



Climate and Environmental Whistleblowing

Information Guide

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A practical guide to support whistleblowers who raise concerns about climate and environmental wrongdoing

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Disclaimer

This Guide is intended to provide general information only and is not to be relied upon as legal advice. Readers should obtain their own information and up to date legal advice applicable to their individual circumstances.

This Guide is subject to applicable laws from time to time and should be read with your organisation's whistleblower policy (if they have one).

While every effort has been made to ensure the information is accurate at the time of publication of this document, the Human Rights Law Centre does not accept any responsibility for any loss or damage resulting from any error in this guide.

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Human Rights Law Centre

The Human Rights Law Centre uses strategic legal action, policy solutions and advocacy to support people and communities to eliminate inequality and injustice and build a fairer, more compassionate Australia.

In 2023, we launched the Whistleblower Project, Australia's first dedicated legal service to protect and empower whistleblowers who want to speak up about wrongdoing. We provide legal advice and representation to whistleblowers, as well as continuing our longstanding tradition of advocating for stronger legal protections and an end to the prosecution of whistleblowers. We are also a member of the Whistleblowing International Network.

In recent decades whistleblowers have proven critical to exposing human rights abuses and environmental damage around the world – without robust whistleblowers protections and public interest journalism, too often environmental and climate wrongdoing goes unchecked.

Acknowledgements

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Acknowledgement of Country

The Human Rights Law Centre acknowledges the lands on which we work and live, including the lands of the Wurundjeri, Bunurong, Gadigal, Ngunnawal, Darug and Wadawurrung people. We pay our respect to Elders of those lands, both past and present. We recognise that this land always was and always will be Aboriginal and Torres Strait Islander land because sovereignty has never been ceded. We acknowledge the role of the colonial legal system in establishing, entrenching, and continuing the oppression and injustice experienced by First Nations peoples and that we have a responsibility to work in solidarity with Aboriginal and Torres Strait Islander people to undo this.

Endorsement

This Guide has been endorsed by Climate Action Network Australia, a Network of over 160 organisations who collaborate to advocate for better climate solutions, to protect people from climate change, to safeguard our natural environment and to build a fairer and healthier Australia for everyone.



Cover image: Dredging for Woodside's Burrup Hub in Australia, Alex Westover, Greenpeace

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Credit: Scarborough in
Western Australia, Australian
Conservation Foundation

I write this foreword as an anonymous fossil fuel whistleblower. I want to protect my identity as the Whistleblower Project has worked very hard to keep my identity hidden during my whistleblowing.

Last year, I blew the whistle on wrongdoing at a fossil fuel company. I spoke up because I saw that there were serious wrongs which were being covered up. Going up against a fossil fuel company was not what I had planned when I took that job. I'm not a scientist or an activist but I saw some shameful actions and I could not stay silent.

After speaking out internally, it became clear to me the company would not show accountability and the process for speaking out was very unclear to me.

I was fearful that if I spoke up there would be risks to my career, reputation, and personal life. The Human Rights Law Centre's Whistleblower Project helped me to navigate these risks and make a protected disclosure about the wrongdoing I had witnessed.

Most importantly, they provided a level of support and guidance in what was an extremely isolating experience. Facing work each day to continue to see any lack of accountability for wrongdoing was challenging, and I cannot thank the Whistleblower Project enough for helping me through that.

The isolation, misleading responses internally, and a culture of silence made me question what the right thing was to do. The initial discussions with the Whistleblower Project were a relief – they explained the law, my options and held my welfare paramount in their advice. They were there through every step.

Seeing the impact that my whistleblowing had was not something I could have believed at the beginning. Through my actions, there was accountability for the wrongdoing without my identity being disclosed.

I hope that any others out there, who are thinking of blowing the whistle, read this guide and contact the Human Rights Law Centre to seek the services of the Whistleblower Project. They can help you navigate the legal and practical challenges of blowing the whistle.

I endorse this guide to provide the practical information that I was looking for before I spoke up about wrongdoing.

Whistleblowing on climate and environment issues is a crucial accountability mechanism for government and companies alike. We need these truths to help protect our increasingly fragile environment and planet. I have experienced firsthand the risk and uncertainty associated with speaking up about wrongdoing. But I am glad I followed through with what I knew was bad behaviour. I am glad I spoke up and let people know of the harm.

Your actions can have an impact, mine did – I just needed a little guidance.

Anonymous Whistleblower

The climate crisis is one of the greatest challenges facing our planet. Across the globe, we have record high temperatures, floods, fires, drought and famine. Australia is not immune from the impact of the climate crisis.

We routinely experience climate related weather events and are facing a biodiversity crisis. Whistleblowers have an important role to play in protecting the natural environment and preventing further catastrophic damage to our planet. By shedding light on wrongdoing, environmental whistleblowers can create transparency and trigger accountability.

The Human Rights Law Centre has created this Guide to empower environmental whistleblowers to expose wrongdoing and take part in the pursuit of climate justice.

An environmental whistleblower is someone who raises concerns about environmental wrongdoing, violations of environmental laws and issues that concern the environment. Environmental whistleblowers play an increasingly important role in protecting the environment from harm. Australian whistleblowers have drawn public attention to the marine impact of a covered-up oil spill, the lack of integrity in carbon markets, illegal logging, and fraud in the coal-testing market. Environmental whistleblowers, who may have inside knowledge of wrongdoing by government or companies, play a key role in environmental and climate justice. Without whistleblowers courageously speaking up about wrongdoing, climate and environmental misconduct will remain hidden.

This Guide has been prepared to help environmental whistleblowers speak up about any concerns they have in a safe and impactful manner. It provides guidance on whistleblowing, how to make a protected disclosure under Australian laws, considerations before blowing the whistle, mental health supports and the legal protections available.

The information contained in this Guide is general in nature and may not be suitable to your specific circumstances. If you would like further information, we encourage you to reach out to us at the [Whistleblower Project](#). The Whistleblower Project is Australia's first legal service dedicated to protecting and empowering whistleblowers to speak up about wrongdoing. Our legal service is free, and whistleblowers can contact us on a confidential basis.



Signs protesting Lee Point environmental destruction, Environmental Centre NT.



Disclosure	The act of making known information about wrongdoing, which a whistleblower has done in accordance with a whistleblower law. Also referred to as a Protected Disclosure .
Disclosable matter	An event, conduct, action or omission by an individual or entity that can be the subject of a whistleblower disclosure under a whistleblower law. Also referred to as Wrongdoing .
Eligible recipient	An individual or entity that a disclosure can be made to and be protected under a whistleblower law.
Eligible whistleblower	Someone who is able to make a disclosure under a whistleblower law and receive whistleblower protections under that law.
Environmental wrongdoing	Where an individual or entity engages in some form of conduct, action or omission that results in harm to the natural environment. It may form the basis of a Disclosable Matter .
PID	A “public interest disclosure”. Under the PID legislation, this refers to any disclosure made under the legislation as a protected disclosure. Under some private sector laws, a public interest disclosure is made in certain circumstances, for example, where there is a risk to the health and safety of one or more people, or the environment. In this Guide, PID refers to a public interest disclosure made under public sector PID legislation.
PID legislation	Public interest disclosure legislation covering public officers, public officials and other individuals making disclosures about public sector bodies, which varies across states and territories, and in the federal jurisdiction.
Public officer or public official	Includes an individual who is an employee in a Commonwealth department or agency, or an employee in a state or territory agency in Australia or is otherwise appointed or designated as a public officer or public official. The definition of a public officer and public official (as applicable) varies between jurisdictions, and you should check the relevant PID legislation to check the definition in relation to whistleblower protections.
Victimisation	When a whistleblower is treated detrimentally, or threatened with detrimental treatment, for having made a whistleblower disclosure. This is also sometimes referred to as reprisal . Eligible whistleblowers are protected from Victimisation .
Whistleblower laws	The collection of legislation across the public and private sector that provide protections for people who speak up about wrongdoing by making a disclosure.

Credit: Styx Valley Protest, Bob Brown Foundation.

What is whistleblowing?

Under Australian law, a whistleblower is typically an employee, officer, contractor, volunteer and certain other individuals who have access to information regarding wrongdoing, that is not otherwise known to the public, and alerts someone, either internally or externally, to that information.

The disclosure of this information is known as whistleblowing. It is sometimes made through an internal whistleblowing mechanism, to an external oversight body, or in some cases, straight to the public. Typically, whistleblowing involves disclosing incidents where law, policies or processes have been breached, which may include human rights abuses, fraud, corruption, maladministration, harassment, threats to health and safety or environmental wrongdoing. In these circumstances, an individual may be at risk of losing their job or being demoted. When an individual makes a disclosure via a pathway that is designated under whistleblowing law, they will be protected from retaliation. This means there may be legal remedies available if an employer or other organisation causes them detriment.

In Australia, the law is complex and varies depending on whether the organisation who has committed the suspected wrongdoing is a federal or state/territory government agency or a private company or prescribed organisation. The threshold for whistleblowing and protections afforded to certain disclosures varies and expert legal assistance is often necessary to determine correct disclosure procedures and the availability of protections. Whistleblowing has become a key form of drawing attention to wrongdoing, especially in business and government.

At the Human Rights Law Centre, we believe that without transparency there can be no accountability. Whistleblowers play a key role in exposing unlawful behaviour that would not otherwise be known, helping to ensure public accountability and safeguarding the welfare of the environment and society.

Those who 'blow the whistle', as well as their colleagues and family, can face retaliation and suffer harm, such as damage to their reputation, career or financial position. Fear of retaliation and high-profile cases can foster a culture of silence and deter people from speaking up about issues of concern. While people should be aware of the potential consequences of whistleblowing, this Guide will assist any person thinking of making a protected disclosure about an environmental concern to do so safely to receive protections at law. Environmental whistleblowers should seek appropriate legal support when coming forward. The Whistleblower Project at the Human Rights Law Centre seeks to limit any detriment suffered by supporting whistleblowers to make safe disclosures.

Why do we need whistleblowers to disclose environmental wrongdoing?

Whistleblowing has an important role to play in protecting the environment, preventing pollution, biodiversity loss and other environmental damage. In Australia, we have an expansive regulatory landscape covering environmental and climate issues, but too often, wrongdoing by governments or corporations goes unnoticed or hidden.

We all have a social responsibility to act in the best interests of the environment and the global community. Individuals in the public and private sector who witness environmental wrongdoing are in a unique position to leverage the truth of the wrongdoing they have witnessed to hold those responsible accountable and create real change.

