

A Whistleblower Protection Authority for Australia

Submission to the Inquiry into
Whistleblower Protection Authority
Bill 2025 (No. 2)

*A Whistleblower Protection Authority is a crucial
missing piece in Australia's anti-corruption laws,
and it enjoys the support of 84% of Australians.*

Bill Browne
Skye Predavec

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Introduction

The Australia Institute welcomes the opportunity to make a submission to the Inquiry into Whistleblower Protection Authority Bill 2025 (No. 2).

The Institute would welcome the opportunity to discuss research findings in further detail at any committee hearing, should there be one.

Reforms to whistleblower laws, including a Whistleblower Protection Authority, appear in The Australia Institute's *Democracy Agenda for the 48th Parliament*. The analysis below reproduces and updates our previous research on how to fix whistleblower laws and reduce corruption.

A Whistleblower Protection Authority would help implement whistleblowing laws by:

- Being a source of practical guidance and support for whistleblowers;
- Assisting agencies with coordination and management of disclosures;
- Promoting best-practice whistleblowing policies and procedures;
- Investigating alleged detrimental action and recommending remedies;
- Supporting enforcement litigation in strategic cases where whistleblowers deserve remedies; and
- Administering a rewards scheme for whistleblowers.¹

Polling conducted by The Australia Institute in collaboration with the Human Rights Law Centre and Whistleblower Justice Fund shows that 84% of Australians support the introduction of a Whistleblower Protection Authority, and only 5% oppose.²

As recognised by whistleblowing experts, the Whistleblower Protection Authority Bill 2025 (No.2) would represent a step forward for whistleblower protections, and the integrity arm of government more broadly.³

¹ Lightly edited from Brown & Pender (2022) *Protecting Australia's whistleblowers: The federal roadmap*, p. 6, <https://www.hrlc.org.au/news/2022/11/23/whistleblower-roadmap>

² Australia Institute (2025) *Polling – Whistleblowers* <https://australiainstitute.org.au/report/polling-whistleblowers-2/>

³ Human Rights Law Centre (2025) *Crossbench bill paves the way for landmark whistleblower protections*, <https://www.hrlc.org.au/news/landmark-whistleblower-protection-bill>

Current whistleblower protections

The rules for Commonwealth public officials seeking to blow the whistle are described in the *Public Interest Disclosure Act 2013 (PID Act)*. This Act aims to protect officials who make a public interest disclosure from reprisals. It also describes the circumstances in which an official can make a disclosure outside of their agency (to a parliamentarian or journalist, for example).

These laws are deeply flawed. Under the *PID Act*, Australia has prosecuted whistleblowers who exposed serious alleged misconduct.⁴ Recommendations from the 2016 Moss review to improve the laws only partially been implemented.⁵ The Albanese Government's reforms so far are welcome but inadequate.⁶ In January 2023, the Human Rights Law Centre, Centre for Governance and Public Policy and Transparency International Australia lodged a joint submission arguing that the Albanese Government's *PID Act* reforms implemented in full only one of the 12 reforms.⁷ Poor treatment of whistleblowers undermines Australians' freedom of speech.⁸

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- Administering a rewards scheme for whistleblowers.⁹

⁴ HRLC (2022) *Whistleblowers on trial: Richard Boyle and David McBride*, <https://www.hrlc.org.au/whistleblowers-on-trial-richard-boyle-and-david-mcbride>

⁵ Moss (2016) *Review of the Public Interest Disclosure Act 2013*, <https://www.ag.gov.au/about-us/publications/review-public-interest-disclosure-act-2013>

⁶ HRLC (2022) *Whistleblowing amendments a welcome step towards comprehensive reform*, <https://www.hrlc.org.au/news/2022/11/30/whistleblowing-amendments-a-welcome-step-towards-comprehensive-reform>

⁷ Pender & Brown (2023) *Joint Submission to Senate Inquiry into the Public Interest Disclosure Amendment Bill 2022*, <https://www.hrlc.org.au/submissions/2023/1/30/joint-submission-to-senate-inquiry-into-the-public-interest-disclosure-amendment-bill-2022>

⁸ Browne (2021) *Free speech in the lucky country*, <https://australiainstitute.org.au/report/free-speech-in-the-lucky-country/>

⁹ Lightly edited from Brown & Pender (2022) *Protecting Australia's whistleblowers: The federal roadmap*, p. 6

Parliamentary committees have recommended the establishment of such an authority, first in 1994 and most recently in 2017.¹⁰ Labor took the policy to the 2019 election.¹¹

An authority was present in national integrity commission bills passed by the Senate in 2019, that did not pass the House.¹² It would have allowed public hearings whenever in the public interest, and included a Whistleblower Commissioner.

