



Environmental  
Defender's  
Office

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Review of the Public Interest Disclosure Act  
197 St George's Terrace  
PERTH WA 6000

Dear Mr Basell

**Review of the Public Interest Disclosure Act 2003**

This letter is a brief submission by the Environmental Defender's Office (EDO) on the review of the Public Interest Disclosure Act 2003.

**General comments:**

Firstly I want to thank you for the extension of time you have given for the preparation of this submission.

The EDO broadly supports this Act and considers it one of the best such pieces of legislation in Australia. The EDO agrees with the Griffith University report that the Act is very important for democracy and public accountability.

**Structure and content:**

The Act is written simply and is relatively easy to follow.

We found it very useful to participate in a review three years after the Act and all of its provisions were fully proclaimed, and we submit that the Act should be further reviewed every 5 years.

**Eligible person to be protected under the Act:**

We applaud the fact that the Act refers to "any person" rather than to "public officials" or "organisation members". The EDO disagrees with the Griffith University report in this respect sees no need in narrowing the circle of people being eligible for whistleblower protection.

**Misuse of whistleblowing processes:**

Unlike the authors of the Griffith University report, the EDO has the opinion that there should be no rule for the loss of protection in case of alleged misuse of the whistleblowing process. The notion of “appropriate disclosure” is too unclear and could easily dissuade potential whistleblowers from speaking out. Such a result would, of course, be against the purpose of the Act.

**Should disclosures to non-government actors be protected?**

The Act points out that the disclosure has to be made to the proper authority outlined in section 5 of the Act.

The EDO submits that such protection should be expanded to allow for disclosures made to the media or to members of Parliament. The possibility of such disclosure should act as a powerful additional deterrent in relation to improper conduct.

**Types of wrongdoing:**

We also applaud the low threshold for the reporting and protection for a wide array of disclosures provided by the Act compared with other legislation (e.g. Tasmania which only allows protection for the most serious disclosures like those relating to corruption, substantial mismanagement of public resources or conduct involving substantial risk to public health or safety or to the environment.

Yours sincerely



CAMERON POUSTIE  
Principal Solicitor