

WHISTLEBLOWERS' GREEN LIGHT
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Two remarkable and historic accountability mechanisms came into law last week. For the first time ever, the private sector in Australia got whistle blower protection.

The importance of this should not be underestimated. Employees who would otherwise be intimidated into keeping quiet for fear of losing their jobs can now blow the whistle on corruption, crime and wrongdoing in the private sector.

A compensation and protection regime now exists to safeguard their welfare.

The Coalition federal government have the weakest public sector whistle blowing legislation in the country. Yet in a remarkable development, obviously finally thoroughly sick of corporate malfeasance, they introduced strong whistle blower protection into corporations law.

The Australian Democrats seized the opportunity and in the same week used their balance of power position to replicate those laws and to persuade the Government to accept them as Democrat amendments to Workplace Relations law.

Now corporations, unions and employer organisations all have whistle blower protection. Only unincorporated associations and the not for profit private sector still lack whistle blower law.

We badly need those laws in these sectors too. How else to help get at the embedded practice of church complicity in concealing crimes against children?

Over the last decade the Australian Democrats have campaigned for strong whistle blower protection laws in both the private and public sectors.

We have introduced strong public sector whistle blower protection legislation for debate in the Senate, but it languishes on the notice paper. The Government remains massively indifferent to it.

Which makes the corporations and workplace relations initiatives all the more dramatic and heartening.

Hopefully an early use of these new protections will be in the building and construction industry. Now union members and company employees can blow the whistle on crime, corruption, fraud, and thuggish practices in that industry.

Lawlessness, corruption and thuggery cannot properly be addressed without whistleblower protection mechanisms in place. If you are fighting criminality or corruption in the workplace you need to encourage disclosure in the public interest.

An effective whistleblower protection scheme serves the public interest by exposing and eliminating fraud, impropriety and waste.

Public sector disclosure laws are quite effective in most States and Territories, but are poor in the Federal arena.

Private sector disclosure laws have been non-existent, but there have been useful private sector initiatives aimed at self-regulation. The commercial world has come to realise that encouraging whistle blowing reduces impropriety and increases productivity.

In the last few years, major audit and accounting groups such as Deloitte Touche Tohmatsu, Ernst & Young, Pricewaterhouse Coopers and KPMG have established procedures that allow employees to blow the whistle anonymously to auditors on corporate fraud, corruption or theft.

The Australian Stock Exchange's Corporate Governance Council recommends that listed companies provide mechanisms for employees to alert management and the board to misconduct without fear of retribution.

Witness protection schemes are a poor substitute for disclosure laws. Often disclosure is not such as to need witness protection, and witness protection schemes do not address the need to protect people's jobs.

Impropriety will only be uncovered if the people in a position to reveal it are genuinely protected, and compensated where appropriate.

Whistleblowers show great courage in exposing the corrupt and the improper. Victimisation, exclusion, harassment and derision have been all too common experiences for whistleblowers.

Law was needed to establish and enhance the legal rights of whistle blowers.

Whistle blowers perform a valuable and essential public service. Without them, much corruption and impropriety would go undetected. Whether it is unions, churches, corporations or governments, people need to feel able to come forward safely when they encounter wrongdoing.

Whistle blowing is very much in the public interest. It will always take considerable courage. The law is increasingly recognising and rewarding that courage.