

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

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**NOTICE OF MOTION**

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**MR EMERSON:** I give notice that I shall move – That this Assembly:

1) notes that:

- a) whistleblowers improve transparency and accountability in public institutions, and are essential for a healthy and functional democracy;
- b) whistleblowing frameworks must be designed to encourage and support whistleblowers to come forward;
- c) the *Public Interest Disclosure Act 1994* (PID Act) made the ACT one of the first jurisdictions in the world to introduce dedicated whistleblower protection laws;
- d) since this legislation was updated in 2012, Australian and international whistleblowing standards and best practice have evolved considerably, and the ACT's whistleblowing framework is no longer considered world-leading;
- e) the ACT Government reviewed the PID Act in 2023, and in June 2024, the ACT Government committed to providing a more substantive and considered response to the review's recommendations during the eleventh Legislative Assembly, but is yet to do so; and
- f) whistleblowers continue to play a critical role in exposing issues in public administration in the ACT, including recently in relation to the treatment of First Nations ACT public servants and the governance of the Canberra Institute of Technology;

2) further notes that:

- a) the South Australian Court of Appeal applied a narrow interpretation of whistleblowing protections in *Boyle v DPP (Cth)* [2024] SASCA 73, resulting in the prosecution of Richard Boyle for exposing unethical debt recovery practices at the Australian Taxation Office;
- b) following the Boyle case, the Federal and Queensland governments both indicated they are considering expanding the scope of protections for whistleblowers;
  - i) in February 2025, Federal independent crossbenchers Andrew Wilkie, Helen Haines, David Pocock, and Jacqui Lambie introduced the

Whistleblower Protection Authority Bill 2025 (No. 2), seeking to establish an independent Whistleblower Protection Authority;

- ii) the Federal Government subsequently released a consultation draft of the Public Interest Disclosure and Other Legislation Amendment (Whistleblower Protections) Bill 2025, which proposes to:
    - (1) establish a new dedicated Whistleblower Ombudsman within the Office of the Commonwealth Ombudsman;
    - (2) clarify and strengthen protections and supports for whistleblowers; and
    - (3) ensure that whistleblowing rights, obligations and procedures are clear and accessible;
  - c) in 2024, the NSW Government established a whistleblower support function within the NSW Ombudsman, piloting legal and wellbeing referral programs in addition to its casework function, to embed a positive ‘speak up’ culture for public servants; and
  - d) the Queensland Government has indicated it is considering piloting a whistleblower legal support funding scheme; and
- 3) calls on the ACT Government to:
- a) ensure clear guidance and educational materials on whistleblowing pathways and processes are made available and distributed across the ACT public sector;
  - b) embed a whistleblower support function in the ACT Integrity Commission, Ombudsman, Human Rights Commission, or the Office of the Public Sector Standards Commissioner, including a pilot for legal and wellbeing support for whistleblowers; and
  - c) provide an update on its progress and expected timelines toward implementing the recommendations from the 2023 PID Act review, and report back on options, expected funding requirements and timelines for implementation of the whistleblower support function, by the last sitting week of 2026.

*Thomas Emerson MLA*