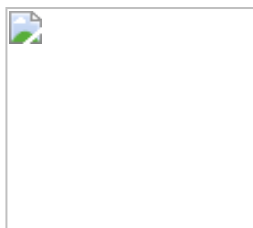


# The Whistle March 1998



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## Protect the brave, Ombudsman demands

By Diane Stott, *Sydney Morning Herald*, 18 December 1997, p. 8.

Whistleblowers should be given greater protection, including legal assistance to fight defamation cases and extensions of the criminal law to stop harassment, the Commonwealth Ombudsman has recommended.

Ms Philippa Smith welcomed moves within the Australian Federal Police (AFP) to end the harassment of whistleblowers which has led many to resign.

"It's just too easy to shoot the messenger rather than deal with the systemic issues raised by whistleblowers," Ms Smith said.

The report into whistleblowers in the AFP says they should be protected from defamation or breach-of-contract cases, and that victimising them should be a criminal offence.

Whistleblowers played an important role in prompting investigations, she said, and organisations must accept criticism and investigate themselves.

Ms Smith called on the Government to adopt tough legislation to protect whistleblowers in the Public Service after the AFP adopted

all her recommendations to protect whistleblowers.

She said independent statutory bodies such as Telstra and the Civil Aviation Safety Authority also had enormous powers which should be subject to internal and external scrutiny.

However, the Government is in no rush to bring in new legislation.

A spokesman for the Attorney-General, Mr Williams, said the issue of wider legislation had been discussed for some time and, while the report provided further information, there was no timetable for a response.

Ms Smith repeated her calls for the Government to increase funding to the Ombudsman's Office by \$1.2 million a year so it could monitor properly abuses within the AFP.

The AFP Commissioner, Mr Mick Palmer, said the force had to maintain the "highest of standards" because of its enormous powers and to enhance its integrity. He called on officers to "say it how it is: to tell the truth".

"The way we do business is more important than the business we do," he said.

The AFP has already introduced better procedures for whistleblowers - "professional reporters" as they are termed in the force - to report incidents of unprofessional conduct.

Frivolous or malicious attacks would be rare, Mr Palmer said, because the process was difficult to abuse.

Mr Palmer admitted he needed to find ways to better reward whistleblowers for trying to improve professional standards, although he said a promotion was not necessarily the best answer.

Ms Smith said that whistleblowers often did not have to be outspoken, simply tell the truth when asked. She said a new culture was developing in the AFP, where "mateship didn't override professional standards".

The Ombudsman's office investigated a number of incidents where police officers had been victimised over whistleblowing on their colleagues.

In many cases, officers lost their jobs, resigned or were invalided due to the stress associated with victimisation.

In several incidents, officers had their property stolen and were ostracised.

## **Constable forced to leave service after informing on sergeant**

Police who informed on colleagues who stole goods when on duty were harassed and victimised, often forcing them to leave the service, the Ombudsman's report found.

- In one case, a probationary constable was pressed by a colleague to report an incident where his sergeant stole \$US6,000 (\$8,500) from a man caught trying to smuggle an illegal amount of cash out of Sydney Airport.
  - The AFP's Internal Investigations could not substantiate the claim. The Ombudsman found it could be substantiated. The constable later lost his job, partly because the sergeant submitted an adverse report on his conduct.
  - Other police were caught stealing liquor from a burgled supermarket and items from garden centres. The whistleblowers were urged to reveal the incident and were harassed.
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## Whistleblowers left with no more than a squeak

By William de Maria

A recent report by the ombudsman offers little to whistleblowers.

The commonwealth ombudsman, Philippa Smith, recently released the results of her office's inquiry into the way federal police whistleblowers have been processed. On the bases of the report's findings, the ombudsman has called for a range of reforms, including national laws, to protect whistleblowers.

The Australian Federal Police Commissioner Mick Palmer was quoted in The Age on 18 December as supporting police whistleblowers. Well, what else could he say? With whistleblowing, we are dealing with a complex social phenomenon. Solo acts of disclosure in the public interest, whistleblowing is both pro-social and anti-social. It's good for society because it exposes wrongdoing and it gives a battery charge to tired old democracy, and it's good for our kids to see a few moral heroes up there with their sporting and movie icons.

Whistleblowing is anti-social because it erodes trust among work colleagues. We as a nation do not discriminate between whistleblowing and its ugly sister, dobbing. In our consciousness these are scrambled: we hate dobbers and we will continue to confuse them with whistleblowers for at least another generation.

So this official rush to be the whistleblower's best friend is coming to us at great social cost as we move from a work culture where no one would, or could disclose, to one where today's workmate could be tomorrow's informer.

This is exactly what will happen if the rather thin whistleblower protection debate gets a head of official steam. We will swing very quickly from under-protection to over-protection. From my reading of the ombudsman's report, the official view of whistleblowing is unmistakably naive. It does not seem to be able to get beyond protection of disclosers. If people need protection to dissent in the public interest in a democracy, then isn't there something radically wrong with the society? We are not yet asking the really hard questions about why 95 per cent of people won't report

wrongdoing. It's good to finally focus on that 5 per cent that do. But let's not forget about the 95 per cent that don't.

Other than its simplicity, the other worry I have about the ombudsman's new championing of the rights of whistleblowers is that she is advocating strategies long discredited in the whistleblower community - internal reporting and support strategies, and whistleblower protection legislation.

As I write this piece, I am gazing out over my dam where ducks are busy cleaning themselves and doing a fine job of it too. I suspect that if I went down there with a bucket and some Ajax, I might not so as good a job.

Large and complex power-driven organisations, such as the Australian Federal Police are not like ducks; they cannot clean themselves. They simply cannot wash out their own wrongdoing, nor scrub misconduct from their own work culture.

The ombudsman's endorsement of internally conceived and controlled practices and procedures for the reception of Federal Police disclosures is not acceptable given her access to evidence of how their procedures always work to the organisation's benefit. The ombudsman found that the Australian Federal Police's management had subjected police whistleblowers to various forms of psychiatric harassment. Good on her, but it's a bit late given that the pathologisation of dissent is a well-known management reprisal.

We have been getting reports for some time that the most dangerous person the whistleblower can meet at the internal stage of their disclosure is the management operative who slips into the discloser's "harbour" flying the friendly colours of care and concern. The trouble that such people cause whistleblowers is a scandal. Finally, the ombudsman has called for national whistleblower legislation. Since the first whistleblower law went on to the statute books in 1993, not one single whistleblower has used the law. Why is this so?

The answer is there in bright lights for all to see. There is simply no faith in the system. There is effectively an informal boycott of the existing whistleblower laws in Australia because those who disclose do not get a fair deal.

*Dr William de Maria is at the University of Queensland. His book **Deadly Disclosures: Whistleblowing and the Ethical Meltdown of Australia** is to be published by Wakefield Press this year.*

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## **Public servants fight for sanity: The teacher who lost her home after being labelled 'demented'**

**By Sue Williams, *Sun-Herald* (Sydney), 1 February 1998, p. 21.**

A primary schoolteacher who was forced to medically retire after being examined by psychologists retained by her employers has

been battling for seven months to prove there is nothing wrong with her.

