"All that is needed for evil to prosper is for people of good will to do nothing"—Edmund Burke

The Whistle

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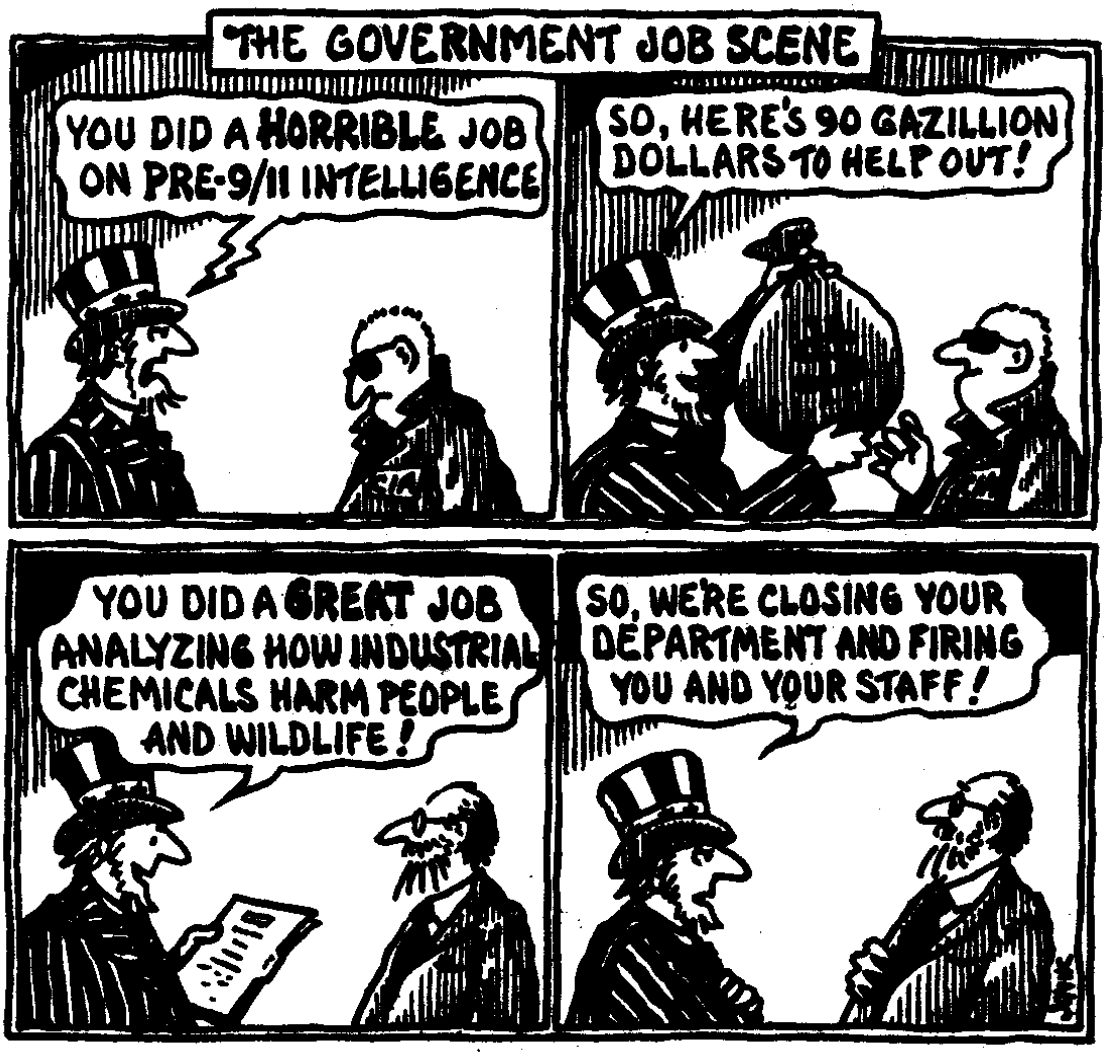
Newsletter of Whistleblowers Australia



Media watch

Charity loser in appeal — win for whistleblower

Tuck Thompson
Courier-Mail, 3 September 2007, p. 17

AN Endeavour Foundation whistleblower has won his appeal for compensation from WorkCover and Q-Comp following a decision by the Queensland Industrial Relations Commission.

Commission vice-president Diane Linnane found Patrick O'Brien was psychologically injured by Endeavour managers after raising allegations of client abuse in 2002.

Mr O'Brien, an ex-assistant support worker at Endeavour's Waterford West residential unit, said he was vilified by supervisors after reporting allegations of abuse of residents at the Kingston adult training support service day care centre in 2002.

