

Submission No. 10

Date Received. e

The Secretary
Legal & Constitutional Affairs Committee
Parliament of Australia

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07 AUG 2008
BY: LACA

Dear Sir/Madam

I refer to the 'Inquiry into Whistleblower Protection within the Australian Government'.

The Australian Services Union has significant experience with the application of the current whistleblower protection within the Australian Taxation Office. We offer the Committee access to our experience for the purpose of this Inquiry.

We have had occasion to complain twice to the Public Service Commissioner (PSC) because the ATO's whistleblower policy has been inconsistent with the requirements of the Public Service Act 1999. I have attached a copy of our most recent complaint, which is now with the PSC.

We are concerned that the ATO has been deliberately dissuading potential whistleblowers from reporting. This particularly arises from the nature of the inconsistencies between the ATO whistleblower provisions and the requirements of the Public Service Act, the limitations on who is authorized to receive a whistleblower report, the extraordinarily vague provisions for the investigation of whistleblower reports and the ATO's refusal to make the outcome of their investigation available to the whistleblower. In fact we would go further and recommend that the Department should provide the whistleblower with a statement of the findings of each question of fact from the investigation, the evidence relied upon in making those findings and the reasons for decision on how to respond to the investigation's findings.

I would add my observation that it is an error to limit whistleblower protection to substantial and serious matters. A public servant needs to feel confident in being able to report small matters that affect them in their daily work. If that cannot be done with confidence, then no-one will be inclined to report a major matter. Further, if the reporting of small matters is protected, that itself is likely to prevent major matters from developing as a result of problems being nipped in the bud.

Please let me know if the ASU can be of any further assistance to the Committee.

Yours sincerely
Jeff Lapidos
Australian Services Union
Taxation Officers' Branch Secretary

7/08/2008