This concept of environmental whistleblowing is well established in Europe, the UK and the US. [The National Whistleblower Center](#) (US) encourages those working in industry to speak up about corruption. Similarly, [Protect UK](#) and [Climate Whistleblowers](#) work to promote and protect individual whistleblowers who speak up about wrongdoing to the environment or actions which actively worsen the climate crisis to contribute to climate justice.



Who is an eligible whistleblower in Australia?

There are laws in Australia that set out protections for both ‘public’ (government) and ‘private’ sector (company and organisation) whistleblowers. Appendix 1 of this Guide sets out who is an ‘eligible whistleblower’ within the public and private sectors in Australia. The legal protections considered in this Guide are designed to provide protection to individuals who are in the position to witness wrongdoing and are more likely to suffer reprisals from the entity they blow the whistle on – generally, employees, contractors, or other service providers of that entity. People who are not ‘eligible whistleblowers’ can also raise concerns, however they will not have access to these legal protections.

Generally, people who fall into the following categories **will not be covered by whistleblower laws**:

- competitors to the organisation; and
- customers and clients of the organisation.

Public sector protections exist at the federal and state/territory level for whistleblowers who raise concerns about the public sector and matters of public interest.¹ Under these laws, an eligible whistleblower is a current or former ‘public officer’ or ‘public official’, or, in some states and territories any person may make a disclosure under the public interest disclosure (PID) legislation.

Private sector protections exist under laws applying to corporations, taxation administration, registered organisations (i.e. unions), aged care and the national disability insurance scheme. Under these regimes, an eligible whistleblower can include (depending on the law) an employee or contractor, volunteer, company director or officer, associate, trustee, or a spouse, relative or dependent.

Sometimes, it may be the case that a person will not fall under any whistleblower laws in Australia as an ‘eligible whistleblower’ who will be protected. In that case, you may wish to instead make an anonymous complaint to another body, particularly if you feel like it is not likely that you will suffer detriment. The Human Rights Law Centre has a resource to help you find the right government body to make an anonymous complaint at the back of this Guide.

¹ Protections in the public sector are found in the *Public Interest Disclosure Act 2013* (Cth), *Public Interest Disclosures Act 2022* (NSW), *Public Interest Disclosures Act 2012* (Vic), *Public Interest Disclosure Act 2010* (Qld), *Public Interest Disclosure Act 2018* (SA), *Public Interest Disclosure Act 2003* (WA), *Public Interest Disclosures Act 2002* (Tas), the *Independent Commissioner Against Corruption Act 2017* (NT) and the *Public Interest Disclosure Act 2012* (ACT).

Blowing the whistle on climate and environmental concerns

What is an environmental concern?

Environmental concerns are broad and can relate to any wrongdoing that is a threat to the environment. Environmental concerns can extend to land, native vegetation and biodiversity loss, greenhouse gas emissions, climate adaptation, sustainability, the marine environment and the improper or excessive use of natural resources.

An environmental concern may look like:

- a worker disclosing information about an activity, spill or release causing air pollution or contamination of land, surface water or groundwater;
- an agricultural worker concerned about the use of harmful products on land;
- a contractor wanting to inform someone of the dumping of asbestos;
- the destruction of natural habitats or harm to threatened or endangered species;
- suspected bribery of an official to cover up environmental damage;
- greenwashing; and
- knowledge of possible incidents relating to offshore oil and gas operations which may have devastating impacts on the marine environment.

You do not have to be sure that the wrongdoing has in fact occurred in order to raise an environmental-related whistleblower concern, but you should have some basis to form a belief or suspicion that environmental wrongdoing has occurred.

A disclosure that later turns out to be incorrect can still be protected, however in most jurisdictions there is no protection for making a report that you know, or should know, is false, misleading or has no substance.

Greenwashing is the term given to an act of intentionally misleading consumers about the sustainability of a business model or particular products e.g. promoting that a product is environmentally-friendly, when it is not, or falsifying or providing misleading or inaccurate reports on sustainability, emissions or other related performance of the company which may be disclosed to the market and regulators



Credit: Rally against corporations trying to sue critics into silence in Oakland, Marlena Sloss, Greenpeace

Are environmental wrongdoing disclosures protected under Australian law?

In the Australian private sector, there are a number of different whistleblower laws which cover certain 'disclosable matters' that are eligible for legal protections. These types of disclosable matters are set out in more detail in Appendix 3.

Environmental concerns are likely to arise in both the public and private sectors which means there is a possibility that your disclosure may be captured by either the private sector whistleblower laws or public sector PID legislation - depending on the organisation your report relates to and who you provide services or work for.

Private Sector

A "disclosable matter" under the *Corporations Act* will arise where you have **reasonable grounds** to suspect that the information that forms your report concerns misconduct or an improper state of affairs or circumstances in relation to an organisation. A disclosable matter may involve:

- fraud, negligence, default, breach of trust/duty (which are each defined as 'misconduct') or an improper state of affairs or circumstances (which is not defined) relating to a company;
- an offence against a range of corporate and financial sector legislation specified under the *Corporations Act*;
- an offence against any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
- a danger to the public or the financial system; or
- is otherwise prescribed by regulation.

The *Corporations Act* includes that in certain circumstances an emergency disclosure can be made in relation to information that the discloser has reasonable grounds to believe concerns a **substantial and imminent danger** to the health or safety of one or more persons or to **the natural environment**. Environmental issues can also be captured by other categories of disclosable matters under the *Corporations Act*.

You have 'reasonable grounds' if the information provides some support for your reported concern, for example, because it is based on something you have seen or heard.



Meaning of reasonable grounds

The idea of 'reasonable grounds' was considered in a recent case (*Quinlan v ERM Power Ltd* [2021] QSC 035) by the Supreme Court of Queensland. In that case, the judge said that:

- The information acted on does not need to be based on a person's own observations; a person is entitled to form a belief based on what they have been told.
- A reasonable suspicion may be based on information which has been given to a person anonymously or which ultimately turns out to be wrong.
- Whether information considered by a person provides reasonable grounds for a suspicion depends on the source of the information and its context, drawing inferences as to what a reasonable person in the position of an independent observer would make of it.
- Information obtained later indicating that the grounds were not reasonable is not relevant to this assessment.

Public Sector

Under PID legislation which covers public sector employees and certain other persons, a whistleblower makes a 'public interest disclosure' by reporting information to an eligible recipient that shows a public officer, public official or public body has engaged in certain prohibited activity (as defined by the applicable law), such as illegal activity or corrupt conduct, mismanagement or waste of public resources or conduct that causes substantial risk to health, safety or the **environment**.

If you work for a company that provides services to a government entity then you may also be able to make a disclosure under the relevant public interest jurisdiction of the government entity.

A list of disclosable matters under the private sector *Corporations Act* and public sector PID legislation can be found in Appendix 3.

Blowing the whistle on climate and environmental concerns

Who should I speak to first about a disclosure of environmental wrongdoing?

We recommend that you seek legal advice before speaking to anyone or making a disclosure. Seeking legal advice is protected under various state, federal and private sector whistleblowing laws.

You can make a request to receive legal advice from the Human Rights Law Centre's Whistleblower Project's [online form here](#).

When it comes to environmental wrongdoing, it may seem logical or appropriate to go to the relevant Environmental Protection Authority, or to the Environmental Defenders Office to raise the concern. However, you are only protected for disclosures which are made under the disclosure pathways in the relevant whistleblower legislation. The easiest way to confirm which pathways are available to you is to seek legal advice or refer to the Schedules in this Guide.

Before your appointment with a legal advisor, you should look at your organisation's whistleblowing policy (if they have one) for nominated channels to report a concern to discuss with a lawyer. The policy should provide guidance as to who within the organisation you should raise your concerns with in the first instance.

Not all organisations have a whistleblowing policy. You can still speak to a lawyer about the wrongdoing to receive advice on your circumstances.

Appendix 2 sets out a list of 'eligible recipients' who can receive whistleblower disclosures under the various private sector and PID legislation. The list in Appendix 2 is not exhaustive of all the requirements under each PID Act - you should check the PID legislation in your state or territory on who to make your disclosure to if it is not clear.



Credit: Logging in Styx Valley, Bob Brown Foundation

● Case study

A hypothetical climate whistleblower scenario

Sunil is a policy officer working at the Department of Climate Change, Energy, the Environment and Water (DCCEEW) in the net zero emissions team. He prepares a draft release for the Deputy Secretary on the annual reporting of the NSW Government's greenhouse gas emissions pursuant to the requirements of the National Greenhouse and Energy Reporting Scheme (NGERS). The Deputy Secretary intends to speak about this release publicly.

Sunil listens to the Deputy Secretary change the statistics in his release which misleads the problems the government has encountered with the emissions reduction initiatives. Sunil reads the follow up media articles which do not mention some of the critical findings of the DCCEEW. The release and the articles are positive and lacking in sufficient detail as to the issues which the DCCEEW has encountered, ultimately misleading Australians.

Sunil decides he wants to blow the whistle and sends an email to his direct supervisor. His supervisor does not respond to his email and Sunil starts to notice he has been removed from certain meetings moving forward.

Is Sunil able to make a protected disclosure?

Sunil is a 'public official' because he is an Australian Public Service employee, specifically a policy officer at the DCCEEW. He can make a disclosure under the *Public Interest Disclosure Act 2013* (Cth).

Was Sunil's email to his direct supervisor a protected disclosure?

A supervisor is any public official responsible for supervising or managing the discloser, which in this scenario, includes Sunil's supervisor.

It appears Sunil may have disclosed information in line with section 26 of the Act, as he was guided by a reasonable belief that the Deputy Secretary of the DCCEEW had engaged in conduct that is deceiving in relation to reporting the findings of scientific research, by deliberately leaving out some of the key points in the release. This may be considered disclosable conduct for the purposes of the Act. Sunil may have made a protected disclosure.

What was Sunil's supervisor required to do with the information?

Under the Act, supervisors must be aware of how the law operates, and how to respond to potential public interest disclosures. Where a supervisor receives information from a public official that they reasonably believe contains disclosable conduct, they are required to refer the information to an 'authorised officer' and inform the discloser of the process for managing the disclosure.