The centre managers quarrelled with him, refused to meet and held meetings without him at which he was smeared, he said.

Endeavour engaged a former long-term Endeavour employee to investigate the abuse allegations.

Ms Linnane described the investigation, the report from which was highly critical of Mr O'Brien, as "seriously flawed."

Consulting psychologist Bradley Johnson told the commission it appeared Mr O'Brien's depressive disorder was due to being "the target of whistleblower reprisals and unfair management practices."

"Mr O'Brien's passion for the rights of the disabled may, at times, have clouded his judgment and his behaviour could conceivably have exacerbated the workplace situation," he said.

"Nevertheless in my opinion, anyone subjected to the type of intimidation and threats as Mr O'Brien is likely to have developed similar symptoms."

Q-Comp has 28 days to appeal the decision, but would not do so, a spokeswoman said.

Officials with the Endeavour Foundation, which did not intervene in the appeal, said the allegations of verbal and physical abuse against the clients were never substantiated.

Endeavour corporate services manager Chris Elston said new management systems had been implemented over the past four years.

Whistleblower legislation

Stateline Queensland, 29 June 2007

JOHN TAYLOR: Earlier today I spoke to the Premier about strengthening Queensland's whistleblower laws.

Premier Peter Beattie, thanks for joining Stateline. Are you concerned that whistleblowers in Queensland still aren't adequately protected?

PETER BEATTIE: No, I'm not because they are. We have a system now where any whistleblower can go to their department or their MP at any time, no time restrictions of three months or six months as it is in News South Wales, have their complaint heard and dealt with. We've got a CMC [Crime and Misconduct Commission] that will take complaints about misconduct from anyone at any time. We've got a health commission, which does exactly the same thing. It's a rights commission for people.

Now, you've got to remember, our track record on this is very clear. When Toni Hoffman, and I sent her clear messages when the Bundaberg inquiry was on, she was worried. I told Toni she had my personal protection that she knows that. We've set up these inquiries that produce these results. We've been transparent and we've got a good system to protect people but we also need to remember we have to protect the rights of innocent people too. This is a balance to protect both those against whom false allegations are made but also to take serious genuine complaints.

JOHN TAYLOR: But how are potentially good whistleblowers suppose to interpret concerns by, for instance, Dr AJ Brown who's heading a task force reviewing all national whistleblower legislation who says he still has concerns about their protection under the Queensland legislation.

PETER BEATTIE: Very simply I just say to him nowhere else in Australia do you have a standing royal commission the CMC. There's also a health complaints system in place, a commission we've established, but finally, if people aren't happy they can go to any member of parliament, on all sides of politics, just not Labor, Liberal, National Party and they can get up and raise it in the parliament without any restriction.

JOHN TAYLOR: Queensland Premier Peter Beattie, thanks for your time.

PETER BEATTIE: Thank you for having me.

Whistleblowers

Stateline Queensland, 29 June 2007

JOHN TAYLOR: The Bundaberg Hospital Crisis was back in the headlines this week with unconfirmed reports the extradition of Dr Jayant Patel has been approved.

The crisis was triggered off by a whistleblower who risked criminal charges to speak out. She was protected by the Premier but others haven't been so lucky.

Over the last week three national whistleblower related cases have resulted in fines or sentences. In Queensland it's raised questions of whether the government has learned the lessons of Bundaberg. Kathy McLeish reports.

KATHY MCLEISH: In the wake of the Bundaberg hospital crisis Toni Hoffman was hailed a hero. Last year she was named local hero at the Australian of the year awards, this month she was awarded the order of Australia.

TONI HOFFMAN, WHISTLEBLOWER, 7th JUNE 2007: Hopefully it will encourage other people to speak out when they see something going on when it shouldn't be.

KATHY MCLEISH: But she warns it's not the easy option. Before the Bundaberg hospital crisis erupted in 2005 Toni Hoffman had reported concerns about Dr Jayant Patel to superiors twelve times over two years.

TONI HOFFMAN: It was me that was the problem: I was racist, I had bad communication skills, bad conflict resolution skills. I was a bad manager and that went on during through the commission as well.

KATHY MCLEISH: Finally she went to her local member, Rob Messenger.

TONI HOFFMAN: It was awful. I mean a lot of it I don't even remember because I just didn't know what to do. It was like living a nightmare.

CON ARONEY, WHISTLE-BLOWER: When something is going badly wrong and patients' lives are at risk you have to speak out against these sorts of problems. We went through line management and there was no response — very frustrating. It was a brick wall really such that I then wrote to the government — no response — then the deadline came that within a week the service would be cut down.

