INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION COMMITTEE

Review of protected disclosures

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Dr Suelette Dreyfus, research fellow, department of computing and information systems, University of Melbourne.

The CHAIR — We welcome to the committee Dr Suelette Dreyfus from Melbourne University. Suelette, I need to read out a statement before you start you start giving evidence. Welcome to the public hearings of the Independent Broad-based Anti-corruption Commission Committee. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation in the other Australian states and territories. However, it is important that you note that any comments you make outside the hearing, including effective repetition of what you have said in evidence, may not be afforded such privilege.

Have you received and read the guide for witnesses presenting evidence at parliamentary committees?

Dr DREYFUS — Yes.

The CHAIR — Good. It is also important to note that any action which seeks to impede or hinder a witness or threaten a witness for evidence they would give or have given may constitute and be punishable as contempt of Parliament. We are recording the evidence and will provide a proof version of the Hansard transcript at the earliest opportunity so you can correct it as appropriate. I would like you to make a verbal submission, and we will ask questions as appropriate.

Dr DREYFUS — Great. Terrific. First of all, thank you so much for having me here today — much appreciated — for an opportunity to contribute to our democratic processes. I know you have got some specific questions, so I might actually be relatively brief in what I am going to talk about up-front so we can perhaps engage in a bit more of an interactive conversation, which is always better.

The key things that I would like to point out are first and foremost that the contestability of avenues of reporting for public interest disclosure is quite important, and that is because you want a mechanism that is not only good in itself but is robust and has its own corrective mechanisms in it. You are able to report using what is now the gold standard, the three-tier method of reporting — that is, internal avenues, external agencies, so if you imagine, for example, reporting environmental crimes to the EPA or other regulatory agencies or a third party in the third tier, which is, for example, to professional bodies, an engineering professional body for a bridge that is actually going to fall down, unions, members of Parliament and the media. So that is quite important. Increasingly what I have seen from the work I have done overseas talking to ombudsmen, anticorruption agencies and civil society groups is that particular being able to go to MPs and members of the media is super important, and this is particularly so when organisations are corrupt all the way to the top.

As I think I might have said in my submission, we think of Australia as being very clean from corruption, and relatively speaking it is. But you have Wood royal commissions, you have the Joh Bjelke-Petersen era, you have WA Inc. These things do happen in Australia. It is not as though we can say, 'Well, we can just rest on our laurels', so that is why those corrective mechanisms need to be in place. I would actually suggest that for a kind of a blueprint for that, two bits of legislation stand out. One is the Wilkie independent member's bill that was put to the federal Parliament — it was not passed but it was put to the federal Parliament in 2012, I believe — and the second is the ACT's whistleblower legislation, which was also 2012. Maybe the Wilkie bill was 2013; anyway, I can check that.

I have got a couple of copies. I am happy to hand out just two pages from that which illustrate quite nicely a good set of wording around how you would balance potentially being able to go to the media while also respecting that you need to care about the integrity of the information in your organisation. It has got reasonable thresholds, it talks about situations in which a disclosure can go to the Legislative Assembly or a journalist, there is basically a three-month wait period for the investigations to be conducted, there is a reasonableness test — so a person has to honestly believe on reasonable grounds that there is still disclosable conduct — and they only have to disclose as much information as is necessary to reveal the wrongdoing but not more than that. So it is quite a good definition.

Also I think in this era of modern online media — of self-publishing on Facebook and Twitter — the definition of a 'journalist' is pretty good, and you want something that is going to be robust and flexible enough to be able to deal with the immense changes that are going on with media today. So I think that is a terrific blueprint and worth considering in your investigations.

A second point that I would like to raise is around the relative heavy-handedness, if we can call it that, of the act, which has onerous and draconian provisions for enforcing secrecy in ways that seem cumbersome. I believe that my academic colleague A.J. Brown may have also raised this — it is something that he and I have discussed — but I would add perhaps a bit of a twist to that, and that is that there is a tendency, I think, in the public service generally, not just Victoria, towards what I call 'security clearance creep', which is basically that more and more people need to have some form or another of security clearance. It may not be national security clearance; there are other methods of doing it. Sometimes this is driven by a need to keep information secret, but sometimes it is driven actually just by the structure of the IT systems, so you cannot access this system unless you are a certain level because these systems are designed to talk to those systems and it can only be if you are at a level to talk to those systems.