Sunil's supervisor should have:

- informed Sunil that his disclosure could be treated as an internal disclosure;
- explained the next steps in the PID process to Sunil, including the referral of the disclosure to an authorised officer and the investigation process;
- advised Sunil about the circumstances in which a disclosure must be referred to an agency, or other person or body, under another law of the Commonwealth; and
- explained the civil and criminal protections that may be provided to Sunil.

What can Sunil do next?

Sunil's supervisor did not meet their obligations under the Act in dealing with Sunil's disclosure. Sunil might want to think about reaching out directly to the authorised officer in the DCCEEW who is responsible for public interest disclosures. Alternatively, Sunil could contact the Commonwealth Ombudsman to express his concerns. When taking either of these options, Sunil should include details about the disclosable conduct as well as any potential reprisal, such as exclusion from meetings arising from his disclosure to his supervisor.

The DCCEEW website provides that Sunil may also wish to make his disclosure to the Integrity Hotline or email pid.inbox@ombudsman.gov.au. These channels provide additional avenues for Sunil to raise awareness of the situation and seek appropriate intervention.

Can I go to the media or a politician?

When should I go to the media or to a member of Parliament about my concern?

Many whistleblowing laws recognise the importance of public accountability and provide legal protections for speaking up to journalists or politicians. However, these protections are limited and narrow. Under both public and private sector whistleblowing laws, you may not be protected from any reprisal action if you first make a disclosure to a Parliamentarian or journalist, except in extreme circumstances. This means you could face legal risk or impact to your employment or engagement, and you may not have any remedies available to you at law. In limited circumstances, certain public interest disclosures or “emergency” disclosures that are made to journalists or Parliamentarians are protected by whistleblowing laws.

The requirements under law must be strictly followed for the protections to apply. If you disclose your concerns to the public outside of the requirements set out under Australian laws, and not via a designated pathway, **legal protections to confidentiality and non-victimisation will not apply to you.** You will not be protected if you go public with your concerns by posting about them on social media, for example. The laws on whistleblowing are complex, and the Human Rights Law Centre recommends you follow the protected pathways under whistleblower laws, even if you feel it is appropriate to disclose your concerns to the media or a member of Parliament.



Credit: Humpback Whale Underwater in Indian Ocean, Western Australia, Alex Westover, Greenpeace

What is parliamentary privilege?

Parliamentary privilege is the legal protection which attaches to the activities of Members of Parliaments across Australia’s Parliaments. The purpose is to protect members of Parliament while they are taking part in Parliamentary proceedings when they are discussing information that may otherwise be protected at law or considered defamatory.

● Case study

Joe* and parliamentary privilege

The Human Rights Law Centre’s Whistleblower Project assisted Joe* to blow the whistle on a fossil fuel company who covered up environmental harm.

We assisted Joe to provide evidence to a politician which showed the company had clearly caused significant environmental damage, and covered it up. Proof of the damage was subsequently tabled in Parliament, with politicians criticising the company for its actions.

This story was widely reported in the media, sparking public outrage at the company’s lack of accountability for the environmental harm they had caused. Because of Joe’s courage, Australians learned of harm to the environment. Joe triggered greater regulation and investigation of the company’s response.

Joe did not suffer any retaliation and continues to work in his career.

* Joe is not his real name and some facts have been changed to preserve confidentiality.

Parliamentary privilege can extend to concerns raised by a member of Parliament from a whistleblower. Where a whistleblower brings matters concerning a public interest to the attention of a member, the member may choose to raise the concern in a Parliamentary proceeding.

‘Public interest disclosure’ under the *Corporations Act*

The first steps of a disclosure pathway under the *Corporations Act* are to make an internal disclosure or disclosure to a designated regulator. In some circumstances, you can make a disclosure to a journalist or parliamentarian and be protected. The *Corporations Act* refers to this as a ‘public interest disclosure’. To make a public interest disclosure:

- (a) you must have **previously made a protected disclosure to ASIC, APRA or another prescribed Commonwealth authority**;
- (b) at least 90 days’ must have passed since your protected disclosure was made, and **you do not have reasonable grounds** to believe that action to address your concerns is being or has been taken; and
- (c) you **must have reasonable grounds** to believe that reporting your concerns to a journalist or parliamentarian would be in the public interest; and
- (d) you must give **written notice to the body to whom the previous disclosure was made to, giving sufficient information to identify your earlier report and stating your intention to make a public interest disclosure**. For example, this may include contacting the ASIC or APRA officer who considered your initial concerns; and
- (e) the extent of information disclosed in your public interest disclosure should be no greater than is necessary to inform the recipient about your concerns.

Emergency disclosures under the *Corporations Act*

In some instances where there is a real risk of danger to the health or safety of one or more persons or to the natural environment, an individual does not need to wait 90 days before proceeding to make further disclosures. A disclosure will qualify as an “emergency disclosure” under the *Corporations Act* where the disclosure has **reasonable grounds** to believe that the information concerns a **substantial** and **imminent** danger to the health or safety of one of more persons or to the natural environment.

In order to qualify for protection as an “emergency disclosure” under the *Corporations Act*, however, you need to have previously made a disclosure that qualifies for protection which can be identified in the course of making an emergency disclosure.

As with public interest disclosures under the *Corporations Act*, if you proceed to make an emergency disclosure to a journalist or parliamentarian, the extent of information disclosed should be no greater than is necessary to inform the recipient about your concerns.

Public sector laws

Under the public sector PID legislation, you can make a disclosure to a parliamentarian or journalists in particular circumstances.

For example, under the federal public sector PID legislation, if the conduct you are making a disclosure about poses a **substantial and imminent danger** to the health or safety of one or more persons, or **the environment**, you may be able to make an “emergency disclosure” of the information. You must:

- have already made an internal disclosure through the pathways available; or
- there must be exceptional circumstances for skipping this step.

An emergency disclosure can be made to any person, except a foreign public officer, for example a journalist or a parliamentarian. The disclosure must not contain intelligence information, and the extent of the information disclosed should be no greater than necessary to inform the recipient of your concerns.

You should refer to the relevant PID legislation for your government department for guidance on the steps you should take if you want to make a disclosure to a Parliamentarian or the media. Disclosures to parliamentarians and journalists are not provided for under all PID legislation.

● Case study

A hypothetical environment and biodiversity whistleblower scenario

Arienne is an ecologist who specialises in Australian marsupials. She is approached to act as a consultant on the ecological impacts of a proposed critical minerals mine in central Queensland, home to the endangered Greater bilby. Arienne prepares her report and summarises that the impact of the mine site would have devastating impacts on the already small Greater bilby population. She emphasises that the Greater bilby is listed as vulnerable on the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and that any action will require approval by the Minister under this legislation.

She submits her draft report to the ecology consultancy agency who has been contracted by the Queensland Government to complete an ecological impact report on this site. The project lead of the agency calls her immediately to say that she has blown the bilby issue way out of proportion and asks her to check her numbers and findings. Arienne checks her research again, to get the same outcome. She informs the manager that the findings are the same. Some time later, Arienne sees that the environmental authority for the mine site has been granted. She finds her report online with significant sections of her research and findings missing. The report ultimately concludes that the impact on the Greater bilby is minimal. Her report has been changed without her knowledge and pre-construction native vegetation clearing works at the mine site are due to start next week.

Arienne wants to blow the whistle but doesn't know the first place to start. She is scared of the repercussions to her career, in what is a very small sector of expertise, if she tells anyone about this.



Credit: Queensland land clearing ground,
Australian Conservation Foundation

What pathways are available for Arienne to blow the whistle?

At a first step, Arienne should follow the steps in the ecology consulting agency's whistleblowing policy (if they have one) to make a disclosure internally. If the agency that Arienne works for is a company incorporated under the *Corporations Act*, the whistleblower pathways and protections will be available to her. To determine whether she is covered by the *Corporations Act*, she could seek legal advice, or look at the Company's Constitution to find out. Given that the information Arienne wants to make a disclosure about is related to a threat to the environment, and the ecology company is contracted to provide services to the QLD Government, Arienne may also be able to make a disclosure under the *Public Interest Disclosures Act 2010 (Qld)* (**Qld PID Act**).

Would Arienne be able to make a protected disclosure under the *Corporations Act*?

A current or former supplier of goods or services to the company that the disclosure is about is an eligible whistleblower. Arienne's disclosure relates to the potential misconduct of the ecology consultancy agency, namely that they altered her report and downplayed the impacts on an endangered species. Arienne is an eligible whistleblower for the purposes of the *Corporations Act*.

For the disclosure to be protected, the *Corporations Act* provides that Arienne must have reasonable grounds to suspect the information she is disclosing about the company concerns misconduct or an improper state of affairs and must make her disclosure to an 'eligible recipient'. This is usually a designated person within the organisation, an authorised whistleblower channel, or ASIC.

Could Arienne make an emergency disclosure under the *Corporations Act*?

As the author of the draft report, Arienne may be hesitant about reporting her concern to the ecology consultancy agency directly, as she is one of the only people who knew what the original report included. Arienne may also be worried that if she raised her concerns directly with the agency, the disclosure might not be addressed quickly enough to prevent potential harm to the environment.

Arienne might resort to making an 'emergency disclosure' to address the urgency and gravity of the situation. Given that the environmental authority for the mine site has been granted, and pre-construction vegetation clearing works at the mine site are due to start shortly, it could be in the public interest for Arienne to make an emergency disclosure to prevent any potential environmental harm that might happen once development starts.

To qualify for protection as an "emergency disclosure" under the *Corporations Act*, a person needs to have previously made a protected disclosure to ASIC. She would need to write to ASIC informing them that she intends to make an emergency disclosure, before she goes to the media or to a parliamentarian to make an emergency disclosure, and she must be satisfied that the threshold for substantial and imminent danger to the environment is met.

Could Arienne make a disclosure under the *Public Interest Disclosure Act (Qld)*?

Under the Qld PID Act, any person, including a public sector officer, can make a public interest disclosure about substantial and specific danger to the environment caused by commission of an offence or contravention in certain environmental legislation.

Arienne may argue that the general duty not to carry out any activity likely to cause environmental harm under the *Environmental Protection Act 1994 (Qld)* has been breached, as her assessment found there would likely be devastating impacts on bilbies. The disclosure can be made to the Minister for Environment and Science, a Member of the Legislative Assembly, or an environmental officer of the EPA.

How am I protected as a whistleblower?