Laurel O'Brien [O'Brien is not her real name. She has been advised that giving her name to the press would harm her case for reinstatement.], who was forced to sell her house and most of her possessions when she suddenly found herself on supporting parents' benefit, is considering suing for compensation.

She insisted on being referred to an independent psychiatrist, who she said did not find it necessary to examine her before finding she was not ill.

"Now I know how Russian dissidents felt when they were certified sane and released from institutions," she said.

"You start thinking 'Am I really insane? Perhaps I am demented'. It's very hard to dismiss it completely.

"But I've lost everything because of this. I've been forced to sell my house, last weekend I gave away all my furniture because I couldn't afford to store it, my kids have really suffered because we've been made nearly destitute and my reputation has been ruined."

Ms O'Brien, 44, is one of dozens of public sector workers who have been sent to HealthQuest - a unit of the Central Sydney Area Health Service which is part of the Department of Health - and assessed as not fit to continue work.

Among those certified as having psychiatric problems are staff who have previously criticised health and safety procedures at work, lodged complaints about management or co-workers, or blown the whistle on their departments.

Many consulted their own doctors and independent psychologists.

The Ombudsman is now making inquiries into complaints, the Citizens Commission on Human Rights - which was instrumental in exposing the Chelmsford cover-up - is looking into the situation, and the ICAC is also examining evidence supplied by some of the public servants stood down.

Ms O'Brien, a single mother of two children aged 9 and 10, has now applied to the Education Department for reinstatement after launching a State-wide campaign with everyone else affected, supported by Whistleblowers Australia, to have the relationship between the public sector employers and HealthQuest examined.

She said she thought the department had tried to replace highly-qualified teachers with cheap teachers right out of university.

No-one from HealthQuest was prepared to comment on the cases. A spokesperson from the NSW Department of Health said there were procedures for appeal through the Medical Appeals Panel. Each case was treated on its merits.

But Ms O'Brien has given heart to all the others - including teachers, a college storeman, a fire fighter, a police officer and a

variety of other public servants - battling to have their psychological verdicts overturned.

"We have won a huge victory," Ms O'Brien said.

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## Mind games

**Letter to the editor, *Sun-Herald* (Sydney), 1 February 1998, p. 50.**

There has been much ado about workers taking the occasional "sickie" and doctors co-operating in this. But what about the far more serious practice of employers sending perfectly well workers who have annoyed the boss in some way to psychiatrists who issue a "certificate of insanity" so workers may be sacked by "medical retirement"?

Since the unfair dismissal laws were passed, this has happened to hundreds of workers. This process has been used against workers who are whistleblowers, in particular. Once they are diagnosed by a government medical officer, no-one will ever employ them again. Some of the people I have contacted have been wrongly diagnosed with schizophrenia and paranoia.

The names of 15 such psychiatrists have been given to the Medical Board. So when is there going to be an investigation?

This behaviour by employers makes the occasional "sickie" look very insignificant.

Mrs Laura McNamara  
Woonona

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## HealthQuest

HealthQuest is an organisation that likes to operate in obscurity.

HealthQuest came to the notice of "Whistleblowers" as members trickled in over a period of time and quite a number of them had something in common, namely that they had been sent to HealthQuest by their employer for assessment. As a result of these so called assessments these people had been dismissed.

HealthQuest was getting away with this as these people were being picked off in isolation. `Whistleblowers' brought these people together and the need for action was expressed.

On Thursday the 11th of December a street demonstration was held outside the building that houses HealthQuest at 187 Thomas Street Haymarket. Fifteen people took part in the demonstration. Some were dressed as doctors complete with white coat and stethoscope. One young lady was dressed in an operating gown complete with surgical mask. All carried posters or placards with slogans such as "Dr Gapper Dodges Questions", "HealthQuest a Health Hazard", "Jackboot Bureaucracy", "Unethical Assessments" and many more.

One large self standing mock up of the HealthQuest building was displayed complete with slogans emanating from the windows.

Very effective use was made of a portable megaphone which was operated in relays to keep up a continuous tirade towards the HealthQuest building. Speakers pointed out that Dr Gapper had spoken at Parliament House two days earlier. She had been one of twelve speakers to address a seminar and was the only speaker who refused to take questions. The megaphone worked overtime pointing out that a theme running through the seminar that Dr Gapper had addressed had been openness, transparency and accountability in the Public Sector. The question asked and repeated by the demonstrators in loud volume was "Why had Dr Gapper chosen to be none of these things?" Our newly acquired in-house photographer was present and took some excellent snapshots that indicated the good humour and high morale of the demonstrators. Radio journalists from the ABC and 2UE were present and interviewed several people. Hundreds of leaflets were handed out to the general public and we were well received. No hostility was reported.

This was our first street demonstration and the feeling is onwards and upwards.

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## Chain reaction: Dobbing in the bad guys can have repercussions

By Alison Barclay, *Herald Sun* (Melbourne), 10 November 1997, p. 84 (extract)

The question is not what's in a name, but how much is it worth? When Katherine Thomson met one person whose name had been reduced to mud, they led her to another - and soon she had a bale of notes on people who had been besmirched, bulldozed and blacklisted. They all wanted one thing.

"To clear their names," says Thomson, who spoke to 30 such outcasts living uneasily in New South Wales, Victoria and Tasmania for her new play *Navigating*.

"They were prepared to lose everything, their houses, their marriages, to clear their names.

"I began very quietly to talk to a couple of people - and then people started to approach me.

"It was strange, because I was just a playwright with a commission from the Melbourne Theatre Company, not a journalist. I suppose they wanted their stories to be of some help."

Who were these netherworld figures? Not criminals, but decent people who, having noticed something not quite right about bank reports or council dealings, felt it was their duty to report it. So they did, and for that they were cast out.

Add some '90s-style grovelling to rich but dastardly corporations, and it's high-level paranoia. Why shoot the wrong-doer when it's easier to lynch the whistle-blower?

*Navigating's* whistle-blower is Bea (played by Jacki Weaver), a council worker in the coastal town of Dunbar, the site of a new private prison.



"I'm not necessarily criticising that community," Thomson says.

"There's an awful lot of food and an awful lot of concrete in a private prison that local businesses could supply.

"But they don't even know whether they'll get it or whether they'll be shafted. There's not unity in poverty, really."

Tipped off with sinister information, Bea makes a report. She thinks the authorities will look after her. They don't.

And that, Thomson found, is the usual fate of people who dare to stick their necks out.

"It's to discover that the systems are not in place to protect you," she says.

"These people are usually conservative, they have a strong belief in the system.

"But when you make a call in confidence to the equivalent of the Ombudsman's office, if you still have one, and the details are suddenly leaked back to your workplace and your phone is being monitored - it's disbelief.

"The problem is people think they are just doing their job."  
Navigating premiered in Brisbane and ran in Melbourne in November and December. It will be staged at the Sydney Opera House for five weeks beginning 24 July.