KATHY MCLEISH: Cardiologist Dr Con Aroney spoke out to stop savage health cuts. He told the media Queenslanders were dying on hospital waiting lists and like Toni Hoffman he became a target.

CON ARONEY: We were attacked by health department officials, by the government, by the minister and [there was] an attempt to impugn my reputation and to attack what I was saying as incorrect.

KATHY MCLEISH: It's one of the risks whistleblowers face.

Bill de Maria surveyed Queensland whistleblowers. He says those who speak out can lose their jobs and even face criminal charges.

BILL DE MARIA, UNIVERSITY OF QUEENSLAND: They put at risk their career, their own mental health and the relationships they have with people.

AJ BROWN, GRIFFITH UNI: The great legal threat that hangs over a whistleblower is that they'll be prosecuted or [receive] some disciplinary action or suffer some sort of major reprisal setbacks to their career as a result of having to go public at the end of the day.

PETER BEATTIE, Qld PREMIER: There are going to be no secret sleazy deals with Jayant Patel from my government.

KATHY MCLEISH: The premier told Queensland he would strengthen laws to protect people like Toni Hoffman and Con Aroney. The opposition leader says that hasn't happened.

JEF SEENEY, OPPOSITION LEADER: I think the government's commitment to whistleblowers and accountability is a false one. I think it's easy to engage in rhetoric. It's easy to mouth comforting words but when you look at the reality of the situation that exists in Queensland today for whistleblowers the situation is worse now than it was before.

KATHY MCLEISH: In the wake of the Bundaberg hospital inquiry Justice Davies recommended changes to legislation to ensure the protection of whistleblowers. He called for a stepped process for disclosures — allowing whistleblowers to first try for action internally, if concerns are not addressed, then to speak to a member of parliament, after that, to the media. He called for the law to cover whistleblowers from outside the public service as well, and he recommended a body, probably the ombudsman, be appointed to watch over individual whistleblower cases, and their protection. The opposition incorporated those recommendations into an amendment bill that was defeated. In March this year the government's amendments to the bill were passed. But Jeff Seeney says they don't go far enough. The law now covers casual public servants and guidelines for speaking to a member of parliament. It doesn't deal with speaking to the media or appointment of a supervising body.

JEF SEENEY: And the government has actually amended the legislation to make it harder for MPs to do what Rob Messenger did in the parliament in the Bundaberg situation.

KATHY MCLEISH: Dr AJ Brown is part of a task force evaluating all Australian whistleblower legislation. He says while Queensland's is more comprehensive than most states, whistleblowers are still at serious risk.

AJ BROWN: Those whistleblowers are still exposed to the threat of disciplinary action or criminal prosecution if in fact they go public and go to the media.

KATHY MCLEISH: Dr Brown's task force will consider all the complexities before making recommendations.

AJ BROWN: There's still a major gap in the Queensland legislation. The principles that Justice Davies put forward as a result of the Bundaberg inquiry are sound principles. How to put them into practice is a bit more complicated.

KATHY MCLEISH: And he says ultimately, the ability to make concerns public is the key to transparency.

AJ BROWN: If the risk [of going public] is there then what we've found overseas and to some extent in New South Wales is that in fact organisations focus much more quickly on the need to manage the situation proactively and productively and deal with what ever the problem is and also think twice before they shoot the messenger.

BILL DE MARIA: We just don't know where the next Bundaberg is weaving its menace now. Is it in the education department? Is it in the police service? It's coming from we don't know where and when it comes there may not be a Hoffman, there may not be [anyone]. We won't get good clear-up rates in terms of corruption in this state until we have a worthwhile whistleblower protection act.

TONI HOFFMAN: If complaints had been dealt with appropriately throughout those two years there would have been no need to go to Rob Messenger and that would be the ideal situation.

No action on care abuse until trainees blew the whistle

Adele Horin
Sydney Morning Herald,
2 May 2007, p. 6

IT COMES as no surprise to Mike* and Nina that one in 50 disabled people in government homes have been abused. Their daughter is one of them.

Their daughter, who is blind, deaf and intellectually impaired, was struck on the face, put in a headlock and dragged by her hair while living in a home run by the Department of Ageing, Disability and Home Care.

The incident came to light after two trainee staff turned whistleblowers.

The reports on what they had witnessed on April 10, 2005 at the Metro West Residence, Westmead, prompted a police investigation. In October a nurse and a domestic worker were convicted of assault.

"I have the greatest admiration for the two whistleblowers," Mike said yesterday. "They were young people in their 20s, doing their first or second shift, and they've gone through hell since."