If correct disclosure pathways are followed and the individual making a disclosure is eligible to receive protections (i.e. is an eligible whistleblower and made their disclosure to an eligible recipient about a disclosable matter), it is unlawful to cause detriment, reprisal or harm to the eligible whistleblower because of their disclosure. These words are used interchangeably but they are what is known as 'victimisation'. It is unlawful for an organisation to victimise an eligible whistleblower. This means that eligible whistleblowers who experience victimisation because of their protected disclosure can pursue a legal remedy.

Why do these protections exist?

Eligible whistleblowers are given certain protections under the law that are designed to encourage them to come forward to report wrongdoing without fear of retribution or personal detriment.

Confidentiality

Whistleblower protections under both the private sector laws and public sector PID legislation require a recipient of a whistleblower disclosure to keep the identity of the whistleblower confidential. You are provided with confidentiality protections which restrict certain information from being disclosed directly or indirectly due to your report. The information that is protected and anything not covered varies across the different private and public sector laws.

For example, under the *Corporations Act*, it is illegal to disclose the identity of a whistleblower, including information that is likely to lead to their identification, without their consent (unless an exception applies). This means your identity as a whistleblower **must be kept confidential unless you provide consent to the disclosure of your identity or another exception applies**.

Under all other private sector whistleblower legislation and public sector PID legislation, your identity must be kept confidential when you make a protected disclosure unless a relevant exception applies.

Where you do not consent to your identity being disclosed to people involved in an investigation, an investigation may not be possible.

Non-victimisation

There are protections which prevent whistleblowers from suffering detriment because they made a protected disclosure. These protections vary across the private sector laws in terms of how 'detriment' is defined.

As an example, under the *Corporations Act*, it is against the law to do or threaten to do the following because a person believes or suspect that the whistleblower has made, could make, may make, or has proposed to make, a disclosure that qualifies for protection under the *Corporations Act*:

- dismissing an employee;
- injuring an employee in their employment;
- altering an employee's position or duties to their disadvantage;
- discriminating between an employee and other employees of the same employer;
- harassing or intimidating a person;
- causing harm or injury to a person, including psychological harm;
- damaging a person's property;
- damaging a person's reputation;
- damaging a person's business or financial position; or
- causing any other damage to a person.

You should consult the relevant legislation if you have made a whistleblower protected disclosure and believe you are suffering detriment as a result.

Importantly, the detriment suffered **must be because of the actual or suspected whistleblower disclosure**.

Blowing the whistle on a 'personal work-related grievance' that does not have significant implications for your employer is not protected by the *Corporations Act*. For example, the victimisation protections will not protect you from detriment you experience because of interpersonal conflict with another employee, performance management or termination from employment for other genuine reasons.



What should I do if I suffer detriment?

Where you believe your protections around confidentiality and/or victimisation have been breached or you otherwise believe detrimental action has been taken against you because you are a whistleblower, you may be able to discuss the concerns with the organisation's Whistleblower Protection Officer (if one exists). You should also refer to your organisation's whistleblower policy (if they have one) for guidance on who to speak to and who to seek support from.

If your organisation does not have a Whistleblower Protection Officer appointed or you are unable to easily identify who you could speak to:

- you may wish to discuss your concerns with the person to whom you made your disclosure originally, or another person within the organisation that you trust;
- if your organisation has engaged a third-party whistleblower service provider, you may refer to these services; or
- you may wish to escalate your concerns to senior management or a member of the Board of your organisation (if appropriate).

Where your concerns cannot be resolved easily or the detriment suffered is causing distress, risk to employment or loss of employment, we recommend you seek independent legal advice immediately.

Credit: Abbot Point Coal Action in North Queensland, Dean Sewell, Greenpeace

Can I take the organisation to court if I suffer detriment?

Yes. If you suffer detriment because you are an eligible whistleblower, you can generally seek compensation and other remedies through the courts if you suffer loss, damage or injury because of the disclosure. Under the *Corporations Act*, this includes if the organisation does not take reasonable precautions to prevent the detrimental action against you. You should be aware that there may be time limits which apply.

● Case study

Carlo* and reprisal

The Human Rights Law Centre's Whistleblower Project assisted Carlo* to blow the whistle on a major store who was illegally dumping products. Carlo was suddenly made 'redundant'. He became stressed and felt like he was punished for speaking up.

We advised Carlo that he had made a protected disclosure and that his termination was likely a form of reprisal, along with other forms of victimisation including picking at Carlo's performance and excluding him from major projects.

We represented Carlo in court and ultimately reached a satisfactory settlement. The business agreed to improve how it dealt with whistleblower complaints, expressed regret at how it treated Carlo and paid him compensation for the loss suffered.

* Carlo is not his real name and some facts have been changed to preserve confidentiality.

Things to think about before blowing the whistle

What risks are involved in blowing the whistle?

Employment risks

Our whistleblowing laws have evolved to offer protection against reprisal or victimisation to those who speak up. For example, it is unlawful for your employer to end your employment or cause any other detriment to you because you made a disclosure.

However, despite these protections, it is a possibility that your employer or another organisation may engage in this unlawful behaviour. They may end your employment or take some other form of disciplinary action related to your whistleblowing disclosure.

Legal action

It is not illegal to make a whistleblower disclosure provided it is done in the manner provided for under the relevant whistleblower law. As described above, the various private sector and PID legislation give eligible whistleblowers legal rights and protections to encourage people to come forward.

However, in Australia there have been instances where whistleblowers have faced legal action because their conduct has not been protected by whistleblowing laws. For example, where individuals have made a disclosure to journalists and leaked government classified information or engaged in preparatory acts of whistleblowing which may have been unlawful. Seeking legal advice early can help to lower these risks.

You must exercise caution about each of the steps you take to prevent any possible legal consequences down the track. Getting legal advice early is the best way to lower any risks involved with blowing the whistle.

How will blowing the whistle affect me or my health?

Non-legal risks

Outside of the legal risks, blowing the whistle can also have potential social and emotional impacts. For example, there may be impacts to your reputation, career and emotional wellbeing, which should always be considered alongside any decision to disclose.

If you have made a disclosure and you are feeling anxious or stressed you should seek support. If your organisation has a whistleblower policy, they may have support available. You could also seek support through your organisation's Employee Assistance Program, if they have one, or speak to a private counsellor or psychologist.

Resources

- Lifeline Australia provides free, 24-hour telephone crisis support service in Australia. Go to www.lifeline.org.au or call 13 11 14.
- Beyond Blue has a free 24/7 [webchat](#) available, where you can speak to a counsellor
- Find a psychologist in Australia near you at psychology.org.au/find-a-psychologist

Are there time limits?

There are no time limits imposed by the various private sector whistleblower laws regarding when to make a whistleblower disclosure. However, if you want to bring a claim about unlawful treatment as a whistleblower (for example, if you believe your employer has terminated your employment as a result of your disclosure or taken some other reprisal action against you, or disclosed your identity without your consent), time limits apply to bring this claim from when the unlawful treatment occurred. In some jurisdictions it is 6 years but in others it is 3 years.

Under PID legislation, the reportable conduct can have occurred before or after the laws commenced. However, in Tasmania, public interest disclosures cannot be made for wrongdoing that happened before 1 January 2001.



What evidence do I need?

You do not need to gather and provide evidence to prove a whistleblower disclosure. It is the role of your employer, organisation, public body or a regulator to investigate the concern once it has been disclosed. An organisation's whistleblower policy may outline the key steps it will take after receiving a disclosure, including its investigation process and how they will keep you informed.

In some circumstances it is appropriate to provide supporting information when raising a concern. However, it is important to be cautious about how you collect this information. For example, downloading, forwarding or sending information relating to your employer via a personal email address, or accessing your employer's IT system without permission, could amount to misconduct and expose you to disciplinary action. You should think carefully about gathering evidence and how evidence and other supporting documents are collected.

What if I have been involved in the wrongdoing?

While an organisation cannot use your whistleblower report against you (for example, you cannot be terminated from your employment because you raised concerns) whistleblower protections do not give you immunity if you were involved in the misconduct you report.

Whistleblowers are protected against reprisal action, which includes criminal prosecution. However, you should be aware that you are not protected against your own criminal wrongdoing that may come to light as a result of your disclosure. You are also not protected for steps that you take that do not comply with the disclosure processes as required by law or are not otherwise subject to immunity.

However, if you are voluntarily reporting misconduct that you were involved in, to a regulator (for example, ASIC) and are cooperative in doing so, your cooperation will likely be taken into account in any further action taken.

Credit: Supporters for defending whistleblowers in Adelaide, Thomas Feng, Human Rights Law Centre

Can I be anonymous when making a disclosure?

You are able to make an anonymous disclosure under the *Corporations Act* and the PID legislation² and receive whistleblower protections.

Those covered by the *Fair Work (Registered Organisations Act 2009 (Cth)*, *National Disability Insurance Scheme Act 2013 (Cth)* or the *Aged Care Act 1997 (Cth)* are not able to make protected anonymous disclosures.

An anonymous disclosure can, in some circumstances, limit the action an organisation can take in response to your disclosure or the protections an organisation can practically afford to you. For example, where you do not share your identity, it can make it difficult for organisations to conduct a complete investigation. It can also mean you cannot be contacted to provide further information about your concern. It also presents some challenges if you should wish to allege reprisal as a legal remedy to any detriment suffered as the organisation may say they did not know who made the disclosure and therefore did not target any person with detriment. In some jurisdictions, the pathway to an external disclosure is limited if the disclosure was anonymous.³

Anonymous disclosures can still be valuable in uncovering misconduct if you do not feel comfortable identifying yourself and organisations can still take steps to address your concerns.

² Anonymous disclosures can be made under the *Public Interest Disclosure Act 2013 (Cth)*, *Public Interest Disclosures Act 2022 (NSW)*, *Public Interest Disclosures Act 2012 (Vic)*, *Public Interest Disclosure Act 2010 (Qld)*, *Public Interest Disclosure Act 2018 (SA)*, *Public Interest Disclosure Act 2003 (WA)*, *Public Interest Disclosures Act 2002 (Tas)*, the *Independent Commissioner Against Corruption Act 2017 (NT)* and the *Public Interest Disclosure Act 2012 (ACT)*.

³ *Public Interest Disclosure Act 2018 (SA)* s 6(b)(i).

Checklist for raising environmental concerns

Blowing the whistle can be a stressful process. The following checklist provides some important things to consider, that you might want to discuss further with a lawyer.