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## **Mad cow disease: industrial farming comes home to roost**

**By Sheldon Rampton and John Stauber, *CovertAction Quarterly*, No. 62, Fall 1997, pp. 54-63 (extract)**

In the US, the food industry is working overtime to enact British-style libel laws that make it easier to silence activists and journalists. Agribusiness has spent the past half decade introducing "food disparagement" laws into dozens of states and has gotten laws passed in 13: Alabama, Arizona, Colorado, Florida, Georgia, Idaho, Louisiana, Mississippi, North Dakota, Ohio, Oklahoma, South Dakota, and Texas. Nicknamed "banana laws" or "broccoli bills" by media, agricultural product disparagement laws were designed specifically and expressly to chill critics and protect industry profits by preventing people from expressing opinions that might discourage consumers from buying particular foods.

The scant media coverage of new laws has tended to trivialize the issues with cutesy wordplay and light-hearted commentary about "veggie hate crimes." "Mind how you disparage asparagus or berate broccoli," advised the headline in the *Los Angeles Times*. "Don't bad-mouth the Brussels sprout. It could cost you," quipped *USA Today*. But while the media chuckle smugly, the potential chilling effect and constitutional implications of the laws are largely ignored. Although the First Amendment states that "Congress shall make no law ... abridging the freedom of speech,

or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances," the new "agricultural product disparagement laws," are doing just that. They give the food industry the power to sue people who criticize their products, using standards of evidence which dramatically shift the "burden of proof" in favor of the industry. "In them, American agribusiness has its mightiest tool yet against food-safety activists and environmentalists, whose campaigns can cost industry millions if they affect consumers' buying habits," observes *Village Voice* reporter Thomas Goetz.

The first target of a lawsuit under the new legislation is Howard Lyman of the Humane Society of the US, who is being sued along with Oprah Winfrey for warning on the Oprah Show about the human dangers associated with Britain's epidemic of mad cow disease. The lawsuit against him, filed in 1996 by cattleman Paul Engler, states that Lyman's warning about mad cow disease "goes beyond all possible bounds of decency and is utterly intolerable in a civilized community." ...

"Agricultural disparagement statutes represent a legislative attempt to insulate an economic sector from criticism, and, in this respect, they may be strikingly successful in chilling the speech of anyone concerned about the food we eat," observes David Bederman, Associate Professor of Law at Emory University Law School. "The freedom of speech, always precious, becomes ever more so as the agricultural industries use previously untried methods as varied as exotic pesticides, growth hormones, radiation, and genetic engineering on our food supply. Scientists and consumer advocates must be able to express their legitimate concerns. The agricultural disparagement statutes quell just that type of speech. At bottom, any restriction on speech about the quality and safety of our food is dangerous, undemocratic, and unconstitutional."

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## Police lose sack rights

**By Norrie Ross, *Herald Sun* (Melbourne), 23 January 1998**

Police officers have no right to use unfair dismissal laws, a judge ruled yesterday in a case brought by sacked police whistleblower Karl Konrad.

Federal Court judge Shane Marshall said he had to follow a 1950s High Court ruling that a police constable was not an employee.

"I do so despite what, in my view, is the compelling logic to the contrary," Justice Marshall said. "However, that is a matter which can only be redressed in the High Court."

The judge threw out Mr Konrad's application to overturn the Industrial Relations Commission's refusal to hear his case for unfair dismissal.

The Police Association said it would look carefully at the ruling to protect its members' interests.

The police union is waiting for a ruling in a similar Federal Court case brought on behalf of an officer sacked as a result of an inquiry related to Mr Konrad's corruption allegations.

Association secretary Sen-Sgt Danny Walsh said it was early days but the union might have to fund a High Court challenge.

He said a decision made in the mid-1950s might need a modern interpretation and he was encouraged by Justice Marshall's comments.

"Police officers are employees," Sen-Sgt Walsh said. "Anyone can see they are employees. Justice Marshall could see they are employees."

Justice Marshall said the High Court, in a ruling upheld by the Privy Council, said a constable did not have a "master-servant" relationship with his employer.

A police officer was the holder of a public office in a state and bound by an oath to serve the Crown and uphold the law.

"I am bound to hold that Mr Konrad was not an employee of the state of Victoria when holding office as a probationary constable," Justice Marshall said.

Unfair dismissal legislation was only open to "employees", he said.

Outside court, Mr Konrad was disappointed but said he knew his case would be difficult because of a previous High Court decision.

"What this means is that corruption will be hidden in police forces right around the country," he said.

"Senior officers can make bogus reports about other officers and have them sacked and there would be absolutely no accountability."

Mr Konrad said corruption had been partially overlooked in all the legal action but a gap in accountability was at least highlighted.

He said it meant a Queensland-type situation could arise where a senior officer might say: "You're not part of this brotherhood system, let's get rid of you".

The man who blew the whistle on the police window-shutter scandal said he would probably take his case to the High Court and seek Police Association assistance.

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## Speaking out has heavy toll

**By Russell Robinson, *Sunday Herald Sun*, November 9, 1997**

A solicitor this week told of how becoming a whistleblower cost him his marriage, health and career, leaving him financially destitute.

"I have no home, no friends and no livelihood except for a disability support pension of \$427 a fortnight," he said.

On medication for stress-related illnesses, Wally Edwards, 52, has not worked for six years and was only recently discharged from bankruptcy. He spends his days in his cramped and cluttered St Kilda bedsit, for which he pays \$469 a month. This is the penalty for blowing the whistle on corruption - it takes over your life," he said.

Financially, it cost him \$250,000 in legal fees after a defamation action he launched four years ago failed. Professionally, he believes that until he clears his name he is incapable of working as a solicitor. It is a far cry from the 1980s when he worked for the State Government, where he says he helped draft the 1986 Road Traffic and Road Safety Act.

He traces the beginning of his downward spiral to late 1989 after becoming suspicious of alleged financial irregularities at an organisation where he worked part-time as company secretary. He said these involved \$43,000 allegedly missing from the organisation's advertising fund, as well as \$14,000 in funds allegedly embezzled between 1984 and 1990. The person he alleges was at the centre of these frauds was related to a high-ranking Victorian police officer. The officer has since left the force.

"After raising the alarm a number of things went on behind the scenes, which I later became aware of," Mr Edwards said. "A personal account I'd kept at a local bank was tampered with and the heading on top of the account authorisation card was obliterated, including the word personal. "I believe it was done to make it appear that I was fraudulently dealing with the organisation's funds. "But when the police questioned me I was able to prove that the money was income that I had earned from the organisation." He said two of the organisation's officers had taken their allegations against him to the Victoria Police, the Australian Federal Police and the Law Institute. "I was questioned by police but never charged," said the father of two.

In May 1991, he took out defamation proceedings against the two officers who had been taped by another officer telling a management meeting Mr Edwards was under police investigation for theft and fraud involving the organisation's funds. "The two had also gone to the Law Institute seeking the revocation of my practising certificate," he said.