The Herald reported yesterday on a confidential review by the department of all incidents of abuse between 2004 and 2006, including 67 between May 2005 and February 2006. Of the 4300 people in the department's care 15 were physically abused. Five carers were investigated for sexual abuse. The main causes of abuse were the use of casual staff and a lack of supervisors.

Mike said his daughter's case highlighted the difficulty of uncovering the truth about abuse. People with intellectual disabilities were regarded as unreliable witnesses. "It's their word against the carer's." He had complained to the home, and to the Ombudsman, on an earlier occasion when his daughter was "black and blue" on her ribs and upper arm. "We were told it was self-harm."

The second incident did not leave noticeable bruising but their suspicions were aroused when their daughter indicated on a visit home she was scared to go back to the residence, and had been hurt. Mike and Nina complained to the unit manager. "It's only when the whistleblowers came forward the department did anything," Mike said. "It makes you wonder how many assaults never get reported."

The couple acknowledges their daughter, who was 16 at the time of the assault, can be very aggressive. With three other children, they could no longer care for her. A clinician's report for the department indicated she needed one-to-one supervision, and three-to-one if she went into the community.

She never got one-to-one care, her father said. "There's a gap between what the clinicians say is needed, and the resources the department has." Janene Cootes, the acting executive officer of the Intellectual Disabilities Rights Service, said many parents were so dependent on the residences they feared complaining.

The department's director-general, Brendan O'Reilly, said the Government had begun implementing the review's recommendations and had started to train staff to respond to assaults by people in care.

The acting director of the NSW Council of Social Service, Michelle Burrell, said using casual staff did not solve workforce problems. "We have to recognise people need to be paid adequately, and be well-trained, supported, and managed," she said.

* Names have been changed for legal reasons.

Police watchdog toothless

Cameron Stewart
The Australian, 12 July 2007, pp. 1, 4

THE nation's frontline counter-terrorism force and its peak crime-fighting body are operating with no effective oversight because the Howard Government's new anti-corruption watchdog cannot afford to investigate them properly.

The lack of scrutiny comes despite dramatic increases in the powers and resources given to the Australian Federal Police and the Australian Crime Commission to combat terrorism and organised crime.

The breadth of the AFP's new counter-terrorism powers has been highlighted this week by the continuing detention without charge of Gold Coast doctor Mohamed Haneef, who is being questioned about possible links with suspects in the recent terror attacks in London and Glasgow.

But Commonwealth Ombudsman John McMillan, who has been acting head of the new watchdog since it started monitoring the AFP and the ACC on December 30, has told *The Australian* it is a toothless tiger.

Despite having sweeping powers, the body — known as the Australian Commission for Law Enforcement Integrity — cannot afford to conduct the basic telephone taps and covert surveillance needed to root out corrupt officers in the AFP or ACC.

The commission's annual budget of just over $2 million is dwarfed by the budgets for the state-based police anti-corruption watchdogs, which get funding of between $19 million and $34 million a year.

Professor McMillan says a tenfold increase in staff and substantial extra funding is needed for the fledgling body to properly investigate corruption.

"ACLEI has significant investigation powers, including the power to conduct telephone interception and covert surveillance," he said. "But the reality is that ACLEI does not have the budget to exercise those powers.

"When the Government is so rapidly expanding the size and responsibility of law enforcement agencies to counter the threat of terrorism, we must be able to reassure the public that those agencies operate with integrity. Active external oversight of policing, by bodies that are adequately resourced, is necessary to give that reassurance."

In its first six months, the ACLEI has investigated 18 corruption allegations, 10 against the AFP and eight against the ACC. These include alleged criminal behaviour by police, including involvement in drug trafficking, allegations of false testimony, and corruption in internal employment practices.

Nine of these cases have been closed without charges being laid, while the other nine remain under active investigation by the agency.

When the Government decided to set up the ACLEI in mid-2004 following allegations of corruption involving seconded state police officers in the ACC, the then justice minister Chris Ellison said it was "essential" for the new body to be given strong powers.

But current Justice Minister David Johnston said yesterday the commission's $2 million budget was sufficient to root out any corrupt practices within the AFP and ACC.

"The Government considers this is an adequate amount for the agency to prevent, detect and investigate corruption in the ACC and AFP," a spokeswoman for Senator Johnston said yesterday.

By comparison, the Office of Police Integrity in Victoria and NSW's Police Integrity Commission have budgets of $19.2 million each, while Queensland's Crime and Misconduct

Commission gets $34.7 million and Western Australia's Corruption and Crime Commission receives $25.5 million a year.

Professor McMillan said the Government was making a risky assumption that AFP and ACC officers were less likely to be seduced by corruption than state police.

