our internationally recognised qualifications equip a diverse professional network of business leaders to make good decisions for the benefit of Australia's economy and society. With a history dating over 100 years, Governance Institute is Australia's leading and trusted voice of governance. Our fully accredited education and training is tailored to meet the needs of governance professionals across public listed, unlisted, and private companies, as well as the public sector and not-for-profit organisations.

Governance Institute is committed to independent, evidence-based advocacy that is focused on strengthening the governance capability of Australian organisations. We believe that good governance is the foundation of organisational resilience, productivity, and public trust.

### **Introduction**

Governance Institute has been a long-term advocate for improved whistleblower protections and a sector agnostic whistleblower protection authority. We made a submission to the consultation on the Stage 2 Reforms in which we expressed support for proposals to improve whistleblower protections for the federal public sector under the *Public Interest Disclosure Act 2013* (PID Act).<sup>1</sup>

We have also endorsed the Transparency International, Griffith University and Human Rights Law Centre Draft Design Principles for a Whistleblower Protection Authority as well as the [Federal Roadmap report](#). The design principles emphasise the need for independence, comprehensive and seamless jurisdiction as well as adequate powers and resources to deal with legal actions, mediation and administrative redress. The design principles also highlight the need for improved access to remedies, prevention of whistleblower mistreatment and enhanced support for whistleblowers through timely enforcement activities and education.

This Submission does not comment on all aspects of the Public Interest Disclosure and Other Legislation Amendment (Whistleblower Protections) Bill 2025 (Bill) but on the key areas where we consider the Bill could be improved to achieve improved public sector whistleblower protection.

- **Harmonisation of whistleblower protection laws** – While the Bill proposes reform of the PID Act this is reform of one piece of the current puzzle of Commonwealth whistleblower protection laws, we have consistently advocated for a consistent whistleblower protection regime for both the private and public sectors. This would mean that the duplicative or different rules do not deter whistleblowers or confuse employers about whether or how protections apply. Harmonising the regimes, including the

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<sup>1</sup> See Submission [Public sector whistleblowing Stage 2 reforms](#), Governance Institute of Australia, 22 December 2023.

Corporations Act, would eliminate the current gaps in protection coverage (for example, for private sector employees including consultants who 'blow the whistle' on public sector wrongdoing, and vice versa), so no-one is in doubt which protections apply to them. It will be easier, and more cost-efficient for government, individual agencies, and businesses if simpler, consistent protections apply across the board, rather than the current piecemeal situation involving different regulators, which each lack sufficient resources.

- **Enhanced role for the Whistleblower Ombudsman** – While the Bill provides for the establishment of a whistleblower ombudsman, we consider this function should be established as an independent whistleblower protection office with independent statutory functions to ensure it can operate effectively. It should be adequately resourced with enhanced enforcement powers to ensure it can operate effectively. It should also have authority and responsibility for providing information, advice, assistance, guidance and support to whistleblowers and potential whistleblowers. The Ombudsman should have power in connection with all Commonwealth legislation relating to whistleblowing.
- **'No wrong doors'** – We have consistently supported the 'no wrong doors' approach' and are pleased to see this approach incorporated into the Bill. The current patchwork of provisions expects an unrealistic level of sophistication on the part of whistleblowers in relation to their ability to analyse and understand which legislation and which regulator covers misconduct. A whistleblower should not need a nuanced knowledge of applicable legal and regulatory frameworks to know to which regulator or law enforcement agency they should make their disclosure to qualify for protection. We consider it would also improve the Bill for the Whistleblower Ombudsman to have the ability to act and make referrals and assist whistleblowers rather than to react as the Bill currently contemplates. As noted in our December 2023 Submission we consider the Bill should extend to Parliamentary staff.
- **Preparatory acts** – As noted in our December 2023 Submission we consider protections should apply to all necessary or reasonable actions relating to the disclosure, including preparatory acts such as securing relevant information of which the discloser had become aware
- **Proof requirements for remedies and compensation**– We acknowledge that the Bill provides for the reversal of the onus of proof to bring the PID Act into line with the Corporations Act. However, as currently drafted, the Bill does not provide for relaxation of the criminal-style requirement that a respondent's conscious 'belief or suspicion' of a disclosure must be a positive 'reason' for detrimental acts or omissions, before civil remedies can flow. We consider this change would improve the Bill significantly.
- **Duty to protect** – While the duty to protect was added to the PID Act in 2023 it is not currently enforceable against agencies that fail to adequately prevent detriment to whistleblowers. The Ombudsman and whistleblowers should be able to seek remedies where the failure by an agency to fulfil the duty has led to detriment. This change would bring the PID Act into alignment with Commonwealth protections for private sector whistleblowers.

If you have any questions, please contact me or Catherine Maxwell, GM Policy and Advocacy.

Yours faithfully,

(Sgd.) Katrina Horrobin  
CEO