The Netherlands has had a similar agency, Huis voor Klokkenluiders (Dutch Whistleblowers Authority), since 2016.¹³ Equivalent bodies also exist in the United States, Slovakia, the Maldives and elsewhere.

¹⁰ Parliamentary Joint Committee on Corporations and Financial Services (2017) *Whistleblower protections*, pp. 141–159,

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Corporations_and_Financial_Services/WhistleblowerProtections/Report; Senate Select Committee on Public Interest Whistleblowing (1994) *In the public interest*, pp. 99–114,

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Significant_Reports/uwbctte/pi/index

¹¹ Shorten (2019) *Labor will protect and reward banking whistleblowers*,

https://www.billshorten.com.au/labor_will_protect_and_reward_banking_whistleblowers_sunday_3_february_2019

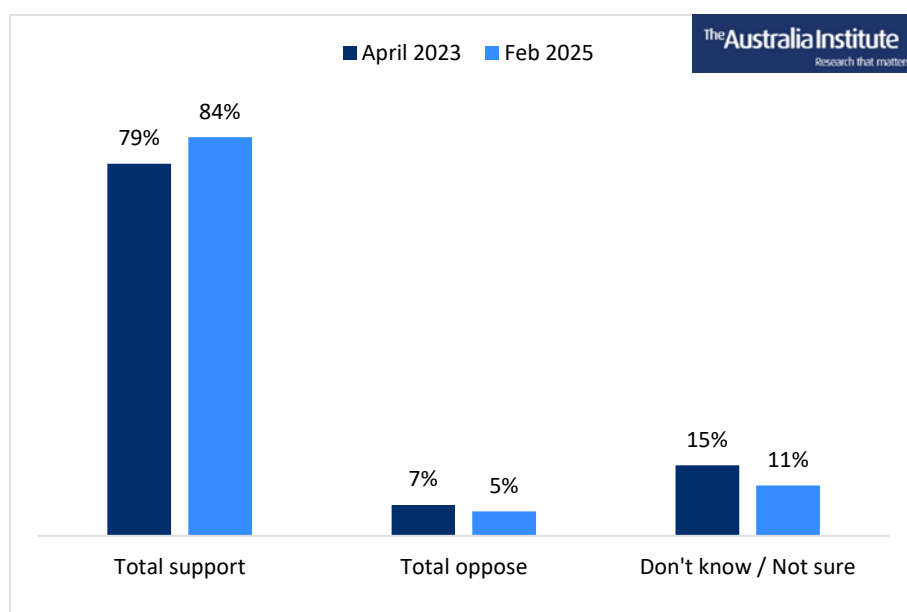
¹² Wilkie (2022) *Our democracy will be better for it: Empowering whistleblowers key to effective anti-corruption reform*, <https://www.smh.com.au/politics/federal/our-democracy-will-be-better-for-it-empowering-whistleblowers-key-to-effective-anti-corruption-reform-20220718-p5b2c2.html>

¹³ Huis voor Klokkenluiders (n.d.) <https://www.huisvoorklokkenluiders.nl/english>

Public opinion

Polling conducted by The Australia Institute in collaboration with the Human Rights Law Centre and Whistleblower Justice Fund shows that a whistleblower protection authority enjoys strong public support, as do stronger protections for Australian whistleblowers in general.¹⁴

Figure 1: Introduction of an Australian whistleblower protection authority



Source: Australia Institute (2025) *Polling – Whistleblowers*

In February, Australia Institute polling showed that 84% of Australians support the introduction of a Whistleblower Protection Authority, and only 5% oppose.¹⁵ There was an increase in support from 2023, when 79% of Australians supported the introduction of a Whistleblower Protection Authority when asked the same question.¹⁶