"ACLEI currently has only five people involved in investigation work — the comparable state bodies have much larger staff," Professor McMillan said.

"There is a view (in the federal Government) that corruption has not been a serious problem so far in the AFP or ACC so you don't need to fund a commonwealth body as heavily as the state bodies.

"But ACLEI probably needs a staff of around 50 in order to exercise all the functions it has been given."

The chief executive officer of the AFP Association, Jim Torr, supported Professor McMillan's calls for the commission to be properly funded.

"Just as we have supported the establishment of ACLEI, equally we support that it should be appropriately funded to perform its intended functions," Mr Torr said.

Professor McMillan said the rapid expansion of the AFP meant it needed to recruit from state police forces that had been tainted by corruption.

"The AFP is growing fast and has had to increasingly rely on recruitment from state police forces where integrity has been an issue," he said.

When the ACLEI was set up, the Government said its powers might be expanded to include the monitoring of other federal bodies including the Customs, Immigration, welfare and tax departments.

But a spokeswoman for Senator Johnston said there were no plans to extend the ACLEI's powers "at this time."

Tragic story cries out for an ending

Piers Akerman
Sunday Telegraph, 26 August 2007

FEDERAL Opposition leader Kevin Rudd may be called to answer questions relating to the destruction of evidence as a police investigation into the rape of a Queensland girl 19 years ago gains new momentum.

The girl, who we will call Alice, was just 14 at the time and resident at the John Oxley Youth Detention Centre, in the care of the Queensland Government, when she was gang raped by other inmates.

Though some of the rapists confessed, no charges were pressed and the police inquiry at the time was at best belated and perfunctory.

Alice's tragic story is but one strand of this horror, the other is the Goss ALP government's attempt to ignore her plight and bury the incident without trace.

That attempt began when an investigation, directed by former magistrate Noel Heiner and launched by the Cooper National Party government, was shut down by the Goss government when it came to power.

The Goss cabinet ordered the shredding of all the documents collected by Heiner and this marked the beginning of the Heiner Affair.

Rudd was Premier Wayne Goss's chief of staff at the time and subsequently became the director-general of his cabinet office.

It was widely held that nothing took place within cabinet without his knowledge, and he has also claimed his experience running Goss's cabinet has equipped him to be prime minister of Australia.

Though both Rudd and Queensland Premier Peter Beattie claimed as recently as last week that the shredding of the documents needed no further investigation, it has never been fully examined.

Both Rudd and Beattie also rejected the view of former chief justice of the High Court Sir Harry Gibbs and an unprecedented plea from a former West Australian chief justice (David Malcolm), two retired NSW chief judges (Jack Lee, now deceased, and Dr Frank McGrath), two retired NSW Supreme Court justices (Roddy Meagher and Barry O'Keefe), one of Australia's foremost QCs (Alec Shand) and a legal academic and barrister (Alastair MacAdam) that an independent special prosecutor be appointed to examine the matter.

The most thorough inquiry to date was conducted by a House of Representatives committee chaired by federal MP Bronwyn Bishop, which recommended that "members of the Queensland cabinet at the time that the decision was made to shred the documents gathered by the Heiner inquiry be charged for an offence pursuant to Section 129 of the Queensland Criminal Code Act 1899. Charges pursuant to sections 132 and 140 of the Queensland Criminal Code Act 1899 may also arise."

Further, a recent two-year audit of the matter by prominent Sydney QC, David Rofe, which ran to 3000 pages contained in nine volumes, concluded there were 67 unaddressed alleged prima facie criminal charges against the cabinet and civil servants that needed to be urgently addressed. Alice still suffers profound psychological problems, exacerbated by repeated charges that she is a liar, but filed a complaint with the Queensland Police Service in March 2006, following the release under Freedom of Information legislation, which included evidence that the rapists had confessed to both a staffer at the youth centre and the director of the facility, Peter Coyne.

The documents show that not only was she raped, she was also denied her legal rights by the Queensland police — and those entrusted with her care.

Alice has been interviewed by members of the Queensland police taskforce Argos, and a senior detective from Argos last Tuesday sought an interview with another person who has maintained an interest in the matter.

Rudd, who describes himself as a "compassionate Christian" has not sought any inquiry into the attacks on the girl and has not offered any explanation of the destruction of the documents, though he had the responsibility for the business of the cabinet.

Whether the Queensland police are now up to fully investigating such a highly charged political matter, given their studious attempts to ignore it, is questionable.

As a number of the nation's most senior legal figures have pointed out, there is a strong precedent for bringing charges against those who ordered and participated in the shredding of the Heiner material, as shown by the case brought against a Baptist pastor Douglas Ensbey.