Checklist		
1	What outcome are you hoping for by blowing the whistle? The best outcome is that an organisation takes the disclosure seriously, investigates in a timely manner, corrects the behaviour, discloses any wrongdoing and no detriment is caused to the discloser.	<input type="checkbox"/>
2	Do you have a support network to help you? Blowing the whistle can be a difficult decision and can impact your personal and professional life, and particularly your health and wellbeing. You should assess whether you have appropriate supports in place before deciding to make a disclosure and seek help from a professional when needed.	<input type="checkbox"/>
3	Do you think there is a risk you will be victimised? Consider how your organisation has treated whistleblowers in the past and consider that in your disclosure steps and strategy. If your concerns are shared by others, can this be raised collectively? Raising concerns together can help lower the risk of victimisation against you individually.	<input type="checkbox"/>
4	Consider remaining anonymous You may be able to remain anonymous when making a disclosure. If you are concerned you may be victimised for making a whistleblower disclosure, or otherwise don't want your identity to be known, consider raising your environmental concern anonymously.	<input type="checkbox"/>
5	Avoid acting as an investigator Your role as a whistleblower is to report your concerns, not to investigate them. An investigation conducted by a whistleblower could undermine a formal investigation later undertaken by your employer and could increase risk.	<input type="checkbox"/>
6	Have you followed your organisation's policies/procedures? As outlined in this Guide, one of the first steps you should take when making a whistleblower disclosure is to check your organisation's whistleblower policy and follow the procedure to make a disclosure. Your concern may be addressed more quickly if you raise your concerns to the right person and will also help ensure your disclosure is protected.	<input type="checkbox"/>
7	Provide clear information and stay professional Make sure the information you provide in your disclosure is clear and provides support for your reported concern. Check that your concerns are raised professionally and avoid making personal criticisms of others - focus on the facts.	<input type="checkbox"/>
8	Ask what the next steps are and timeframes If you decide to make a disclosure, ask your organisation what the next steps are and for timeframes of any proposed action to be taken.	<input type="checkbox"/>
9	Make a private note Make a private note of what you raised, how you raised it, when and to whom, especially if you decide to raise your concerns verbally rather than in writing. Keep a note of any actions taken and any subsequent treatment towards you that you feel is negative.	<input type="checkbox"/>
10	Get legal advice You can get free and confidential legal advice from the Human Rights Law Centre's Whistleblower Project by lodging your request for assistance here .	<input type="checkbox"/>

Who can be an eligible whistleblower?

Private sector whistleblower laws

Legislation	A whistleblower must be:
<i>Corporations Act 2001</i> (Cth)	<ul style="list-style-type: none"> · Employee of the company or prescribed organisation the disclosure is about, or a related company or prescribed organisation; · Officer (usually that means a director or company secretary) of the company or prescribed organisation the disclosure is about, or a related company or prescribed organisation; · Person (or employee of a person or entity) who supplies goods or services to the company or prescribed organisation the disclosure is about - this can be either paid or unpaid and includes volunteers; · Associate of the company or organisation, such as a person with whom the company or prescribed organisation acts in concert; · Trustee, custodian or investment manager of a superannuation entity, or an officer, employee or goods or service provider to a trustee, custodian or investment manager; or · Spouse, relative or dependent of one of the people referred to above, or a dependent of such an individual's spouse.
<i>Tax Administration Act 1953</i> (Cth)	<ul style="list-style-type: none"> · An officer (within the meaning of the <i>Corporations Act 2001</i> (Cth)) of the entity (within the meaning of the <i>Income Tax Assessment Act 1936</i> (Cth)); · An employee of the entity; · An individual who supplies services or goods to the entity (whether paid or unpaid); · An employee of a person that supplies services or goods to the entity (whether paid or unpaid); · An individual who is an associate (within the meaning of section 318 of the <i>Income Tax Assessment Act 1936</i> (Cth)) of the entity; · A spouse or child of one of the people referred to above; · A dependent of one of the individual's referred to above, or a dependent of such an individual's spouse; or · An individual prescribed by the regulations in relation to the entity.
<i>Fair Work (Registered Organisations) Act 2009</i> (Cth)	<ul style="list-style-type: none"> · An officer or former officer of the registered organisation, or one of its branches; · An employee or former employee of the registered organisation, or one of its branches; · A member or former member of the registered organisation, or one of its branches; · A person who has (or had) a contract for the supply of services or goods to, or any other transaction with, an organisation, or one of its branches (or an officer, former officer, employee or former employee of this person); or · A person who has (or had) a contract for the supply of services or goods to, or any other transaction with, an officer or employee of an organisation, or one of its branches, who is (or was) acting on behalf of the organisation or branch (or a an officer, former officer, employee or former employee of this person).

Legislation	A whistleblower must be:
<i>National Disability Insurance Scheme Act 2013</i> (Cth)	<p>In relation to an NDIS provider, is any of the following:</p> <ul style="list-style-type: none"> • If the NDIS provider is a body corporate - an officer or employee of the body corporate, or a person who has a contract for the supply of goods or services to, or on behalf of, the body corporate; • If the NDIS provider is an unincorporated association - a member of the committee of management or an employee of the association, or a person who has a contract for the supply of goods or services to, or on behalf of, the association; • If the NDIS provider is a partnership - a partner in or an employee of the partnership, or a person who has a contract for the supply of goods or services to, or on behalf of, the partnership; or • In any case - a person with a disability who is receiving a support or service from the NDIS provider, or a nominee, family member, carer, independent advocate or significant other of that person.
<i>Aged Care Act 1997</i> (Cth)	<ul style="list-style-type: none"> • An approved provider; • One of an approved provider's key personnel; • A staff member of an approved provider; • A care recipient of an approved provider, or a family member, carer, representative, advocate (including an independent advocate) of the recipient, or another person who is significant to the recipient; or • A volunteer who provides care or services for an approved provider.

Public Sector Whistleblower Laws

Legislation	A whistleblower must be:
<i>Public Interest Disclosure Act 2013</i> (Cth)	<ul style="list-style-type: none"> • A current or former public official* at the time of disclosure, including a contracted service provider to the Commonwealth or an employee of a contracted service provider. <p>* Under the <i>Public Interest Disclosure Act 2013</i> (Cth), a public official includes an APS employee in a Department or agency, a member of staff of a prescribed authority, a head of an agency, a Secretary of a Department, the principal officer of an agency other than a Department, an individual who constitutes a prescribed authority, a member of a prescribed authority (other than a court), a director of a Commonwealth company, a member of the Defence Force, or a cadet, officer or instructor in the Australian Defence Force Cadets, an AFP appointee, a Parliamentary Service employee, an individual who is employed by the Commonwealth (other than as an APS employee) and performs duties for a Department, agency or prescribed authority, a statutory officeholder, an individual who is a contracted service provider for a Commonwealth contract, an individual who is an officer or employee of a contracted service provider for a Commonwealth contract and provides services for the purposes (whether direct or indirect) of the Commonwealth contract, an individual (other than a statutory officeholder or an official of a registered industrial organisation) who exercises powers, or performs functions under a law of the Commonwealth, Norfolk Island, the Territory of Christmas Island or the Territory of Cocos (Keeling Islands) or the Registrar, or a Deputy Registrar, of Aboriginal and Torres Strait Islander Corporations.</p>

Public Interest Disclosure Act 2022 (NSW)

- A **public official*** at the time of disclosure, for mandatory and voluntary public interest disclosures. Members of Parliament cannot make voluntary public interest disclosures.
- A witness public interest disclosure means a disclosure of information, in an investigation of serious wrongdoing, at the request of or in response to a requirement of a person or agency investigating the serious wrongdoing, whether or not the investigation relates to or arises from the making of a voluntary public interest disclosure, or constitutes dealing with a voluntary public interest disclosure.
- * Under the *Public Interest Disclosure Act 2022 (NSW)*, a public official means one or more of the following: a person employed in or by an agency or otherwise in the service of an agency; a person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate; an individual in the service of the Crown; a statutory officer; a person providing services or exercising functions on behalf of an agency (including a contractor, subcontractor or volunteer); if an entity, under a contract, subcontract or other arrangement, is to provide services on behalf of an agency or exercise functions of an agency in whole or in part, an employee, partner or officer of an entity involved in providing services in whole or in part, or who is to exercise the functions; a judicial officer; a member of Parliament (including a Minister) and a person employed under the *Members of Parliament Staff Act 2013 (NSW)*.

Public Interest Disclosure Act 2018 (SA)

- A **public officer*** who makes an appropriate disclosure of public administration information.
- Any person, where the person makes an appropriate disclosure of environmental and health information.
- * Under the *Public Interest Disclosure Act 2018 (SA)*, a ‘public officer’ has the same meaning as that under the *Independent Commission Against Corruption Act 2012 (SA)*, including the Governor; a person appointed to an office by the Governor; a Member or officer of the Legislative Council, a person under the separate control of the President of the Legislative Council; a Member or officer of the House of Assembly, or a person under the separate control of the Speaker of the House of Assembly; a member of the joint parliamentary service; a judicial officer (other than a judicial officer who is the principal officer of a judicial body or who constitutes a judicial body), the principal officer of a judicial body; a judicial officer that constitutes a judicial body; a member of staff of the State Courts Administration Council; a person who constitutes a statutory authority or who is a statutory office holder; a member of the governing body of a statutory authority; an officer or employee of a statutory authority or statutory office holder or a Public Service employee assigned to assist the statutory authority or statutory office holder; a member, officer or employee of a local government body; the Local Government Association of South Australia; a person who is a member of the governing body of the Local Government Associate of South Australia; an officer or employee of the Local Government Associate of South Australia; the chief executive or an employee of an administrative unit of the Public Service; a Public Service employee; a police officer or police security officer; an officer or employee appointed by the Chief Executive under the *Education and Children’s Services Act 2019 (SA)*; a person appointed by the Premier under the *Public Sector Act 2009 (SA)*; a person appointed by the Minister under the *Public Sector Act 2009 (SA)*; any other public sector employee; a person to whom a function or power of a public authority or a public officer is delegated in accordance with an Act; a person who is, in accordance with an Act, assisting a public officer in the enforcement of the Act; a person performing contract work for a public authority or the Crown; or a person declared by regulation to be a public officer.