Now, coming from the information systems background, I would say information systems are a great way to organise information. They are not a great way to organise governance, and so you do not necessarily want to have heavy-handed or draconian provisions for enforcing secrecy either in the law or in practice, particularly those that might be in a sense driven by the needs of an IT system — particularly an IT system that might come from overseas that was developed for a different environment and applied in this environment.

Why is that important? Because it limits the number of qualified people who can apply for positions in these sorts of investigative agencies, whether it is IBAC or in other elements of government, and that reduces the talent pool. In the end you are not running a spy agency; you are running an open and democratic government in an open and democratic country. So I think that is very important to consider in terms of particularly the technology-driven implementation to make sure that the information is kept secret, but you do not really want to make it incredibly draconian for people to either be employed, be accessing it or working on it.

An extension of that is the fact that certainly whistleblowers who I have interviewed have indicated to me it is extremely important — and it is a bit of a poor shadow of an answer to one of your questions — that they are in a feedback loop about the information that they have given. This is not just because they want transparency and accountability, for example, from government; it is because they own this thing. This is their lives; they live this every day. They suffer reprisals at work — they may be denigrated or demoted — and so for them to get regular reporting from the organisations that are investigating it is super, super important. If you make it very draconian for the agencies to be able to do that, you actually cut off that information loop.

Now, I am not suggesting that you need to give every detail of every investigation to the whistleblower, but I think that regular reporting to them about the status of their concerns and requirements in the legislation to do so at reasonable time periods — for example, three months, four months, something of that nature — will keep them from becoming as isolated or damaged by the experience as is often the case.

The other thing I would add to this, just as an aside — this is not really a key point — is that whistleblowers often experience very difficult psychological, emotional and financial costs from whistleblowing, and there is not enough support in the community for this. Now, that is partially because whistleblowing is perhaps a relatively newly accepted meme in Australian society. Fifteen years ago it was dibby-dobbing; now it is more accepted. But in a sense we need to perhaps provide more provision for support of that. There is Whistleblowers Australia, and there are a few support groups; they are very informal. But in your role as parliamentarians if you saw fit at some stage to support civil society really grassroots help groups that were to provide that maybe through a community legal centre — I am not sure — the support cannot just be legal; it actually has to be about bringing them together.

I know a while ago that there was a support group for whistleblowers in Sydney that used to meet literally in the basement of a church every month, but it was very important to those whistleblowers to be able to talk to other whistleblowers just to get the support, so a very small amount of funding for something like that could have significant benefits and also play a role in evolving public attitudes towards whistleblowers as they begin to understand better what they are going to go through and that sort of thing. A lot of whistleblowers describe to me how they were very ill-prepared for what was coming down the pipeline; they had no idea. And this is actually something that the ACT's public service approached me about for some specific advice on how to design an eyes-open regime for whistleblowers who are thinking of going down that path so they know what is going to happen.

I think the other things that are important are to include somewhere that employees and workers have the right — or other whistleblowers, and we will get to that in a second, have the right — to decline to participate in

corruption, illegal acts and other misconduct. Whistleblowing, I think, is increasingly evolving as a right of dissent from wrongdoing, and as such it is a kind of evolving freedom-of-expression right. Certainly there has been extensive discussion in Europe — a number of academic conferences I have been to — about it moving on that spectrum towards a recognition as a kind of a human right to dissent from wrongdoing. But explicitly saying that would be giving some support and perhaps guidance to the judiciary about how to frame that thinking about it. We all know the importance historically, if you think about World War II and wrongdoings that were done in that, of the individual's need to have some protection when they say, 'No, I'm not going to participate in something like that', so that is quite important as well.

I think there are important questions around who is covered and what kinds of wrongdoings are covered. Can anyone make a report under the act? Is it just whistleblowers? The act should really cover people who are mistakenly identified as whistleblowers, who assist whistleblowers or who are providing supporting information about a disclosure. Whistleblowing, I think, traditionally evolved out of employment law in some countries and was around the employee-employer relationship. Well, in the modern economy that has kind of gone out the window. We are increasingly in contractual arrangements; we are contractors for 6 months, 12 months. So whistleblower protection ought to have a blanket that covers private sector and public sector, covers employees, contractors and subcontractors, and covers volunteers and others who basically have access to information within an organisation. If you think about someone who sits on a school board who gets reports of paedophilic activity or if you think about someone who sits on the soccer club where there is financial impropriety, you really want to make sure that those sorts of people are actually covered as well. They may have access to, for example, financial information that is not public, but they may not be paid. Nonetheless, they may suffer detriment, so they need to have protection as well.