Ensbey suspected that a member of a family in his congregation was being abused and, while dealing with the mother, was given pages of notes written by the victim.

The family said they would deal with the issue and asked for the pages back, but Ensbey had guillotined them, making them difficult to read.

The victim went to the police, aged 20, and the assailant immediately confessed. The police, however, concentrated on the sliced pages and charged Ensbey with the destruction of evidence under S129. He was found guilty by a jury in March 2004, convicted and sentenced to two year's jail (reduced on appeal to six months, wholly suspended).

The action of the Goss cabinet falls under the same section of the law the police used to pursue Douglas Ensbey.

Many see parallels in the campaign by crusaders against child abuse to hound former governor-general Peter Hollingworth from office, though it was never alleged he was involved in a crime.

Former Opposition leader Simon Crean said: "You cannot have people in authority who have covered up for child sex abuse. It is as simple as that."

And it is. But what can be said about an Opposition Leader who may have been complicit in the illegal shredding of evidence?

If the ALP stands by the standards it applied to Hollingworth, Rudd should resign and answer the questions that the Queensland ALP has worked hard to avoid for 19 years.

If he has a shred of decency, he would consider Alice, and her need for release from the hell she has been forced to live in because of this nauseating cover-up.

Abu Ghraib whistleblower's ordeal

Dawn Bryan
BBC News, 5 August 2007

The US soldier who exposed the abuse of Iraqi prisoners in Abu Ghraib prison found himself a marked man after his anonymity was blown in the most astonishing way by Donald Rumsfeld.

A soldier's dilemma

When Joe Darby saw the horrific photos of abuse at Abu Ghraib prison he was stunned.

So stunned that he walked out into the hot Baghdad night and smoked half a dozen cigarettes and agonised over what he should do.

Joe Darby was a reserve soldier with US forces at Abu Ghraib prison when he stumbled across those images which would eventually shock the world in 2004.

They were photographs of his colleagues, some of them men and women he had known since high school — torturing and abusing Iraqi prisoners.

His decision to hand them over rather than keep quiet changed his life forever.

The military policeman has only been allowed to talk about that struggle very recently, and in his first UK interview, for BBC Radio 4's *The Choice,* he told Michael Buerk how he made that decision and how he fears for the safety of his family.

Photos of abuse

He had been in Iraq for seven months when he was first handed the photographs on a CD. It was lent to him by a colleague, Charles Graner.

Most of the disc contained general shots around Hilla and Baghdad, but also those infamous photos of abuse.

At first he did not quite believe what he was looking at.

"The first picture I saw, I laughed — because one, it's just a pyramid of naked people — I didn't know it was Iraqi prisoners," he says.

"Because I have seen soldiers do some really stupid things. As I got into the photos more I realised what they were.

"There were photos of Graner beating three prisoners in a group. There was a picture of a naked male Iraqi standing with a bag over his head, holding the head, the sandbagged head of a male Iraqi kneeling between his legs.

"The most pronounced woman in the photographs was Lynndie England, and she was leading prisoners around on a leash. She was giving a thumbs-up and standing behind the pyramid, you know with the thumbs-up, standing next to Graner. Posing with one of the Iraqi prisoners who had died."

Promised anonymity

Joe Darby knew what he saw was wrong, but it took him three weeks to decide to hand those photographs in. When he finally did, he was promised anonymity and hoped he would hear no more about it.

But he was scared of the repercussions from the accused soldiers in the photos.

"I was afraid for retribution not only from them, but from other soldiers," he says.

"At night when I would sleep, they were less than 100 yards from me, and I didn't even have a door on the room I slept in.

"I had a raincoat hanging up for a door. Like I said to my room mate, they could reach their hand in the door — because I slept right by the door — and cut my throat without making a noise, or anybody knowing what was going on, and I was scared of that."

When the accused soldiers were finally removed from the base, he thought his troubles were over.

And then he was sitting in a crowded Iraqi canteen with hundreds of soldiers and Donald Rumsfeld came on the television to thank Joe Darby by name for handing in the photographs.

"I don't think it was an accident because those things are pretty much scripted," Mr Darby says.

"But I did receive a letter from him which said he had no malicious intent, he was only doing it to praise me and he had no idea about my anonymity.

"I really find it hard to believe that the secretary of defence of the United States has no idea about the star witness for a criminal case being anonymous."

Rather than turn on him for betraying colleagues, most of the soldiers in his unit shook his hand. It was at home where the real trouble started.

