



**National Council of
Women of New Zealand**

Te Kaunihera
Wahine O Aotearoa

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10 July 2003

S03.58

**Submission to the States Services Commission on the
Review of the Protected Disclosures Act 2000**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 42 nationally organised societies. It has 34 branches throughout the country attended by representatives of those societies and some 150 other societies as well as individual members. Its purpose is to work for the well being of women, families and society through research, discussion and action. It forms a widespread and effective network, especially through its monthly publication known as The Circular. Submissions and responses are prepared on the basis of policies set at national meetings and, when time permits, from answers to questions published in The Circular.

Members of the Justice and Law Reform Standing committee have considered the Act and are pleased to present the following comments.

Is the Act operating as intended?

It appears that very few people are making use of this Act, particularly if the employer has not yet set up internal procedures to protect their employees.

The 2001 Annual Report of the Office of the Ombudsman reveals that in the first six months of the Acts' operation the office received only 13 approaches for information about the Protected Disclosures Act, but did not undertake any formal inquiries as a result of these approaches.

Section 5 - The Purpose of the Act

This appears to be vague as a statement. We agree that public interest must be protected. It would be better for more detail to be included in this section to assist both the employee and the public.

Section 7 – Disclosure must be made in accordance with internal procedures.

“Employees want to be sure that if they risk their job security by ‘blowing the whistle’ they could at least be assured that something would be done about the issue raised”¹.

Employees are unwilling to jeopardise their careers. Until a set of minimum standards is included in the Act for employers to set up Internal Procedures employees will doubt their own credibility.

Some members were of the opinion that the Act does not provide enough information for the decision making processes when employees are considering ‘whistle-blowing’.

There needs to be an opportunity for education for both employees and employers about their rights under the Act.

Thank you for the opportunity to comment.

Beryl Anderson
National President

Robyn Davison
Convener, Justice & Law Reform Standing Committee

¹ Once More Unto the Breach – Louise Taylor, Christchurch College of Education published in The New Zealand Law Journal July 2002.