Regarding the kinds of wrongdoing and improper conduct, there are some lists of offences that can be reported that are covered elsewhere, but sort of a step beyond corruption may also be mismanagement of public funds or gross mismanagement, things that are harmful to the public interest, human rights violations are very important or acts to cover up these sorts of things. There are some standards, and it might be worth looking into how you might want to frame that.

Workplace retaliation is a really, really important issue, so a lot of where laws fall down is in implementation — for example, in the UK. I was one of the co-authors of this recent report — it was launched in London in May — which looked at the UK legislation against 26 international standards. The UK legislation is often held up as the gold standard, the original kind of whistleblower protection. It is really great in some areas; 37 per cent of the standards are ticked and the rest are not for the UK, so that is not a great success rate for the gold standard. But one of the key elements that is really missing is around: how do you deal with reprisal, how do you stop it before it happens and how do you actually have agencies that are able to step in and have the power and say, 'No, you will not sack this person', 'No, you will not have retribution against this person. Their whistleblowing case is ongoing'?

We have seen out of Bosnia a very interesting bit of legislation that they have passed which provides the ability for whistleblowers employed by the state to go to an agency and get whistleblower status. They must be told within 30 days if they have the status. This status then prevents them, while the case is being investigated, from being sacked or having retribution. The agency is able to direct the head of the organisation that the whistleblower works for that they must, for example, be reinstated. If that is not done in a very short period of time, they can personally fine the head of the organisation up to €10 000. So it is very significant. I know of at least two cases of it — one public, one not — where the whistleblower has been swiftly reinstated within a week and a half. That is a fantastic outcome. It is not going to work in every scenario, but, again, you are looking to try and create as many defences as you can and trying to give good coverage, and that would provide some good coverage, I think, for public servants.

Let me just see if there is anything else that jumps out that you might want to get into. It is worth perhaps documenting somewhere that there should be a review every three to four years of whistleblower protection regimes in the state because things do evolve. One of the things that has evolved is that some whistleblowers really want anonymity, and technology now provides you with some anonymity — it is not perfect, but it is reasonably good — and certainly confidentiality. That is actually something else I would suggest you might want to add — that is, some kind of reference to standards about the nature of, for example, using encryption or something of that ilk just to provide a little bit of guidance on confidentiality and anonymity. One element that I have seen increasingly evolve is a concern that whistleblowers who go into the process anonymously but who

are eventually revealed should have explicit protections applied to them, and that is something worth noting as well.

In terms of remedies, I will just come back to the UK for a moment. One of the things we found in researching this report, and in other research and talking to experts on the ground who actually defend whistleblowers every day in the court system there, is that the compensation that is paid by the employment tribunal there for what the whistleblowers have gone through is wholly inadequate to cover their legal fees often, which are sometimes in excess of £100 000 or £200 000, let alone their real loss of income and the fact they often have to change careers not just change employers. So that is something important to think about — not only what systems you have for remedies but that they are large enough to be able to actually get the proper amount out of that.

Also, the people who make assessments about those remedies in the UK are not specifically trained. In fact to be on the employment tribunal in the UK it is not even required that you are a lawyer. Most of them are, but they certainly do not have specific training in whistleblower protection and yet that is quite a specialist area and in many ways quite divergent from normal employment concerns. So I would also recommend that there might be some consideration about how you might give special training to the people who are considering those sorts of cases.

I think I might leave the rest of it up to you to see if you have any specific questions. Is that helpful at all?

The CHAIR — Yes. That is fantastic, Suelette. Thanks very much. Before we get into questions can I thank you for the work you have done for the committee in assisting Sandy. It has been outstanding, so we really, really appreciate that.

Dr DREYFUS — Thank you.

The CHAIR — Dibby-dobbing — is that an academic term? I have never heard it before.

Dr DREYFUS — It is. It is a well-known academic term!

The CHAIR — Dibby-dobbing, okay. I guess this relates to question 2 in part with your research. How realistic is it to reinstate someone that has blown the whistle? In theory, I understand completely that that is what should happen and the benefits and everything else and that the person should be rewarded for bringing to public attention something that has been corrupt, but in your research and your experience how realistic is it to reinstate that person?

Dr DREYFUS — Look, it can work, but oftentimes there are major barriers to it happening well. That would be a fair way to describe it. You often get a scenario — the whistleblowers call it mobbing; I do not know if you have heard that term before. So when a whistleblower blows the whistle, initially people are confused and then all of a suddenly they realise that person is Typhoid Mary and they have to stand away from them in the corridor and not talk to them at the water fountain, and there is kind of this mobbing thing of ganging up on them and treating them like an alien invader to the body. Is that possible to change once someone has been tarred with that? It is often very difficult. So I think that the best thing for a whistleblower is to have, in a sense, two options: one is to simply have the reinstatement to the same level with the same responsibilities; and the other is a compensatory payout, and that looks to be quite important.