Mr Edwards said the trial in the County Court lasted 17 days. "We lost the case and legal costs were awarded against me. This along with my own costs totalled \$250,000." The substantial legal costs were met by the sale of the family home in Albert Park, and about that time he was declared bankrupt.

Mr Edwards said in 1991, soon after he had launched the defamation proceedings, attempts were made to drive him from his university position. Mr Edwards said it involved a video, television and sound unit he had from an extraneous account comprising tuition fees. He said the equipment he bought from the funds was used for university work that he had been involved in for the university. "I was given the option of returning the equipment and resigning, or have the police prosecute me for theft of university equipment," he said. "I had a moral and legal right to use those funds."

With his world collapsing around him, Mr Edwards embarked on a campaign to clear his name and reveal the people he claims conspired against him. He stopped working and devoted his days to writing to the Deputy ombudsman (Police Complaints), the Chief Commissioner of Police and senior politicians. "I want the police or the ombudsman's office to investigate why my allegations (of police corruption) were not investigated in the first place, and why, if I'm not mistaken, was there a cover-up," he said.

Although never charged Mr Edwards says he will not rest until his name is cleared. A spokesman for Chief Commissioner Neil Comrie said this week an allegation against a senior officer was brought to the attention of police. "It was investigated and it was found to be unsubstantiated," he said. "It is now with the Ombudsman"

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## **Scientists call for whistleblowers' charter**

**By Sandra Goldbeck-Wood, *British Medical Journal*, Volume 315, November 15, 1997**

The British scientific community needs a statutory body to detect and prevent scientific fraud. This was the unanimous view of the Committee on Publication Ethics (COPE), which met in London last week. The meeting also called for a whistleblowers' charter to protect people who draw attention to fraud from victimisation.

Ian Kennedy, professor of medical law and ethics at King's College London, said that proper protection for whistleblowers was essential in detecting research fraud. Whistleblowers were often ignored, victimised, professionally ostracised, and labelled as pathological, he said.

Dr Frank Wells from Medicolegal Investigations, a private company that investigates cases of scientific fraud, described a case in which a research nurse was victimised after she complained about being asked to ignore the inclusion and exclusion criteria for a clinical trial. "Whistleblowers feel hugely vulnerable and need protection. We also need an independent body to investigate scientific dishonesty," said Dr Wells.

Cases of scientific or publication misconduct presented to the COPE meeting included forged signatures by researchers of patients giving informed consent to research; forged ethics committee approval; and forged signatures of coauthors. In some cases journals had published recognisable reports of patients without their consent or had simply rejected papers that editors believed to be fraudulent. In one case a professor had plagiarised research from 16 major journals to produce papers that he had then published in central European journals. "This is not just publication misconduct, this is serious scientific misconduct," said Dr Richard Horton, editor of the *Lancet*. Dr Horton said that Britain needed an organisation similar to the United States' Office of Research Integrity to investigate such cases.

Mr John Grant of the British Journal of Obstetrics and Gynaecology warned of the dangers of a "kangaroo court, where editors seek to be detectives, policemen, judges and juries." There is no formal body in Britain to prevent or investigate allegations of research misconduct, unlike in Denmark, which has a national committee for scientific dishonesty. This committee, like the United States' Office of Research Integrity, has independent experts, who investigate claims of scientific misconduct, and it can impose sanctions. COPE was set up in 1997 in response to examples of publication fraud that medical editors faced. Over 100 editors of medical journals from Britain, other European countries, and North America attended the meeting.

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## Whistleblowers' social contributions

By Karl H. Wolf, B.Sc., Ph.D., D.Sc.

***Whistleblowers*, by Quentin Dempster, 1997, ABC Books, Sydney, 251pp. \$16.95 (paperback), ISBN 0 7333 0504 0.**

Whistleblowers (abbreviated as WBs - note they are sceptics, mavericks, de-frauders, dissenters, debunkers, free thinkers, etc. - several personality types wrapped into one) are much undervalued, unappreciated individuals who have improved society! Yet, there are many circumstances where for obvious reasons outlined below WBs are not forthcoming; thus, easily-preventable disasters have occurred. The Thredbo landslide, killing eighteen people, is the most recent techno logical/scientific example! See comments in my article on 'neo-luddites' in The Skeptic issue of vol. 17, No. 3. Consequently, the book by Dempster is indeed very welcome. He provides an excellent account of the lone and obsessive - even heroic - battles, motivations, confrontations, and ramifications involved in exposing corruption, neglect, incompetence, among others, by utilising eleven specific cases. The following will provide a brief outline of each chapter.

1. 'Westpac's tactics'. The foreign-currency-loan scams by several banks were exposed by WBs, as evidenced by legal disputes and tactics by the banks and borrowers. Even 'media battles' were involved.
2. 'Lead pollution dispute' in Sydney was headed by a housewife concerned about the effects (e.g. intellectual impairment) of lead poisoning especially in her child. Battles with ineffective pollution control authorities (who had/have unequivocal scientific information) forced her to become an urban activist and WB! She then expanded her campaign Australia-wide; even getting worldwide feedback via the Internet.
3. 'Civil Aviation dilemma'. Another women, a senior official within the Civil Aviation, exposed a 'mentality of cover-up and damage-control in a regulator whose primary duty was to guard the safety of travellers'.
4. 'Incompatible with company objectives' deals with conflicting attitudes on environmental issues within BHP. When a highly qualified employee (even with a Ph.D., no

less) many times warned BHP 'superiors' of massive fuel leaks and was allegedly prevented from fixing the situation, he had to turn WB.

5. 'Dereliction of duty' outlines the Australian Shipping Line (ANL) problems. Political and bureaucratic incompetence wrecked the value of the national shipping line when buyers' offers were sought by the Federal Government. A WB exposed the sorry affair.
6. Maritime safety vs BHP Petroleum; the latter running an oil-processing ship that could have blown up with loss of life and property. That too had to be brought to public attention.
7. This chapter deliberates 'The courage of whistleblowers', offering an analysis of case histories; of organisational cultures resulting in deleterious situations; the urgent need for WB protection legislation; and psychological pseudodynamics. Preferably, this section could have served either as an 'Evaluative Introduction' or as a 'Conclusion'. In any case, the information is indeed most valuable! If you don't read all chapters, this one is a must! More below.
8. 'Premeditated deception' describes the 'implausible, incredible' battle of a laboratory assistant who uncovered a scientific (medical-experimental) fraud allegedly perpetrated by the world-renowned Thalidomide-calamity discoverer.
9. 'Free speech case in Darwin' deals with the medical Dr. Phil Nitschke (described as a young, irreverent person - if we only had more such highly intelligent ones!), who has had a worthwhile cause to fight even before his recent battle regarding euthanasia! Problem in Darwin: 'lack of preparation for nuclear accidents'.
10. 'The man who saved the bank' is concerned with prudential standards, alerting the State's political masters to a bank out of control, and the Premier's intervention. The Tasman Bank may have been saved from 'bankruptcy', but others on the mainland were not.
11. Finally, 11. 'A law unto themselves' discusses 'regulatory capture', failure to enforce their own legislation on mining industry, and government inconsistency (sounds all too familiar!). The WB's 'experience is indicative of the contempt which can be shown by a regulatory regime to laws enacted by Parliament; they opted for rhetorical and empty assurances instead! Within the State and Federal Governments more WBs are needed, as indicated by umpteen recent frauds and the like.

