A Comparative Analysis of Whistleblower Protection

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Abstract

This paper compares the legislation and associated administrative practices that are designed to manage the whistleblowing processes within each of the states of Australia. It then compares the rationale in the Australian legislation with that of the UK and the USA. It finds great variations among the Australian states, but in general, even the best of the legislation could be strengthened. As important, however, is that the administrative procedures of the ‘appropriate authorities’ responsible for implementing the legislation could equally be strengthened. Current procedures do not appear to respond to the objectives of the various whistleblower Acts. As a result, the overriding purposes of ensuring that the revealing of wrongdoing in organisations is used to correct and strengthen ethical behaviour in those organisations, and that the person who reveals the wrongdoing does not suffer as a consequence, seem to be lost. The US and particularly the UK Acts have a very different rationale to each other and to the Australian legislation.