One thing I would add about the UK legislation that is perhaps quite important to include in that is that although the UK legislation says, 'Thou shalt not have gag clauses on whistleblowers', in practice in order to obtain the compensation that gets them out of the legal debt and gets them out of their quagmire of difficulty, whistleblowers in the UK have often accepted a gag clause because they cannot go back to their job because it is untenable. The gag clause is a really important thing to ban, because there are three parties to the transaction of whistleblowing. People often think there are two, but there are not. There is the whistleblower, there is the wrongdoer and there is the public. Effectively what a gag clause is is an out that is leveraged by the wrongdoer, usually a person in a position of power, to force the whistleblower in desperation to give up the right of the third party, the public, to know what has been done that has been wrong. You never ever want to put a whistleblower in that position. You have to legislate against it because otherwise we all lose, and what is the point in having whistleblower protection? So I would say that if they have a choice they can choose whether they can realistically transfer to another division in a large organisation or just take the payout and go.

One thing that is quite contentious is what is sometimes called whistleblower bounties. For example, in the United States that is provided; the SEC has a whistleblower program. Some countries are comfortable with that; some are not. For example, in the UK I have generally found that with the exception of some financial whistleblowers in the city, in London, most whistleblowers are not in favour of it. They feel basically it is counter to the British culture, that allowing whistleblowers to get payment of any sort as a percentage of fines, of money saved, kind of dirties their hands, in a way. But it is difficult. In the US it is very successful. I, for example, had discussions with the person who has received the largest payout in US history as a whistleblower. He spent two years in prison as part of his deal, but it can be extremely effective and the US government is several billion dollars richer because of his whistleblowing. So you can get benefit from it.

It was very interesting having a round table recently in Ukraine which included representatives from the ombudsman's office and two anti-corruption agencies. There was some reasonably strong debate around the table. They were sort of quite undecided about the right path to go to. So that is something that I think would need to have some public discussion.

I would suggest a hybrid model, if you did go down that path, which allowed the recovered funds to be split between what returns to the state, a portion that goes to the whistleblower — for example, maybe 20 per cent; I think in the US it is up to 30 per cent — and a portion that goes into a whistleblower protection fund. The reason that that fund is important is not just the problems I described before — psychological, legal expenses and lost income of whistleblowers — but because not all whistleblowing is about financial crime. Some whistleblowing is about how people are mistreated in aged-care homes. These are still things that offend the public attitude, the public view, on how we should behave, but they may not involve monetary recompense. If you only provide the money, the recompense, to the whistleblowers who are doing financial crime, in a sense your incentive system is wrong. You need to actually provide a fund that would then support whistleblowers revealing other types of wrongdoing that are equally wrong in the eyes of the society but just are not monetised in the same way.

Sorry. I have given you a bit of a tsunami of evidence.

The CHAIR — No, that is good background.

Mr HIBBINS — I have a question on point 4 of your submission regarding disclosures made regarding members of Parliament. Obviously they have to refer to presiding officers. You say:

> Without the trust that a disclosure will be referred to an independent and transparent agency … potential disclosers may be less willing to come forward …

Are you suggesting that in addition to this provision there should be an inclusion of some mandatory reporting provision, or would you suggest abolishing that provision altogether?

Dr DREYFUS — I do not think that there should be mandatory reporting. You never want to strongarm a whistleblower. That is not the right way to do it.

Mr HIBBINS — Sorry, mandatory reporting by the presiding officers to the independent — —

Dr DREYFUS — Sorry. I see what you mean. I do not have an explicit view on that. My real focus is that members of Parliament are uniquely powerful to solve individual people's problems, and whether that means that they may or may not talk to an agency, I think that has got to be up to their own discretion, but I do not have a particular view on that.

Mr HIBBINS — This is in regard to disclosures about members of Parliament.

Dr DREYFUS — Oh, about members of Parliament — sorry, I was distracted. It is quite difficult with members of Parliament. I know that in the commonwealth legislation there is a kind of a carve-out for members of Parliament, and that is concerning, but I also am aware, having worked previously as a journalist, that there can be a kind of a media frenzy to attack members of Parliament in a way that is disproportional to any particular wrongdoing. I would need to get back to you about that.