Purposively, I have not referred above to the traumas of the WBs, as each had to put up with slightly different repercussions that affected them and their families personally and professionally. Let me provide a generalized overview of these effects extracted from the chapters, for they are very important indeed, as anyone contemplating to WB must learn from the horrifying - potentially soul-, mind-, and body-destroying - experiences of past WBs. Space-restraints permit only a list (hopefully self-explanatory) without further elaboration: loss of job for most, sometimes demoted (only!), with low future employability; robbed of accumulated work entitlements; ostracised and subject to contempt; charged with disloyalty; family break-up, divorce, loss of most of private property (e.g. house); exposed to patronising, manipulative, cheating, lying bureaucracy or management - getting

the 'run around' up to several years; 'officials' examining the case 'mislaid' or 'lost' or destroyed documents (I have had similar experiences in a university and Public Service), denying their existence in the first place; personal smears on or assassination of character; accusations of immoral and unethical behaviour as well as incompetence and unprofessionalism; loss of hope and idealism; loss of trust and hope in society, including science, for instance; blackguarded as 'mad', 'needs to be counselled or under psychiatrist', with 'bee in the bonnet', 'difficult to work with', 'argumentative', 'disrespectful'; denigrated by whispering campaign; and so forth - the book is full of such disasters!

All this mental and physical barrage led to the WBs facing lawsuits, psychiatric or medical referral, alcohol abuse; attempted or successful suicide, bankruptcy - in addition to the already mentioned loss of jobs, families, and homes. Yet to be quite certain: Dempster is making a superb case in behalf of the WBs: they 'are not losers, but winners'; 'through personal courage, sacrifice and hardship it is we, the rest of society, who also win'; 'they have around the world established support groups who deserve public support and recognition' - and protection by law; 'WBs have a unique place in society and history as they are agents of change to the better against sometimes overwhelming powerful forces'; 'without them we would not be informed about what really goes on in our sometimes very uncivilised world'; 'without them we would be lost to the barbarity of market forces, of political expediency, or damage control, of cover-up, of institutional/corporate lying and mediocracy'; and so forth. Incompetence on all levels of society is rampant! Bravery-awards are needed for WBs. Congratulations Quentin - we need more investigative journalists like you! Let's hope that there will be some to 'uncover' the reasons for the Thredbo catastrophe, for instance!

Just a few remarks in conclusion. WB seems to be a recently-coined expression, as evidenced by many WBs who only met this term when they started to expose some wrong-doing! Yet, WBs have been around for many years (some historian may wish to research this phenomenon back into antiquity; spies and whistleblowers existed since the Garden of Eden)! The earlier civilizations indeed had WBs as reported in the Encyclopedia described below! One famous book based on WB-style research is that by the late biologist Rachel Carson (1962) 'Silent Spring', exposing the worldwide deleterious (here is a weak, almost euphemistic, name - considering the penetrating destruction!) effects of pesticides. Dempster mentions a few others: Frank Serpico who exposed the NY's police corruption (you must see the film about this!); Karen Silkwood, killed in a 'mysterious' car accident on her way to provide a journalist with evidence of falsified nuclear safety records (another film to see); among others. Let me add a few references to Australian books and articles that could be easily seen as WB-products: Martin B et al. (Editors) 1986. Intellectual Suppression--Australian Case Histories, Analysis and Responses, Angus & Robertson; Pollak M 1990. Sense & Censorship: Violence in Australia. Reed Books P/L; Pullan R 1994. Guilty Secrets: Free Speech & Defamation in Australia. Pascal Press; Wolf KH 1993. The Ubiquity of Dishonesty, Parts I to IV. AGSO News (Canberra, ACT), Nos 93/5, 93/6, 93/08, 93/10; Wolf



KH 1995. Where lies the scientists' responsibility and loyalty--a little, gentle, whistleblowing. The Australian Geologist Newsletter No. 95, 7-8; and Wolf KH 1996. Rocks to Riches: The Story of Australia's National Geological Survey (review 2). Book-review in: The Australian Geologist Newsletter No. 100, 45-46.

Dempster could well have provided a list of social contexts or environments where more 'whistleblowing' in the past would have resulted in improving deleterious situations in universities, for instance. Just one extreme example of research-fraud perpetuated over years that led to murder because a whistleblower was ignored! One professor shot dead four of his colleagues as for years he was unsuccessful in exposing corruption - no-one paid attention. He said killing was the only way to finally get results. See 'Concordia's Trials' and 'Death in a classroom', in Canada's McClean Magazine, Sept. 7 and Nov. 9, 1992. His motto, no doubt was 'beware the fury of a patient man' by John Dryden!

There are so many human-concocted problems worldwide that even the Indexes of an Encyclopedia list hundreds of deleterious situations where whistleblowing could be conducive! Thus, consult: Encyclopedia of World Problems & Human Potential; vol. 1. World Problems; vol. 2. Human Potential--Transformation & Values; and vol. 3. Actions--Strategies--Solutions; edited by Union of International Associations, Brussels, Belgium. 'Whistleblowing' (including their harassment!), 'Skepticism', and the likes, are cross-referenced several times in the Indexes. A database for every professional of any discipline, independent of aspirations, who wishes to 'clean the world up'! More whistleblowers, are required! Every employment contract ought to request total honesty and the duty to report fraud, etc.

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## **The public sector: possible solutions**

**By Richard Blake, Committee Member, NSW Branch**

### **Introduction**

This is the promised but belated follow-up to my "The Public Sector: The Basic Problems", which was published as a flyer with the Feb. '96 issue of "The Whistle".

I suggested these problems were:

1. The psychology of the average public servant, which is motivated to preserve stability, conformity and self-interest at the expense of truth and justice,
2. The psychology of the average politician, ditto, and I should also have said they usually have to turn a blind eye to public servants' sins because they are so dependent on them,
3. The political system, which lures people into believing that the availability of the ballot box justifies all abuses of power,
4. The psychology of the public at large, because so many people are dishonest, and have a need for all public servants

- to be even worse so that they don't feel so bad,
5. Black holes, i.e. investigative agencies such as corruption commissions and offices of the Ombudsman, because they are staffed by public servants,
  6. Unions, because whistleblowing is something above and beyond the call of duty, and this is anathema to them, and I should also have said it is an extra problem when the WB blows the whistle on another union member.

I believe that any public servant who at any time perceives that any member of the public is at imminent risk of grievous harm or death by the actions or inaction of any public servant(s) has a fundamental right, if not obligation, to do whatever he/she can without delay to restore safety to that person. This includes going direct to the media. The purpose of this article is to seek solutions for public servant WBs where there is no such imminent risk.

I can think of two. One is to try to institute investigative agencies that work instead of being black holes. The other, which I favour, is a system whereby WBs would bypass all agencies and take their disclosures formally to the minister and then to parliament.