Labelled a traitor

His wife had no idea that Mr Darby had handed in those photos, but when he was named, she had to flee to her sister's house which was then vandalised with graffiti. Many in his home town called him a traitor.

"I knew that some people wouldn't agree with what I did," he says.

"You have some people who don't view it as right and wrong. They view it as: I put American soldiers in prison over Iraqis."

That animosity in his home town has meant that he still cannot return there.

After Donald Rumsfeld blew his cover, he was bundled out of Iraq very quickly and lived under armed protection for the first six months.

He has since left the army but did testify at the trials of some of those accused of abuse and torture. It is Charles Graner he is most afraid of.

"Seeing Graner across the courtroom was the only one that was difficult during the trial," he says.

"He had a stone-cold stare of hatred the entire time — he wouldn't take his eyes off me the whole time he sat there. I think this is a grudge he will hold till the day he gets out of prison."

Mr Darby and his family have moved to a new town. They have new jobs. They have done everything but change their identities.

But he does not see himself as a hero, or a traitor. Just "a soldier who did his job — no more, no less."

"I've never regretted for one second what I did when I was in Iraq, to turn those pictures in," he says.

Britain jails Iraq war whistleblowers

Malaysia Sun, 10 May 2007

Two men who leaked a memo about a meeting between British Prime Minister Tony Blair and U.S. President George W. Bush and their aides have been sent to jail by a British court.

The memo at the centre of the case outlined discussions between the two leaders on the Iraq war, which included a reference by President Bush about bombing the Arab TV network al-Jazeera. The contents of the memo have not been made public and have been suppressed by the court.

The case has been largely closed to the public and the jury has been instructed not to disclose their knowledge of the proceedings.

UK Government Cabinet communications officer David Keogh 50, according to the judge did not like what he saw and decided to disclose the memo. Keogh leaked it to a researcher, Leo O'Connor, 44, who worked for a member of Parliament, Tony Clarke. Clarke, a member of Tony Blair's Labour Party, was horrified at the contents of the memo and passed it on to Prime Minister Blair's office.

Prosecutor David Perry QC, told the court that leaking the memo could have cost the lives of British troops and damaged international relations.

Mr Blair's foreign policy adviser, Sir Nigel Sheinwald, who was at the meeting, said revealing it would have sparked international tensions.

He said such talks should stay secret even if, as the defence suggested, some of it may be "illegal or morally abhorrent."

The judge agreed saying the leaking was of a classified document, and was therefore a breach of the Official Secrets Act.

Addressing Keogh Judge Richard Aikens said, "You decided that you did not like what you saw. Without consulting anyone, you decided on your own that it was in the best interest of the UK that this letter should be disclosed."

"Your reckless and irresponsible action in disclosing this letter when you had no right to could have cost the lives of British citizens," he said. He ordered Keogh serve six months in jail.

O'Connor was also convicted of similar charges and was sentenced to three months in jail. He said he had passed the memo to his boss on the basis Clarke would refer the document to the prime minister's office.

Keogh's defence QC said his client had acted out of conscience to reveal Bush's "abhorrent" comments about the Iraq war. O'Connor told police that Keogh believed the memo exposed Mr Bush as a "madman."

In his testimony Keogh said it was his responsibility to forward the 4-page "Secret and Personal" memo to senior officials at the UK Ministry of Defence, the UK Ambassador to the U.S. in Washington, the UN, British officials in Iraq and MI6, by secure means. He said he had hoped the memo would receive wider attention because of his concern over its contents.

The memo to then-Foreign Secretary Jack Straw said, "This letter is extremely sensitive. It must not be copied further and must be seen only by those with a need to know."

The judge indicated the extent of the sensitivity of the trial when he said early in the proceedings, "Some individuals or groups in the Middle East might react very unfavourably to the contents of the letter."

In departure from Rumsfeld era, Pentagon aims to toughen whistleblower protections

Roxana Tiron
thehill.com, 1 August 2007

The Pentagon has released new rules to better protect uniformed employees from retaliation if they report wrongdoing, despite the Bush administration's opposition to similar efforts in Congress — an opposition based on what it views as potential harm to national security.

The conflicts in Iraq and Afghanistan have amplified the role of whistleblowers, who have sounded alarms in cases ranging from the Abu Ghraib prison scandal to widespread contractor fraud.

In a 16-page Pentagon directive dated July 23, Deputy Secretary of Defense Gordon England mandated a series of safeguards for agency whistleblowers, effective immediately. The directive marks what some watchdogs call a sharp change from the policies under former Defense Secretary Donald Rumsfeld.