Public Interest Disclosure Act 2002 (Tas)

- A **public officer*** who believes that another public officer or public body has engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer or **public body**** or has taken, is taking or proposes to take detrimental action in contravention of section 19 of the *Public Interest Disclosure Act 2002 (Tas)*.
- A contractor who believes that the public body with which the contract has entered into a contract has engaged, is engaging or proposes to engage in improper conduct in its capacity as a public body, or has taken, is taking or proposes to take detrimental action in contravention of section 19 of the *Public Interest Disclosure Act 2002 (Tas)*.
- Any person (if a disclosure about improper conduct or detrimental action under Part 2 of the *Public Interest Disclosure Act 2002 (Tas)*) if the disclosure is considered to be in the public interest.
- * Under the *Public Interest Disclosure Act 2002 (Tas)*, a public officer includes a member of Parliament; a councillor; a member, officer or employee of a public body; an employee of a council; any person performing functions under the *Parliamentary Privilege Act 1898 (Tas)*; a person employed in an office of a Minister, Parliamentary Secretary or other Member of Parliament; any person performing functions under the *Governor of Tasmania Act 1982*; or a person appointed to an office by the Governor or a Minister under an Act.
- ** Under the *Public Interest Disclosure Act 2002 (Tas)* public bodies include the Parliament of Tasmania; a State Service Agency; the Police Service; a council; a Government Business Enterprise; a State-owned Company; a council-owned company; the University of Tasmania; a body or authority, whether incorporated or not, whose members are appointed by the Governor or a Minister; or any other prescribed body or authority, whether incorporated or not to which any money is paid by way of appropriation from the Public Account or over which the Government or a Minister exercise control.

Legislation	A whistleblower must be:
<p><i>Public Interest Disclosure Act 2010</i> (Qld)</p>	<p>A public officer* of a public sector entity** at the time of the disclosure who has information about:</p> <ul style="list-style-type: none"> • The conduct of another person that could, if proved be corrupt conduct or maladministration that adversely affects a person’s interests in a substantial and specific way; • A substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure); • A substantial and specific danger to public health or safety; or • A substantial and specific danger to the environment. <p>Any person, if they have information about:</p> <ul style="list-style-type: none"> • A substantial and specific danger to the health or safety of a person with a disability; • The commission of an offence against a provision mentioned in Appendix 2 of the <i>Public Interest Disclosure Act 2010</i> (Qld) if the commission of the offence is or would be a substantial and specific danger to the environment; • A contravention of a condition imposed under a provision mentioned in Appendix 2 of the <i>Public Interest Disclosure Act 2010</i> (Qld) if the contravention is or would be a substantial and specific danger to the environment; or • The conduct of another person that if proved, could be a reprisal. <p>* Under the <i>Public Interest Disclosure Act 2010</i> (Qld), a public officer means an employee, member or officer of a public sector entity; the Minister responsible for administration of a department; a member of a school council; a Ministerial staff member employed in the office of a Minister or an Assistant Minister.</p> <p>** Under the <i>Public Interest Disclosure Act 2010</i> (QLD), a public sector entity means a committee of the Legislative Assembly, whether or not a statutory committee; the parliamentary service; a court or tribunal; the administrative office attached to a court or tribunal; the Executive Council; a department; a local government; a registered higher education provider or TAFE Queensland; an entity established under an Act or under State or local government authorisation for a public, State or local government purpose; or an entity prescribed under a regulation assisted by public funds.</p>
<p><i>Independent Commissioner Against Corruption Act 2017</i> (NT)</p>	<ul style="list-style-type: none"> • Any person, being an individual. • Any person, whether or not an individual, if they take another action in the course of, or for the purpose of, complying or cooperating with a person or body performing functions under the <i>Independent Commissioner Against Corruption Act 2017</i> (NT).
<p><i>Public Interest Disclosure Act 2012</i> (Vic)</p>	<ul style="list-style-type: none"> • A natural person.
<p><i>Public Interest Disclosure Act 2003</i> (WA)</p>	<ul style="list-style-type: none"> • Any person.
<p><i>Public Interest Disclosure Act 2012</i> (ACT)</p>	<ul style="list-style-type: none"> • Any person.

Who is an eligible recipient of a whistleblower disclosure?

Private sector whistleblower laws

Legislation	Who can I disclose to?
<i>Corporations Act 2001</i> (Cth)	<ul style="list-style-type: none"> · Australian Securities and Investments Commission (ASIC); · Australian Prudential Regulatory Authority (APRA); · A legal practitioner (to obtain legal advice or representation under the whistleblower provisions in the Corporations Act); · A trustee (if the organisation is a superannuation entity); · An officer (for example a director or company secretary) or senior manager* of the organisation; · An auditor or actuary of the company or prescribed organisation or a related company or prescribed organisation; · A person authorised by the organisation to receive disclosures that qualify for protection under the Corporations Act. <p>* Under the Corporations Act, a senior manager means a person who participates in making decisions that affect the whole or a substantial part of the business or a person who has the capacity to significantly affect the company's financial standing, which for example may be (depending on the entity or organisation), a senior executive of the company such as a Chief Executive Officer, Chief Financial Officer or a Chief Operating Officer.</p>
<i>Tax Administration Act 1953</i> (Cth)	<ul style="list-style-type: none"> · An auditor, or a member of an audit team conducting an audit, of the entity (within the meaning of the <i>Income Tax Assessment Act 1936</i> (Cth)). · A registered tax agent or BAS agent (within the meaning of the <i>Tax Agent Services Act 2009</i> (Cth)) who provides tax agent services or BAS services to the entity. · A person authorised by the entity to receive disclosures that may qualify for protection under the Act. · A person or body prescribed for the purposes of the Act in relation to the entity. · Commissioner of Taxation. <p>If the entity is a body corporate, each of the following is an eligible recipient in relation to the entity:</p> <ul style="list-style-type: none"> · A director, secretary or senior manager (within the meaning of the <i>Corporations Act 2001</i> (Cth)) of the body corporate. · Any other employee or officer (within the meaning of the <i>Corporations Act 2001</i> (Cth)) of the body corporate who has functions or duties that relate to the tax affairs (within the meaning of s 14ZZT of the <i>Tax Administration Act 1953</i> (Cth)) of the body corporate. <p>If the entity is a trust, each of the following is an eligible recipient in relation to the entity:</p> <ul style="list-style-type: none"> · A trustee of the trust. · A person authorised by a trustee of the trust to receive disclosures that may qualify for protection. <p>If the entity is a partnership, each of the following is an eligible recipient in relation to the entity:</p> <ul style="list-style-type: none"> · a partner in the partnership; · a person authorised by a partner in the partnership to receive disclosures that may qualify for protection.

Legislation	Who can I disclose to?
<i>Fair Work (Registered Organisations) Act 2009</i> (Cth)	<ul style="list-style-type: none"> • The General Manager of the Fair Work Commission. • An Fair Work Commission Member or a member of staff of the Fair Work Commission. • A member of the staff of the Office of the Fair Work Ombudsman.
<i>National Disability Insurance Scheme Act 2013</i> (Cth)	<ul style="list-style-type: none"> • The Commissioner of the NDIS Quality and Safeguards Commission. • The National Disability Insurance Agency. • If the NDIS provider is a body corporate - a member of the key personnel of the body corporate. • If the NDIS provider is an unincorporated association - a member of the key personnel of the association. • If the NDIS provider is a partnership - a partner.
<i>Aged Care Act 1997</i> (Cth)	<ul style="list-style-type: none"> • The Quality and Safety Commissioner. • The approved provider. • One of the approved provider's key personnel. • A staff member of an approved provider. • Another person authorised by the approved provider to receive reports of reportable incidents. • If the disclosure is reported to another person in accordance with the Quality of Care Principles - that person. • A police officer.

Legislation	Who can I disclose to?
<p><i>Public Interest Disclosure Act 2013</i> (Cth)</p>	<ul style="list-style-type: none"> · For an internal disclosure: <ul style="list-style-type: none"> - An authorised internal recipient; or - A supervisor of the discloser. · For an external or emergency disclosure, any person other than a foreign public official. · For a legal practitioner disclosure, an Australian legal practitioner.
<p><i>Public Interest Disclosure Act 2022</i> (NSW)</p>	<ul style="list-style-type: none"> · Voluntary public interest disclosures must be made to the head of an agency, another disclosure officer for an agency, a manager of the person making the disclosure, a Minister or a member of a Minister’s staff (if in writing), or a member of Parliament or a journalist. <p>NB: The <i>Public Interest Disclosure Act 2022</i> (NSW) does not set out prescribed recipients for mandatory public interest disclosures or witness public interest disclosure.</p>
<p><i>Public Interest Disclosure Act 2018</i> (SA)</p>	<ul style="list-style-type: none"> · A supervisor/person taken to be responsible or is in fact responsible for the management/supervision of a public officer*, or to the relevant responsible officer, where the information relates to a public officer; · The Commissioner for Public Sector Employment, or the responsible officer for the relevant public sector agency, where the information relates to a public sector agency** or public sector employee; · The Ombudsman, where the information relates to an agency to which the <i>Ombudsman Act 1972</i> (SA) applies; · A member, officer or employee of a particular council, where the information relates to a location within the area of a particular council established under the <i>Local Government Act 1999</i> (SA); · The Environmental Protection Authority, where the information relates to a risk to the environment; · The Auditor-General, where the information relates to an irregular and unauthorised use of public money or substantial mismanagement of public resources; · A member of the police force, where the information relates to an offence, or suspected offence; · The Judicial Conduct Commissioner, where the information relates to a judicial officer; · The Presiding Officer of the relevant House of Parliament, where the information relates to a member of Parliament; · An authority declared by regulations to be a relevant authority in relation to information, where the information relates to a person or a matter of a prescribed class; · Generally speaking, a Minister of the Crown, Office of Public Integrity, or any other prescribed person of a prescribed class under the legislation. <p>* As defined in Appendix 1 above.</p> <p>** Under the <i>Public Interest Disclosure Act 2018</i> (SA), a public sector agency has the same meaning as that under the <i>Public Sector Act 2009</i> (SA), including a Minister; a chief executive of an administrative unit; an administrative unit; an employing authority; any other agency or instrumentality of the Crown; a body corporate comprised of persons, or with a governing body comprised of persons, a majority of whom are appointed by the Governor, a Minister or an agency or instrumentality of the Crown or subject to control or direction by a Minister; or a person or body declared to be a public sector agency (or a subsidiary of a Minister or a person or body of that agency).</p>