## **Investigative agencies**

One might hope that agencies (internal or external to departments) specifically for investigating WBs' disclosures would be more help than ones meant to cover malpractice advised from all sources. For, even if the whole staff of such an agency hated WBs, they would presumably be constrained by having to make a statistical return, which, if it said "WBs assisted: zero", would get them into trouble!

I have not heard of any such statistics, good or bad, in NSW. Maybe there are not any; maybe my research falls short. Certainly internal procedures in NSW departments to help WBs are few and far between, let alone special units/branches for this purpose. As for the three external agencies (ICAC, Ombudsman, Auditor-General), as far as I know none of them have set up their databases so that statistics specific to internal WBs can be produced. ICAC have just produced a report including results of a survey of people who have made protected disclosures to them, but it does not include any revelations about this.

The setting up of special units within departments, and the subdivision of the external agencies, would be steps forward. However, the lack of total independence of any such resulting sub-entity will always make its reports open to suspicion.

Agencies which are external both to departments and to other agencies are therefore probably the only ones with a chance of earning our trust. WBA's policy is to lobby (Australia-wide) for public interest disclosure agencies (PIDAs), as recommended for Federal administration by the Senate Select Committee in 1994, to give maximum-focus help to WBs. That Committee mooted the PIDAs as monitoring rather than investigative, but I think this is reasonable, at least as a starting position.

Even PIDAs will be capable of performing negatively, while still producing attractive statistics. Further constraints are needed.

General public representation on them could be the answer.

But, who would choose these representatives? The final choice would have to be with the government; and, considering also that these people would usually have to be paid, I fear that some of them might have, or develop, unhelpful motivations.

This risk might be lessened if the government offered general public places on PIDAs to organisations like WBA, which the public have some confidence in. Even that scenario is fraught with problems, but it is probably worth trying for.

## **Disclosures to Minister and Parliament**

The system I suggest is that the public servant would refer the disclosure, if not satisfactorily dealt with within the department, to the minister; then, if the minister does not help, would make a formal communication to parliament.

The rationale behind this is:

1. When any public servant accuses another of corruption, waste or maladministration and cannot get satisfaction through normal departmental procedures, the minister needs to become involved as the public interest is then likely to be considerably at risk,
2. Where such WB takes the matter to the minister and the minister then fails to act properly to solve the problem, the WB can then reasonably hold the minister as responsible for it as the original perpetrator(s),
3. The WB is then in dispute with the minister,
4. A public servant being in dispute with a minister is a situation where the public interest certainly is at risk, so the logical thing to do is to refer it to the body of people representing the public, i.e parliament,
5. The availability of this process would transform whistleblowing into an essential part of the machinery of parliamentary democracy, which at the moment, regrettably, it is seldom allowed to be.

A caveat: we need to remember that the government, which includes the minister, has the right to make policy; and the correct constraint on policy is not whistleblowing but the ballot box and public discourse. We would therefore have to make sure that disputes purely about policy were excluded from the process. (Public servants disagreeing with policy should have their opinions respected, and be given the right, where possible, to transfer to work where they have no such disagreement.) A rare exception would be where the policy seemed flawed, by contravening law or the Constitution, or conflicting with other current policy: this should be a legitimate whistleblowing situation.

The WB should go through due process, giving superior officers a reasonable chance and time to address the problem, before going to the minister. However, we should resist rules which make WBs work their way up the whole chain of command: an approach to one, or perhaps two, superior officers is enough. I am looking for justice for the public, and justice delayed is justice denied.

The minister should also be given a reasonable time to address the problem.

I think the types of reasons for a "dispute with the minister" in the eyes of the WB should be classified, and stated by the WB in documents, as where the minister is, seriously and significantly:

- (a) failing to fulfil policy or
- (b) acting against the policy of his/her portfolio or
- (c) acting against the policy of another portfolio or
- (d) acting against law, regulation or the Constitution

The form of communication when the disclosure goes to parliament is something I have not yet worked out. Federally, at least, citizens can petition parliament, but I do not know if a sole person can do this. If not, a letter to the speaker or leader of a house (or both houses) would be needed. The minimum initial procedure we should accept in parliament would be for placement of the communication on an interior notice board for all members to see, and the name of the minister published in Hansard. The other extreme would be for it, or a summary of it, to be read out in the house and the whole of it incorporated in Hansard. Somewhere between these two would be reasonable.

The MPs would then have various options. They could ask questions in the house. They could set up a committee. They could refer the matter to a "black hole", and it might have a chance there with the extra pressure. Admittedly they could all do nothing, but I think that then the whole of it should go into Hansard, and thereby into the public domain, after a set time, if this had not been the procedure at first.

Meanwhile, what happens to the WB? Perhaps he/she would have to step down. Perhaps on full pay.

It is problematical whether such a system would achieve immediate victories. However, each minister would surely fear having a high count of disputes, and this might motivate them all to start genuinely trying to solve problems within their departments, and even to prevent them happening in the first place. With this long-term hope at least, the system may be worth trying for.

## **Conclusion**

I suggest WBA keep going for PIDAs, but also seriously consider the system of "dispute with the minister" and referral to parliament.

If anyone wishes to contribute any advice, suggestions, or criticisms, please write to The Whistle or to me c/o WBA.

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## **Comment on the December issue**

I refer to the Jan ter Horst case published under "Articles and reports" in the December issue of The Whistle. While I commend

the writer and all the efforts put into the article, I find it hard to accept that it would be of any benefit to whistleblowers, or even highlights the victimisation that whistleblowers are subjected to.

The article "Who killed Bill Roy?" is also rather ambiguous as to what stand Bill Roy took with respect to the Telecom Tower in Canberra. It appears the purpose of the article is to encourage those who have any information about the demise of Bill Roy to come forward with what they know.

The whistleblowers in our midst are suffering tremendous oppression, and I would like to encourage more whistleblowers to publish their stories, and how they tackled their own situations.

Could I canvass the opinions of the membership as to whether The Whistle should carry all articles of interest, or whether the editor should favour those articles that will be of some direct benefit to whistleblowers and those who support the cause of whistleblowing?

Feliks Perera

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## **Police corruption**

We refer to comments by NSW Premier Bob Carr in December 1997 to the effect that Police corruption in Victoria is as bad as that in NSW before the Wood Royal Commission, as well as comments reported in the media by Victorian Premier Jeff Kennett and his Police Commissioner, Neil Comrie, that there is no evidence of this.

We would like to draw readers' attention to the fact that evidence of corruption in the Victorian Police force is now so overwhelming that it is beyond doubt, making Carr's comments not only accurate but, if anything, an understatement.

In 1995 a book documenting massive corruption in the Victoria Police (The Hoser Files - The Fight Against Entrenched Official Corruption) was published. In spite of the fact that the book was unlawfully removed from bookshops it managed to sell out its first 6,000 copy print run. The official Victorian government response here was to ignore the book and its contents, even though the author won all government initiated defamation cases (three of which went to court), noting that truth was the primary defence. More alarmingly, the Victorian media also forcibly banned reporting on the book, even though one would have thought they would have jumped at the opportunity. However in recent times several journalists have taken content from the book and reported it as the results of their own 'investigations', while other papers including some Sydney based papers have referred to the book directly.