The CHAIR — Can we put that one on notice? If you could come back to Sandy on that, that would be terrific.

Dr DREYFUS — Yes.

Ms THOMSON — I have a number of questions. I want to take a slightly different line. It probably goes to the point you were just making: the notion that an allegation is easy to make and a person destroyed before there is any real investigation and a capacity to actually exonerate, maybe, a person or they have picked the wrong person in this instance — the wrongdoing is still there but the person that they thought was responsible for it was not responsible for it. In your partnerships you mention three partnerships. I think there are four. There is the organisation itself as well as the person or people that they might be whistleblowing on. I think in that instance it is also a little bit about how that organisation responds. So for me there is a partnership of four in this. Whilst we all want those issues where the community suffers, if you like — whether it is one individual or a very large number of people — we want that exposed. We want to know about it. For me it is about checks and balances.

So I am a little bit concerned with this legislation that you have given us in relation to if an investigation entity has refused or failed to investigate the disclosure, they may go to the media. My concern is that if they refuse to disclose it because it is considered to be vexatious or frivolous or not something that is worthy of investigation and then they run off to the media, at what stage do you say an organisation and an individual need to be protected from those sorts of things as well as the actual real whistleblower? So for me, I would like the real whistleblower, the one who is actually exposing real corruption or financial embezzlement or whatever it might be, to get the status and recognition of taking a hit and being prepared to be supported for it, and the community, I think, would be more supportive of those kind of people, the people who actually have something really substantial that they need to get out there. But with that come all those people who have got a personal vendetta, the people who might be manufacturing something in order to get someone, and they actually, I think, do more to harm the capacity to expose corruption within organisations than not.

So how do you create an environment that works against the vexatious, if you like, or even worse — those who have got a personal vendetta that they want to pay out on and have been able to get to a certain point where they can throw mud that will then stick — as opposed to the genuine whistleblower, the one who has got a real complaint that needs to be exposed?

Dr DREYFUS — A couple of things. It would be interesting to understand from the ACT whether they have had a number of cases like that and, if so, whether they have been illegitimate mudslingers or actual whistleblowers. I do not have the answer to that, but they would certainly be able to tell you. I think in some ways the ACT legislation is quite interesting because in a way they are a community that is largely public servants. They vote in people who are representing a largely public servant community, and that this is the legislation that they have passed is quite telling in that this would seem to be what in a sense the community of public servants wants. So I find that quite interesting.

In terms of walking that line, it is very difficult. One thing that I think is important to focus on — people often focus on the whistleblower, who they are, what their motivations are. There is not a need to do that in some cases, particularly for journalists to find out if they are legitimate. However, in general — —

Ms THOMSON — Who do not bother.

Dr DREYFUS — Yes.

Ms THOMSON — Splash it on the front page first, and worry about the truth later.

Dr DREYFUS — Splash it on the front page; they do not bother with it that much. But in general the focus should not be on the whistleblower; the focus should be on the validity of the data. That is the key focus. Even if someone has a not great motivation, which we do not love, or even if they are gnarly, querulous and curmudgeonly, they still may have a very valid point, and that should not detract from their point.

Ms THOMSON — Yes, that is not the issue for me. The issue for me is the journalist who will go out and write the story without checking the facts, or the blogger who puts it up on their site before it is ascertained whether or not — so you create a hero before you have actually ascertained whether or not they are a hero or a demon.

Dr DREYFUS — So one thing I would say in response to that is: yes, there are whistleblowers who make things up, certainly in some cases, although I think in only a very small number of cases, really. But I have generally found for people particularly who have worked in the public sector that it is a large mental wall for them to get over, to jump, to actually go external to blow the whistle. Even where perhaps there might have been a personal element to it, for them it is not like they can just go down the road and get another job in some other government that works on Spring Street or wherever, and often very much their identity is wrapped up in their job. This is particularly true in law enforcement and national security.

So their job is their identity, and therefore to jump that hurdle to go external to tell a journalist about wrongdoing is — it is almost as though there is a corrective mechanism within themselves to stop them doing it beyond any legislative or defamation law. I am not saying it is a perfect mechanism, but I think it is a mechanism that does work to some degree and is worth thinking about as ways to encourage people to make sure they stay on the right line of that. But there is no single silver bullet to fix that balance. There is nothing that is perfect. You have got defamation laws to some degree — you know, you hope truth is a defence — but then someone has ruined their reputation and will talk about it afterwards, and then it is too late.