Legislation	Who can I disclose to?
<p><i>Public Interest Disclosure Act 2002 (Tas)</i></p>	<ul style="list-style-type: none"> • The Ombudsman; • A public body where the disclosure relates to a member, officer or employee of that public body (other than the Police Service) or to the Integrity Commission or the Ombudsman in respect of that public body; • A public body that is a State Service Agency where the disclosure relates to that State Service Agency or to the Integrity Commission or Ombudsman in respect of that public body; • The Commissioner of Police, where the disclosure relates to a member of the Police Service (other than the Commissioner of Police); • The Ombudsman, where the disclosure relates to the Commissioner of Police; • The President of the Legislative Council, where the disclosure relates to a member of the Legislative Council; or the Speaker of the House of Assembly, if disclosure relates to a member of the House of Assembly; • The Ombudsman, where the disclosure relates to a councillor; • The Ombudsman or the Integrity Commission, where the disclosure relates to persons employed under the <i>Parliamentary Privilege Act 1898 (Tas)</i>; • The chairman of the Public Accounts Committee, where the disclosure relates to the Auditor-General; • The Joint Committee, where the disclosure relates to the Ombudsman; • The Ombudsman or the Integrity Commission, where the disclosure relates to a person employed in an office of a Minister, Parliamentary Secretary or other Member of Parliament.
<p><i>Public Interest Disclosure Act 2010 (Qld)</i></p>	<ul style="list-style-type: none"> • A public sector entity[*], if the disclosure relates to the conduct of the entity or any of its public officers^{**}, anything the entity has a power to investigate or remedy or where the conduct of another person amount to a reprisal that relates to a previous disclosure, unless the disclosure relates to a judicial officer; • A member of Legislative Assembly, unless the disclosure relates to a judicial officer; or • Chief Judicial Officer if the disclosure relates to a judicial officer. <p>[*] As defined in Appendix 1 above. ^{**} As defined in Appendix 1 above.</p>

Legislation

Who can I disclose to?

Independent Commissioner Against Corruption Act 2017 (NT)

- The Independent Commissioner Against Corruption (ICAC) or the ICAC's Office;
- The Inspector or a member of Inspector staff, where the information relates to the ICAC, the ICAC's Office or a member of ICAC staff;
- The Ombudsman or the Ombudsman's Office;
- The Auditor-General or the Auditor-General's Office;
- The Health and Community Complaints Commissioner or a staff member of the Commissioner;
- The Children's Commissioner;
- The Environment Protection Authority;
- The Commissioner of Police, where the information relates to a police officer;
- The Speaker, where the information relates to a member of the Legislative Assembly other than the Speaker;
- The Deputy Speaker, where the information relates to the Speaker;
- The next Senior Supreme Court Judge, if the information relates to the Chief Justice;
- The Chief Justice, if the information relates to a Supreme Court Judge or to the Chief Judge, other than the Chief Justice;
- The Chief Judge, if the information relates to a Local Court Judge other than the Chief Judge;
- The Electoral Commissioner, if the information relates to a contravention of the *Electoral Act 2004* (NT);
- The entity with responsibility for the management and control of the public body, or a nominated recipient for the public body, if the information relates to an employee or officer of a public body.

Public Interest Disclosure Act 2012 (Vic)

- The Independent Broad-based Anti-corruption Commission (IBAC);
- The Ombudsman;
- The Victorian Inspectorate;
- A **public service body*** if the disclosure relates to the conduct of the public service body or of a member, officer or employee of that body;
- A **public officer*** if the disclosure relates to an employee of, or any person otherwise engaged by, or acting on behalf of, or acting as a deputy or delegate of that public officer;
- A Council if the disclosure relates to the conduct of a Council or of a member, officer, or employee of a Council;
- A speaker of the Legislative Assembly, if the disclosure relates to a member of the Legislative Assembly;
- The President of the Legislative Council, if the disclosure relates to a member of the Legislative Council.

* Under the *Public Interest Disclosure Act 2012* (Vic), a public service body includes a Department, an Administrative Office (i.e. an administrative office in relation to a Department) or the Victorian Public Sector Commission.

** Under the *Public Interest Disclosure Act 2012* (Vic), a public officer includes an IBAC Officer, a Victorian Inspectorate Officer, a Public Interest Monitor (i.e. the Principal and Deputy Public Interest Monitors as appointed under the *Public Interest Monitor Act 2011* (Vic)).

Legislation	Who can I disclose to?
<p><i>Public Interest Disclosure Act 2003 (WA)</i></p>	<ul style="list-style-type: none"> • A public officer/person responsible for receiving PIDs. • A police officer or the Corruption and Crime Commission, where the information relates to an act or omission that is an offence under a written law; • The Auditor General, where the information relates to a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; • A Parliamentary Commissioner or to a person who occupies a position specified under section 23(1)(a) in relation to the public authority concerned, where the information relates to a matter of administration that can be investigated under section 14 of the <i>Parliamentary Commissioner Act 1971 (WA)</i>; • The Commissioner of Police, or the Corruption and Crime Commission, where the information relates to a person who holds an appointment under Parts I, II, IIIA or IIIB of the <i>Police Act 1892 (WA)</i>; • The Chief Justice, where the information relates to a judicial officer; • The Presiding Officer of the House of Parliament to which the member belongs, where the information relates to a member of either House of Parliament; • The Commissioner or the Parliamentary Commissioner, where the information relates to a public officer (other than a member of Parliament, a Minister of the Crown, a judicial officer or an officer referred to in Appendix 1 to the <i>Parliamentary Commissioner Act 1971 (WA)</i>); • A person who occupies a position specified under section 23(1)(a) of the <i>Public Interest Disclosure Act 2003 (WA)</i> in relation to an authority, where the information relates to a matter falling within the sphere of responsibility of that public authority; • A person declared by the regulations to be a proper authority for the purposes of section 5(1) of the <i>Public Interest Disclosure Act 2003 (WA)</i> in relation to information, where such information relates to a person or a matter of a prescribed class.
<p><i>Public Interest Disclosure Act 2012 (ACT)</i></p>	<ul style="list-style-type: none"> • A disclosure officer; • A Minister; • If the person is a public official* for a public sector entity**: A person who, directly or indirectly, supervises or manages the person, or for a public sector entity that has a governing board - a member of the board, or a public official of the entity who has the function of receiving information of the kind being disclosed or taking action in relation to that kind of information. <p>* Under the <i>Public Interest Disclosure Act 2012 (ACT)</i>, a public official is a current or former employee of the public sector entity, or a contractor, employee of a contractor or volunteer exercising a function of the public sector entity, or a person prescribed by regulation.</p> <p>** Under <i>Public Interest Disclosure Act 2012 (ACT)</i>, a public sector entity includes an ACTPS entity (including the public service, a territory authority, a territory-owned corporation, a subsidiary of a territory-owned corporation, a territory instrumentality or a statutory office-holder), a Legislative Assembly entity (including a member of the Legislative Assembly, the Office of the Legislative Assembly, a person employed under the <i>Legislative Assembly (Members' Staff) Act 1989 (ACT)</i> or an officer of the Assembly) or an entity prescribed by regulation.</p>

What is a disclosable matter?

Private sector whistleblower laws

Legislation	Disclosable matters
<i>Corporations Act 2001</i> (Cth)	<ul style="list-style-type: none"> Concerns fraud, negligence, default, breach of trust/duty (each defined as misconduct) or an improper state of affairs or circumstances relating to a company or prescribed organisation (which is not defined); Constitutes an offence against a range of corporate and financial sector legislation specified under the Corporations Act; Constitutes an offence against any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; Represents a danger to the public or the financial system; Is otherwise prescribed by regulation. Public interest disclosures; or Emergency disclosures relating to concerns about substantial and imminent dangers to the health or safety of one or more persons to the natural environment.
<i>Tax Administration Act 1953</i> (Cth)	<ul style="list-style-type: none"> Information disclosed to the Commissioner that may assist the Commissioner to perform his or her functions or duties under a taxation law in relation to the entity or an associate (within the meaning of section 318 of the <i>Income Tax Assessment Act 1936</i> (Cth)) of the entity. Information which indicates misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of the entity or an associate (within the meaning of section 318 of the <i>Income Tax Assessment Act 1936</i> (Cth)) where the information may assist the eligible recipient to perform functions or duties in relation to the tax affairs of the entity or an associate of the entity. Tax affairs means affairs relating to any tax imposed by or under, or assessed or collected under, a law administered by the Commissioner.
<i>Fair Work (Registered Organisations) Act 2009</i> (Cth)	<ul style="list-style-type: none"> Act or omission that contravenes, or may contravene, a provision of the <i>Fair Work (Registered Organisations) Act 2009</i> (Cth), the <i>Fair Work Act 2009</i> (Cth) or the <i>Competition Consumer Act 2010</i> (Cth); or Act or omission that constitutes, or may constitute, an offence against a law of the Commonwealth.
<i>National Disability Insurance Scheme Act 2013</i> (Cth)	<ul style="list-style-type: none"> A contravention of a provision of the <i>National Disability Insurance Scheme Act 2013</i> (Cth).
<i>Aged Care Act 1997</i> (Cth)	<p>Any of the following incidents that have occurred, are alleged to have occurred, or are suspected of having occurred, in connection with the provision of aged care to a care recipient of an approved provider:</p> <ul style="list-style-type: none"> Unreasonable use of force against a care recipient; Unlawful sexual contact, or inappropriate sexual conduct, inflicted on a care recipient; Psychological or emotional abuse of a care recipient; Unexpected death of a care recipient; Stealing from, or financial coercion of, a care recipient by a staff member of the provider; Neglect of a care recipient; Use of a restrictive practice in relation to the care recipient (other than in circumstances set out in the Quality of Care Principles); Unexplained absence of the care recipient from the residential care services of the provider.