The author was also improperly convicted in 1988 as a result of his efforts to fight corruption in the Victoria Police. The conviction was finally overturned after the police informant admitted to paying off the magistrate to secure the guilty verdict. Although the

magistrate resigned after it became known he'd been bribed, the policeman remains in the force.

The official sanctioning of police corruption in Victoria appears to go all the way to the top. The State Ombudsman, Barry Perry, has repeatedly refused to name police officers remaining within the force who sexually molested women when stationed at Maryborough in country Victoria, while Commissioner Neil Comrie was identified in a senate inquiry as sabotaging a corruption inquiry (in Queensland) before he was appointed Victorian Police Commissioner.

Premier Kennett can be counted upon to be the most vocal supporter of his police force. On several occasions he has been identified by police as having conducted potentially unlawful activity, but at all times has avoided being charged. Included are:

- 1993, sell liquor without licence;
- 29 May 1996, assault journalists by shoveling dirt on them saying 'Which will be the first to charge me with assault';
- January 3, 1996, caught driving at 143 km in a 100 km zone;
- December 1995, confirmed his children had been consuming illegal drugs; and
- other matters worthy of further inquiry.

Furthermore a litany of Victorian Police corruption and misconduct has been documented on the internet site <http://www.smuggled.com>. Therefore it can be safely assumed that Jeff Kennett and his Police Commissioner have only failed to see any evidence of police corruption because they have deliberately chosen not to look. Most other law abiding Victorians as well as the honest police with nothing to hide or fear welcome the opportunity for an independent inquiry into our state's police force.

Raymond Hoser (and several others)  
PO Box 599  
Doncaster  
Victoria 3108  
fax: (03) 98574664  
mobile: 018 588 699.

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## **Silence as Part of Settlements**

I have not been in the unfortunate position myself of having to agree to a settlement occasioned by loss of employment occasioned by reprisals occasioned by whistleblowing. But I have heard that when this has happened to other people, the employer has sometimes demanded that they agree to stop exposing problems. How much of the problems, and for how long, and in what circumstances for each case, I do not know: it's a bit embarrassing asking my fellow members about these things. But some of them have apparently had to agree to at least some degree of silence in order to get the money they needed for getting on with their lives.

I am in no way criticising them: the settlement each time was after long drawn out and distressing negotiations and the silence

stipulation imposed by the employer was clearly unconscionable. Also, I don't know if they kept to it anyway.

However, our constitution does say that one of our main purposes is the exposure of corruption etc. So, if anyone negotiating a settlement comes to us for assistance in the future, I think we should take note of what has happened in the past and should feel obliged to discourage acceptance of any condition in a settlement which would unreasonably prevent the WB continuing with the exposure.

Other points I suggest need to be thought about:

1. If there is an implied right of free speech in the Australian Constitution, can one legally sign away one's right to it anyway?
2. If one does agree to silence with no intention of complying with the condition, on the grounds that it is either unconstitutional or unconscionable, and therefore legally unenforceable, is one's own position then unconscionable?
3. Can the offer of a settlement on condition of silence be bribery; and can seeking it be extortion?

I suggest that it be our practice to counsel WBs not to accept any condition of silence if that silence would be against the interests of the public, or of the shareholders if any, or of any other innocent party.

Richard Blake

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## **Support for Members' Cases**

WBA's constitution states that it is our general purpose to "support" WBs and does not put any restriction on how we do this.

It appears to be our present custom to give official, written, support for members' cases only when they have already been accepted as having at least some validity by either the media or a public authority. When this happens we often push for further inquiries.

To me, the positives of this position appear to be:

1. It is, generally speaking, safe,
2. It encourages members to get their cases to a stage, by their own efforts, where some powerful agency is helping them, rather than relying on us, who are less powerful,
3. It is may be a more profitable use of office-bearers' time to get on bandwagons that are already rolling.

And the negatives:

1. We may look weak by seeming to trust the judgement of others more highly than our own,
2. Some members may feel that if you are lucky you get more lucky, but if you are unlucky, too bad.

I would like to suggest a minimalist increase in our practice. I think we should be prepared to write a support letter to the appropriate authority, strongly suggesting further investigations, on behalf of any member who requests this and who (1) has been a member for at least six months, (2) has tried for at least a year without success to get justice, and (3) has had documentary evidence of the case accepted as valid by the branch committee.

If we were rebuffed (most likely) an option might then be, if the member wished, to give the matter some publicity, without too much detail, in *The Whistle*.

I have suggested my idea (excluding the bit about *The Whistle*) before to various members and two objections have been: (1) who will do the work? and (2) members may fight about who is next on the list. However, these are only administrative matters, and one could say similar things with regard to many of our current activities. They should not stop us stating, if we agree, that the idea is good in principle, and that branches might reasonably consider taking it up when they feel the time is ripe.

Richard Blake

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## **Extracts from the draft minutes of the Whistleblowers Australia national committee meeting, Sydney, 10-11 January 1998**

For the information of members, extracts from the draft minutes are reproduced here; some portions of the minutes are omitted or summarised. The full minutes will be tabled at the next national committee meeting for approval.

Present: Cynthia Kardell, Jean Lennane, Brian Martin (chair and minutes), Greg McMahon, Feliks Perera, Rachael Westwood, Grahame Wilson.

All decisions, as recorded below, were made unanimously.

### **The Whistle**

The following formal procedure for selecting the editor and dealing with disputes and complaints concerning *The Whistle* was approved.

- The editor is appointed by the national committee. The term of office is one year, which is renewable. Only by a "special resolution" of the national committee (3/4 majority) can an editor be removed before the end of the term. At least three issues of *The Whistle* are expected to be published per year.
- By agreement with the editor, there can be "consulting editors" with responsibility for specific functions, such as "Media Watch" or letters.



- A "production editor" is in charge of production. This person is appointed by the national committee after consultation with the editor.
- An editorial board is appointed by the national committee. It serves as a channel of appeal for disgruntled contributors and a forum for advice for the editor. For example, if the editor is unsure whether to publish a particular article or to pursue a certain general theme, board members can be consulted for their opinion. The editor retains ultimate decision-making power. The national committee may take into account significant or repeated flouting of board advice in considering whether to extend or terminate an editor's appointment. The editorial board should be no more than 3 people.
- The national committee will assign the responsibility of distribution to a member or members (which could be a branch).

## **Whistle appointments for 1998**

- Editor: Brian Martin
- Production: Patrick Macalister
- Editorial Board: Bill De Maria, Rachael Westwood, Evan Whitton [to be confirmed]
- Distribution: NSW branch.