Ms THOMSON — Yes, it does not work for, say, members of Parliament or even a secretary of a department or someone who has got a high profile. It is not going to work for them — it is done and dusted. It is just a question for me of: are there some checks and balances that you can put in that really do protect the genuine whistleblower?

Dr DREYFUS — You can put recompense in for people who have been falsely accused. I am not an advocate of draconian penalties for people who falsely accuse, other than the ones that exist elsewhere such as defamation law, because I think that that has the potential to be used as a blunt instrument against a whistleblower in a way that is not good. It can be twisted and misinterpreted, and I just think that that is a dangerous precedent. But that would seem to be some sort of recompense, and that recompense does not have to be financial. It can be the equivalent of the press council having to tell a member to publish a retraction or whatever that is, as limited as that is. But in a way, as unpleasant as it may be, the downside of not having these protections and of not having the failsafes of going to the three tier — —

Ms THOMSON — No, I understand that, but how do you balance it?

Dr DREYFUS — Yes, it is just like how do you balance it?

Ms THOMSON — So if you have a whistleblower, it will always be considered, if they have got the full protections, that that is a genuine whistleblower — they had something really substantial to expose, it has been exposed, they have been protected — and it is as much about reinforcing in the public mind that whistleblowing, to expose stuff, is a good thing.

Dr DREYFUS — Yes.

Ms THOMSON — So it is as much about that as it is about, 'Well, you know, you have got an element that — —

Dr DREYFUS — So internal channels that actually work will go some way to mitigate that. Internal channels that are, as one whistleblower who had worked in the commonwealth government described to me 'a dead-end labyrinth', do everything to counter that. So I think that internal channels that work are, in a sense, your best defence. That is not just in law; that has got to be in implementation as well.

Ms THOMSON — Yes, culture.

Dr DREYFUS — And culture, so it is also the structures of implementation as well as teaching people about how it works and how to use it. But that is the only one I can think of that would be the most powerful. The free speech issue is a difficult one. It is a double-edged sword.

Mr RAMSAY — In relation to the retributive protections for employees in the workplace, you are citing the OECD model.

Dr DREYFUS — Yes.

Mr RAMSAY — Can you perhaps expand on that?

Dr DREYFUS — So I guess the main thing that I actually would recommend, rather than the OECD just particularly, is that I have been involved in helping to draft these blueprint principles, and this includes the OECD. It also includes Transparency International, the Organization of American States — a whole set of international best standards. We have tried to integrate it into a little handbook that just has these 24 'how you structure it correctly', so I can give you guys copies of that as well, and that, I think, would be quite useful.

I would just add to this that there is, I think, an international push towards good whistleblower protection coverage in the private sector. It is happening here in Australia, and it is happening overseas as well. So increasingly it is quite good for the state to take visible leadership on this because it also allows the private sector to begin to ready themselves internally, whether they bring in external consultants to help them do that, governance experts, but that is a process which cannot be done overnight. So my own view is that I would recommend — —

Mr RAMSAY — So those include the protections as such, in the book? Specific protections?

Dr DREYFUS — Yes, it does — specific protections. It goes into it in a bit of detail about it. The other place that I would recommend looking at it is the international standards that are in here, which I can also get you a copy of, which are also based on OECD as well. But we have actually gone into a bit more detail than just the OECD, so that might be worth looking at, and I am happy to come back and provide those to you as well if you want, if that is helpful. I will make a note of that.

Ms THOMSON — Just one quick question on the private sector, given that that is often where the exposure needs to occur and does not necessarily: I assume by that, if you going to put a legislative overlay on it, it would be at a federal level? It would have to be.

Dr DREYFUS — Well, it is an interesting question. One would like it to be at a federal level. I just wonder if there is not some way for states to take action to encourage this at the federal level, and I am not sure what that looks like. You guys are probably more of the expert on that.

Ms THOMSON — We can raise it at ministerial council meetings.

Dr DREYFUS — Encouraging it. I guess the last thing I would suggest, in closing, is that I would ask you to be brave in this. Be brave — I know. There is often a bit of fear of, 'Well, we have to see what someone — have they done the law before? What's the law overseas?'. That is important, but in a sense this is an evolving field, so if you get out in front, I actually think that will put you in good harmony with where the public's view is on it, and that is a good thing. So Victoria can be a leader in it.

The CHAIR — Suelette, we are extremely grateful for your presentation. I thank you for your work, and as I said, thank you for the assistance you have given Sandy and the committee team, so thank you very much.

Dr DREYFUS — I am happy to do that. Thank you very much.

Committee adjourned.