

Whistleblowers could be in more trouble than those they expose

Study warns that flawed laws mean those who expose organisational corruption in the media may be the ones to face criminal charges.

Mike Simpson –*Australian Times* - 02 May 2021

<https://www.australiantimes.co.uk/news/whistleblowers-could-be-in-more-trouble-than-those-they-expose/>

Australian employees and journalists who expose organisational corruption are in danger of criminal charges under severe and complex national security laws, according to University of Queensland academics.

UQ Law School's Dr Rebecca Ananian-Welsh and journalism academic Professor Peter Greste said the new laws would have made criminals of many whistleblowers who took their stories to the media in the past.

“Aside from Covid-19, the key stories from recent times have been about misconduct and abuse of power – by governments, banks, the Australian Defence Force, even parliamentary staffers,” Ananian-Welsh said.

Exposing misconduct depends on whistleblowers

“All of those stories depended on whistleblowers; on people who've seen things go wrong inside government and businesses and then went to the press as a whistle of last resort,” she said.

“Whistleblowers are absolutely crucial in addressing misconduct and maintaining accountability and integrity, but they need protection from reprisal. This includes the ability to remain anonymous.”

The pair has called for change while launching their research on whistleblowing legislation as it affects journalism. The latest research, published on Friday, is the third paper in their 'Press Freedom Policy Papers' series.

Their study found the extensive laws created confusion for journalists and whistleblowers about whether or not they were entitled to the all-important protections provided by whistleblower laws.

Public interest law should be urgently amended

Ananian-Welsh's 'Whistleblowing to the Media' policy paper recommends *The Public Interest Disclosure Act 2013* be urgently amended to better protect press freedom and those who blow the whistle on misconduct in government.

“The law should recognise that whistleblowing to journalists is a legitimate form of protected disclosure,” she said.

“Sometimes democracy requires public disclosure of government misconduct because solving the problem internally may not be good enough.

“The other urgent reforms are around whistleblower protections, in particular in the intelligence sector, which has been demonstrated in the controversial case of Witness K and Bernard Collaery.”

The laws have become tighter in recent years

Greste said whistleblowers and journalists were always vulnerable under the law, but the laws themselves had become tighter in recent years.

“There’s a general trend now for journalists to err on the side of caution when it comes to whistleblowers – it’s too risky and potentially too expensive even though there is clear public interest in the story,” he said.

“One of the key pillars of our democratic system has been a free, independent and sometimes rabid press.

“If, in trying to make us safe and protect our national security, we end up undermining that very pillar that has helped make us so safe in the first place, then national security isn’t served.”