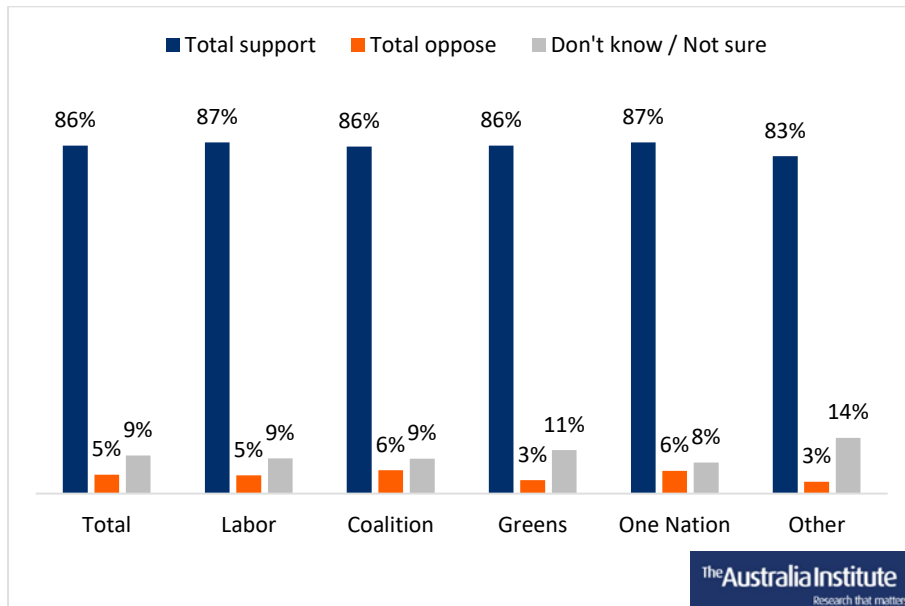
¹⁴ Australia Institute (2025) *Polling – Whistleblowers*, <https://australiainstitute.org.au/report/polling-whistleblowers-2/>

¹⁵ Australia Institute (2025) *Polling – Whistleblowers*

¹⁶ Australia Institute (2023) *Polling – Whistleblowing & secrecy*, <https://australiainstitute.org.au/report/polling-whistleblowing-secrecy/>

86% of Australians support having stronger legal protections for Australian whistleblowers, including more than half (52%) who strongly support such protections. There is majority support for stronger legal protections across all voting intentions.

Figure 2: Stronger legal protections for whistleblowers, by voting intention



The proposed authority

The Whistleblower Protection Authority Bill 2025 (No.2) would represent a step forward for whistleblower protections, and the integrity arm of government more broadly.¹⁷ Ideally, subsequent legislation would implement all 12 actions identified by AJ Brown and Kieran Pender in *Protecting Australia's whistleblowers*, but this Bill is still a significant improvement.¹⁸

A May 2025 Australia Institute-organised open letter from integrity experts, including former judges, ombudsmen and leading academics called for integrity reforms, including the establishment of a Whistleblower Authority, which the Bill provides for.¹⁹ Among the five points that the signatories endorsed were:

1. Integrity agencies should be protected from government interference by making them officers of the Parliament. Democratically elected parliamentarians should take responsibility for appointments and oversight, as is already the case for some state integrity agencies where the head of the institution is an officer of the Parliament that reports to and is answerable to the Parliament.
2. Integrity agencies should have guaranteed, sustained resourcing to ensure they can hold governments to account, and are protected from retaliation.

The Bill provides for the head of the proposed Whistleblower Protection Authority to be an officer of the Parliament rather than executive government, something which is necessary for protecting the agency from government interference as stated in point 1.

¹⁷ Human Rights Law Centre (2025) *Crossbench bill paves the way for landmark whistleblower protections*, <https://www.hrlc.org.au/news/landmark-whistleblower-protection-bill>

¹⁸ Brown & Pender (2022) *Protecting Australia's whistleblowers: The federal roadmap*, p. 6

¹⁹ Australia Institute (2025) *Open letter calls on newly elected Parliament to introduce Whistleblower Protection Authority, sustained funding for integrity agencies to protect from government pressure*, <https://australiainstitute.org.au/post/open-letter-calls-on-newly-elected-parliament-to-introduce-whistleblower-protection/>

Conclusion

The Whistleblower Protection Authority Bill 2025 (No.2) would significantly improve Australia's whistleblowing laws and fill a crucial gap in the functions of the National Anti-Corruption Commission.

Many of Australia's integrity experts recommend the government creates a Whistleblower Protection Authority and 84% of Australians support the proposal. Ideally, further legislation would implement all 12 actions identified by AJ Brown and Kieran Pender in *Protecting Australia's whistleblowers*,²⁰ but this Bill would be a major step forward.

²⁰ Brown & Pender (2022) *Protecting Australia's whistleblowers: The federal roadmap*, p. 6