Public sector whistleblower laws

Legislation	Disclosable matters
Public Interest Disclosure Act 2013 (Cth)	<p>Any of the following conduct engaged in by an agency, a public official (in connection with his or her position as a public official) or a contracted service provider for a Commonwealth contract (in connection with entering into or giving effect to that contract):</p> <ul style="list-style-type: none"> · Conduct that contravenes a law of the Commonwealth, a State or a Territory; or conduct in a foreign country that contravenes a law that: <ul style="list-style-type: none"> – is in force in the foreign country; and – is otherwise applicable to the agency, public official or contracted service provider; and – and corresponds to a law in force in the Australian Capital Territory. · Conduct that: <ul style="list-style-type: none"> – perverts, or is engaged in for the purpose of perverting, or attempting to pervert, the course of justice or involves; or – is engaged in for the purpose of, corruption of any other kind. · Conduct that constitutes maladministration, including conduct that is: <ul style="list-style-type: none"> – based, in whole or in part, on improper motives; – unreasonable, unjust or oppressive; or – negligent. · Conduct that is an abuse of public trust. · Conduct that is: <ul style="list-style-type: none"> – fabrication, falsification, plagiarism, or deception, in relation to: <ul style="list-style-type: none"> – proposing scientific research; – carrying out scientific research; or – reporting the results of scientific research; or – misconduct relating to scientific analysis, scientific evaluation or the giving of scientific advice. · Conduct that results in the wastage of: <ul style="list-style-type: none"> – relevant money (within the meaning of the <i>Public Governance, Performance and Accountability Act 2013</i> (Cth)); – relevant property (within the meaning of that Act); – money of a prescribed authority; or – property of a prescribed authority. · Conduct that unreasonably results in a danger to the environment or results in, or increases, a risk of danger to the environment. · Conduct of a kind prescribed by the PID rules. · Conduct engaged in by a public official that involves, or is engaged in for the purpose of, the public official abusing his or her position as a public official. · Conduct engaged in by a public official that could, if proved, give reasonable grounds for disciplinary action resulting in the termination of the official’s engagement or appointment.

Legislation	Disclosable matters
<p><i>Public Interest Disclosure Act 2022 (NSW)</i></p>	<ul style="list-style-type: none"> • Conduct that includes an allegation of, or otherwise shows or tends to show, serious wrongdoing* by an agency, public official associated with the agency or that otherwise affects, or might affect the exercise of the functions of the agency. <p>* Under the <i>Public Interest Disclosure Act 2022 (NSW)</i>, serious wrongdoing means one or more of the following: corrupt conduct, a government information contravention, a local government pecuniary interest contravention, serious maladministration**, a privacy contravention or a serious and substantial waste of public money.</p> <p>** Under the <i>Public Interest Disclosure Act 2022 (NSW)</i>, serious maladministration means conduct, other than conduct of a trivial nature, of an agency or a public official relating to a matter of administration that is unlawful, or unreasonable, unjust, oppressive or improperly discriminatory, or based wholly or partly on improper motives.</p>
<p><i>Public Interest Disclosure Act 2018 (SA)</i></p>	<ul style="list-style-type: none"> • Conduct that relates to an appropriate disclosure of environmental and health information*. • Conduct that relates to an appropriate disclosure of public administration information**. <p>* Under the <i>Public Interest Disclosure Act 2018 (SA)</i>, environmental and health information means information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public (whether occurring before or after the commencement of the <i>Public Interest Disclosure Act 2018 (SA)</i>).</p> <p>** Under the <i>Public Interest Disclosure Act 2018 (SA)</i>, public administration information means information that raises a potential issue of corruption, misconduct or maladministration in public administration public (whether occurring before or after the commencement of the <i>Public Interest Disclosure Act 2018 (SA)</i>).</p>
<p><i>Public Interest Disclosure Act 2002 (Tas)</i></p>	<ul style="list-style-type: none"> • Improper conduct** that a public officer believes another public officer, or public body, has engaged, is engaging or proposes to engage in, in their capacity as a public officer or public body. • Detrimental action** that a public officer believes another public officer, or a public body, has taken, is taking or proposes to take. • Improper conduct that a contractor who believes that the public body with which the contractor has entered into a contract has engaged, is engaging or proposes to engage in, in its capacity as a public body. • Detrimental action that the contractor believes the public body with which the contractor has entered into a contract has taken, is taking or proposes to take. <p>* Improper conduct means:</p> <ul style="list-style-type: none"> - conduct that constitutes an illegal or unlawful activity; or - corrupt conduct; or - conduct that constitutes maladministration; or - conduct that constitutes professional misconduct; or - conduct that constitutes a waste of public resources; or - conduct that constitutes a danger to public health or safety or to both public health and safety; or - conduct that constitutes a danger to the environment; or - misconduct, including breaches of applicable codes of conduct; or - conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act – that is serious or significant as determined in accordance with guidelines issued by the Ombudsman. <p>** Detrimental action under the <i>Public Interest Disclosure Act 2002 (Tas)</i> includes:</p> <ul style="list-style-type: none"> - action causing injury, loss or damage; and - intimidation or harassment; and - discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and - threats of detrimental action.
<p><i>Public Interest Disclosure Act 2010 (Qld)</i></p>	<ul style="list-style-type: none"> • Information about a substantial and specific danger to the health or safety of a person with a disability. • The commission of an offence against a provision, or contravention of a condition imposed under a provision mentioned in Appendix 2 of the Act, if the commission of the offence is or would be a substantial and specific danger to the environment; or • The conduct of another person that could, if proved, be a reprisal.

Legislation	Disclosable matters
<p><i>Independent Commissioner Against Corruption Act 2017</i> (NT)</p>	<ul style="list-style-type: none"> • Information in a report made by an individual to the ICAC in accordance with directions or guidelines under section 22 of the <i>Independent Commissioner Against Corruption Act 2017</i> (NT); or • Information that would: <ul style="list-style-type: none"> – tend to show that improper conduct* has occurred, is occurring or is at risk of occurring; – would assist the ICAC to perform the ICAC’s functions; or – would otherwise assist in the administration, or achieving the objects, of this Act. <p>* Under the <i>Independent Commissioner Against Corruption Act 2017</i> (NT), improper conduct includes corrupt conduct, misconduct, unsatisfactory conduct, anti-democratic conduct, conduct constituting an offence against the Act. Corrupt conduct, misconduct, unsatisfactory conduct and anti-democratic conduct are each defined under Division 2 of the Act.</p>
<p><i>Public Interest Disclosure Act 2012</i> (Vic)</p>	<ul style="list-style-type: none"> • Information that shows or tends to show, or that a person reasonably believes shows or tends to show, a person, public officer or public body has engaged, is engaging or proposes to engage in improper conduct*. • Information that shows or tends to show, or that a person reasonably believes shows or tends to show a public officer or public body has taken, is taking or proposes to take detrimental action** against a person. <p>* Under the <i>Public Interest Disclosure Act 2012</i> (Vic), improper conduct means corrupt conduct, conduct of a public officer or public officer that is a criminal offence, serious professional misconduct, dishonest performance of public functions, an intentional or reckless breach of public trust, misuse of information or material acquired in the course of performance of the functions of the public officer or public body, a substantial mismanagement of public resources, a substantial mismanagement of public resources, a substantial risk to the health or safety of one or more persons or a substantial risk to the environment; or conduct of any person that adversely affects the honest performance by a public officer or public body of their functions as a public officer or public body or is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and results in the person, or an associate of the person, obtaining a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument; or an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument; or a financial benefit or real or personal property; or any other direct or indirect monetary or proprietary gain that the person or associate would not have otherwise obtained; or conduct of any person that could constitute a conspiracy or attempt to engage in any such conduct.</p> <p>** Under the <i>Public Interest Disclosure Act 2012</i> (Vic), detrimental action includes action causing injury, loss or damage, intimidation or harassment, discrimination, disadvantage or adverse treatment in relation to a person’s employment, career, profession, trade or business, including the taking of disciplinary action.</p>
<p><i>Public Interest Disclosure Act 2003</i> (WA)</p>	<ul style="list-style-type: none"> • Information that constitutes public interest information*. <p>* Under the <i>Public Interest Disclosure Act 2003</i> (WA), public interest information means information that tends to show that, in relation to its performance of a public function, a public authority, a public officer, or a public sector contractor is, has been, or proposes to be, involved in improper conduct, an act or omission that constitutes an offence under a written law, a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources or an act done or omission that involves a substantial and specific risk of an injury to public health, prejudice to public safety or harm to the environment or a matter of administration that can be investigated under section 14 of the <i>Parliamentary Commissioner Act 1971</i> (WA).</p>
<p><i>Public Interest Disclosure Act 2012</i> (ACT)</p>	<ul style="list-style-type: none"> • An action or a policy, practice or procedure of a public sector entity, or public official for a public sector entity, that is maladministration. • Conduct including an action or a policy, practice or procedure of a public sector entity, or public official for a public sector entity that results in a substantial and specific danger to public health or safety, or the environment.

Anonymous complaints to government bodies

This Guide is designed to assist you to determine whether whistleblower disclosure avenues apply to your circumstances. In some cases, it may be that whistleblower laws do not apply to you, for example, because you do not have an employment or other relationship with the organisation who has committed environmental wrongdoing, or you may decide that the risks are low in making an unprotected, anonymous disclosure.

If you decide that you do not want to make a whistleblowing disclosure but still want to raise concerns about an environmental issue, there are a number of other ways that you can communicate your concerns. If you choose to raise your concerns via the pathways below, whistleblower protections will not apply to you.

The relevant Environmental Protection Authority or Department may be an appropriate avenue to make a report or complaint about environmental harm including pollution, illegal waste or an environmental incident. All of these bodies allow for reports to be made anonymously, but remaining anonymous can limit the follow-up or investigation actions that can be taken.

Federal Department of Climate Change, Energy, the Environment and Water (DCCEEW): you can report a perceived breach of federal environmental law [online](#).

New South Wales Environment Protection Authority (EPA): Reports can be submitted to the NSW EPA's 24/7 Environment Line by calling 131 555 or by using the [online reporting form](#).

Victorian EPA: You can report [online](#) or by calling 1300 372 842.

South Australian EPA: Reports can be made to the 24/7 hotline on (08) 8204 2004 or you can submit an online report via [YourEPA](#).

Northern Territory EPA: Pollution reports can be made by calling the Northern Territory Environment Protection Authority pollution hotline on 1800 064 56, or by using the [online form](#).

Tasmanian EPA: You can call the Pollution Incidents and Complaints hotline on 1800 005 171, or email incidentresponse@epa.tas.gov.au.

Queensland: Pollution incidents can be reported either via phone to the 24/7 Pollution Hotline by calling 1300 130 372 or online by completing an [online environmental report](#).

Western Australia: You can report pollution, illegal dumping, or other environmental matters [online](#) to the Department of Water and Environmental Regulation or by calling the Pollution Watch hotline on 1300 784 782.

Australian Capital Territory: report pollution and other environmental concerns to Access Canberra on 13 22 81 or by reporting [online](#).

