

**Submission
No 26**

INQUIRY INTO PROTECTION OF PUBLIC SECTOR WHISTLEBLOWER EMPLOYEES

Organisation: Ministry of Transport

Name: Mr Jim Glasson

Position: Director General

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3,0 OCT 2008

Mr Frank Terenzini MP
Chair
Committee on the Independent Commission Against Corruption
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Terenzini,

I refer to your letter dated 14 October 2008 regarding the Inquiry into the protection of public sector whistleblowers being conducted by the Committee on the Independent Commission Against Corruption, and the accompanying Terms of Reference for this Inquiry. The Committee seeks a Submission from the Ministry of Transport and witnesses from the Ministry to appear before the Committee to give evidence at the upcoming Public Hearings.

The Ministry would be pleased for the Committee to accept this letter as the Ministry's formal submission to the Inquiry.

The Ministry of Transport is the lead agency of the Transport Portfolio, providing a strategic focal point for integrated transport planning and service delivery and plays a key role in ensuring the Government's priorities for transport, as outlined in the *NSW State Plan*, the *Urban Transport Statement* and other plans, are realised. The Ministry is responsible for providing independent policy advice and allocating funding for the transport portfolio comprising rail, bus, ferry and taxi/hire car/tourist vehicle services, and local and community transport services to the people of New South Wales. The Ministry has 335 staff located across offices in Sydney, Parramatta, Newcastle, Wollongong and regional New South Wales.

A Protected Disclosure Policy is in place within the Ministry and is in the process of being updated following on from recent workshops on Fraud and Corruption that required attendance by all staff. The Ministry has taken a broad and comprehensive policy view on raising awareness of the *Protected Disclosures Act 1994*, including linking the Protected Disclosure Policy with the Fraud and Corruption Strategy and the Code of Conduct, and publicising the procedures for making a protected disclosure in the most recent edition of the internal staff newsletter.

As Director General I have made clear and direct statements to staff reinforcing the protection provisions of the *Protected Disclosures Act 1994*, and specifically emphasised that no staff member is to be subjected to reprisals for coming forward with legitimate concerns. The Ministry seeks to ensure that a culture is created where staff members can feel comfortable with reporting suspicions or instances of unacceptable conduct in the knowledge that their concerns will be taken seriously and treated in accordance with the law, including the *Protected Disclosures Act 1994*.

The Ministry is taking steps to align its Protected Disclosures Policy with the guidance available from the Independent Commission Against Corruption and the NSW Ombudsman to benchmark and improve our policies and procedures. It is intended to make the updated Protected Disclosure Policy available to all Ministry staff in the near future.

In general terms as an Agency, the Ministry of Transport has had a minimal exposure to formal proceedings under the *Protected Disclosures Act 1994*, with only a very small number of formal disclosures made in the last five years. These disclosures have been dealt with in accordance with the law.

The Ministry has noted the Committee's request for Ministry officials to appear before the Committee to give evidence at a Hearing. In respect of public hearings, the Ministry will be represented by myself in my capacity as Director General, and by Mr Peter Scarlett, Executive Director Transport Services Group, in his capacity as my nominated representative for staff to make disclosures to under the *Protected Disclosures Act 1994*.

Thank you for writing to the Ministry on this important matter, and for the opportunity to participate in the Committee's deliberations. As the Committee's letter was copied to the Minister for Transport, I have taken this opportunity to send a copy of the Ministry's response to the Minister for Transport, for completeness. In order to facilitate officer level contact with Committee Officers, the Ministry nominates Mr Simon Carroll for liaison purposes.

Yours sincerely,



Jim Glasson
Director General