## **WBA elections**

Due to geography, many members will be unable to physically attend WBA's annual general meeting wherever it is held. The possibility of proxies may appear to overcome this problem to some extent, but it can tend to lead to a process of getting the numbers rather than addressing the issues. One way to overcome some of these problems is to replace elections of national committee members at the AGM by a postal ballot. Candidates would put in their nominations by a certain date, along with a statement about themselves. The returning officer--someone who is not running for office--would send ballots and information sheets to all members, and count the marked ballots. There can be additional scrutineers as well. The committee endorsed changing the constitution to this effect. A special resolution (requiring 3/4 majority to pass) will be circulated to all members in a forthcoming Whistle and subsequently put to the 1998 annual general meeting.

## **Policy on documents**

According to WBA's constitution, "the public officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the association" (section 41) and "The records, books and other document of the association shall be open to inspection free of charge, by a member of the association at any reasonable hour" (section 42). The committee agreed to establish a position of record keeper. This person can be the public officer or someone delegated by the public officer to maintain and control the records. The records should be kept in an easily accessible place; access to the records can be arranged or approved by the record keeper.

Items to go in records	Responsibility for depositing items
Media releases(on WBA letterhead)	Writer of release
Minutes of meetings	Minute taker
Letters on WBA letterhead	Sender
Documents requested to be filed	Requester
Formal financial statement	Treasurer
Formal business correspondence received	Secretary

Confidential information and general correspondence and notices are not regarded as part of the formal records of the organisation. (Vince Neary, WBA's public officer, subsequently agreed to be record keeper.)

## Whistleblower cases of national significance

1. WBA will identify and publish a list of whistleblower cases of national significance.
2. The criteria that a case must meet to qualify for identification as a case of national significance are:
  - There must exist one or more recommendations from a state or federal public authority or an investigation/inquiry authorised by a state/commonwealth public authority that has found that prima facie evidence exists as to the wrongdoing disclosed by the whistleblower and/or reprisals against the whistleblower.
  - The issues of wrongdoing and/or reprisals highlighted by the recommendations of the public authority or by an investigation/inquiry by the same public authority are of principal concern to the reform of legislation pertaining to the protection of whistleblowers.
  - The case has not been properly resolved.
3. The processes for the acceptance by the national committee of a case as a case of national significance be:
  - Each case be nominated by a branch of WBA or by the Whistleblowers Action Group.
  - The nomination be accompanied by:
    - (a) documentary evidence as to the recommendation from a state/commonwealth public authority;
    - (b) reasons as to why the issues involved are of principal concern to reform of legislation pertaining to the protection of whistleblowers;
    - (c) written permission from the whistleblower or whistleblowers concerned for the case to be nominated;

(d) a copy of the minutes of the meeting of the branch both passing a motion that the case be so nominated and confirming those minutes, showing attendees and detailed description of the discussion of motions approving the nomination and confirming the minutes.

The national committee can submit the nomination for comment to officers of WBA or nonmembers as it sees fit prior to deciding on the case.

The national committee decides and provides the WBA branch or WAG and the whistleblower(s) with reasons for all decisions.

The national committee is not to decide nor is the decision to be taken as a finding that the whistleblower's case is proved. The decision is and is to be taken as a finding that a prima facie case has been established deserving of further investigation by appropriate public authorities before the case can be considered as properly resolved.

A favourable decision by the national committee is not and is not to be taken as a decision to provide resources in support of the particular case.

The national committee from year to year will nominate key cases from the list of cases of national significance relevant to the particular campaigns of focus for the national committee in that year.

## **Disputes**

Disputes between individual members of WBA are not the formal concern of WBA unless they bring WBA into disrepute. Members may request that the committee invoke section 13 of the constitution ("disciplining of members").

## **Ground rules for meetings with organisations which may act against the interests of whistleblowers**

- Meetings should be with the most senior person in the organisation.
- At least two people from WBA should attend, including one victim.
- The meeting should be well publicised within WBA both beforehand and afterwards.
- No media releases should be allowed without the permission of all involved.
- Meetings should normally be a one-off occurrence.
- If a whistleblower is victimised by the organisation, all meetings should be called off.

## **Support for individuals**

The committee reasserted its position that it cannot endorse claims or actions by individual whistleblowers but it can support cases as worthy of investigation.

## **Approval of expenditures**

Expenses to be paid by WBA (aside from expenses for The Whistle and returns to branches, which have been approved separately) should be approved before they are made. Claims will be considered by a subcommittee consisting of the president (or, if unavailable or inappropriate, the senior vice-president) and two other members of the committee who are not making claims.

## **Signatories**

The signatories to WBA's bank account are to be Feliks Perera (treasurer), Brian Martin (president) and Greg McMahon (national director), any two to sign.

## **Minutes**

Draft minutes of general meetings, and portions of draft minutes of national committee meetings that are of general interest, should be made available to members as soon as practicable. If published in The Whistle, the level of detail provided in draft minutes is a matter for judgement by the editor, with guidance if necessary from the editorial board and members of the national committee.

## **Membership fees**

The joining fee was reduced from \$5 to nothing. The annual fee was increased from \$20 to \$25 and a new sustaining membership of \$50 was introduced. Separate subscriptions to The Whistle are \$25.

## **Changes in the committee (including those confirmed after the meeting)**

Resignations from the committee have been received from Isla MacGregor (junior vice president), Anne Turner (treasurer), Lesley Pinson (secretary) and Matilda Bawden (national director). The committee expressed its heartfelt thanks to each of them for their considerable contributions as committee members. The committee appointed the following members to fill casual vacancies:

- Christina Schwerin, junior vicepresident
- Feliks Perera, treasurer
- Rachael Westwood, secretary
- Greg McMahon, national director
- Rodney Belchamber, member
- Lesley Pinson, member.

## **Expectations of national committee members**

Each year, each member of the national committee is expected to be involved in at least two networking conversations with each other committee member. Each member of the national committee is expected to take responsibility for coordination of at least one subcommittee involving an issue or task with national dimensions, with the possible exception of members whose positions (such as

treasurer and president) normally involve such coordination within WBA. Each member of the national committee should, each year, do a course or workshop on group dynamics, interpersonal skills, conflict resolution or a related topic, recognising that this form of personal development is also to the benefit of WBA.

## **New subcommittees**

Several new subcommittees were established, with particular members as contacts or coordinators:

- Building industry disputes (Cynthia Kardell)
  - Communications (Grahame Wilson)
  - Key cases (Greg McMahon)
  - Legislation (Greg McMahon)
  - Outreach (Rachael Westwood)
  - Paedophilia (Jean Lennane)
  - Police (Jean Lennane)
  - Public funding (Greg McMahon)
  - Workers' compensation & psychiatry (Cynthia Kardell).
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## **Whistleblowers Australia: regional contacts**

### **New South Wales**

"Sharing and caring" meetings are held every Tuesday commencing at 7.30pm at the Presbyterian Church Hall, Campbell Street, Balmain.

Contact: Cynthia Kardell, ph/fax 02-9484 6895

- *Goulburn*: contact: Rob Cumming, 018-483155
- *Wollongong*: contact: Brian Martin, 02-4221 3763

### **Queensland**

Whistleblowers Action Group contact:  
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