"Unlike former Secretary Rumsfeld, who dismissed the role of whistleblowers, Secretary Robert Gates appears to be much more concerned about receiving unvarnished information from the field," Public Employees for Environmental Responsibility (PEER) said in a statement. PEER, a national alliance of local state and federal resource professionals, released the directive on its website.

According to PEER, the new rules are in many respects stronger than existing protections for civil servants outside the Pentagon. Officers and civilian supervisors who are found to have restrained or reprimanded whistleblowers will face punishment. In addition, the Pentagon is preparing regulations to make whistleblower retaliation explicitly punishable under the Uniform Code of Military Justice as an act of insubordination.

Tom Devine, the legal director of the nonprofit public interest group the Government Accountability Project (GAP), said the most significant aspect of the directive is the fact that it establishes accountability for those who retaliate against whistleblowers. "This is potentially a breakthrough in accountability," he said. It could also serve as an "encouraging precedent" to eventually strengthen civilian whistleblower protection at the Pentagon, Devine added.

The directive also mandates that the office of the inspector general of the respective military branches investigate whistleblower complaints within 180 days. The rules provide for oversight of all such investigations by the Defense Department's inspector general. In addition, any decision flowing from these investigations may be appealed to the secretary of defense.

The Pentagon leadership is also extending whistleblower protection regulations to cover disclosures made within the military chain of command, as well as disclosures made to Congress or inspectors general.

"In some very important ways, Secretary Gates is providing for stronger protections for Defense employees than exist presently for the civilians working inside other federal agencies," said PEER executive director Jeff Ruch. "If this level of openness can be encouraged within our military branches, surely it can be extended to civilian agencies without impeding the efficient administration of government.

"Secretary Gates deserves congratulations for taking decisive steps to improve accountability within our military services," he added. "This is a crucial time for our people on the front lines to know that telling the truth is expected and suppressing the truth will not be tolerated."

It is ironic, Ruch noted, that Gates is strengthening certain safeguards while the Justice Department is opposing similar measures in Congress, namely a strengthening of the Whistleblower Protection Act.

Already in 2005, the Project on Government Oversight reported that "a series of crippling judicial rulings have rendered the Act useless, producing a dismal record of failure for whistleblowers and making the law a black hole."

Accordingly, several public interest groups and watchdog advocates have upped the pressure in Congress to revamp federal whistleblower protection. In March, the House took a step in that direction when it passed the Whistleblower Protection Enhancement Act, sponsored by Representative Henry Waxman (Democrat, California), by a vote of 331-94.

On the Senate side, the Homeland Security and Governmental Affairs Committee marked up its version of the act in June, but the legislation will not hit the floor until September at the earliest. The Senate measure, sponsored by Senator Daniel Akaka (Democrat, Hawaii), is the same legislation that was attached to the 2007 defense authorization bill before it was dropped in the conference process.

And last week, when Congress passed legislation implementing numerous recommendations of the 9/11 Commission, the bill included whistleblower protections for transportation security and safety employees.

"This legislation will make a real difference in the safety of our highways and rails," GAP's Devine said. "Whistleblowers are America's first line of defense, literally where the rubber meets the road. Whistleblowers in the transportation sector serve as America's first line of defense against another 9/11 tragedy."

GAP has been one of the groups at the forefront pushing for a change in the Whistleblower Protection Act.

Meanwhile, Sen. Claire McCaskill (Democrat, Missouri) succeeded in including a provision in the 2008 defense authorization bill that would toughen current protections for defense contractor employees by expanding the definition of the information that can be disclosed.

The provision would ensure a timely review of reprisal claims in cases of contractor retaliation, crack down on contractors proven to have retaliated against whistleblowers, and require contractors to notify employees of their rights. According to McCaskill, loopholes in the law do not adequately give federal contract workers the same whistleblower rights as federal employees.

"Employees of private contractors in Iraq have witnessed all kinds of fraud, waste and abuse," McCaskill said recently.

"They desperately need stronger whistleblower protection so they can help us stop the incredible waste of taxpayer dollars."

Iraq fraud whistleblowers vilified

Cases show fraud exposers have been vilified, fired, or detained for weeks

The Associated Press, 25 August 2007
MSNBC.com

One after another, the men and women who have stepped forward to report corruption in the massive effort to rebuild Iraq have been vilified, fired and demoted.

Or worse.

For daring to report illegal arms sales, Navy veteran Donald Vance says he was imprisoned by the American

military in a security compound outside Baghdad and subjected to harsh interrogation methods.

There were times, huddled on the floor in solitary confinement with that head-banging music blaring dawn to dusk and interrogators yelling the same questions over and over, that Vance began to wish he had just kept his mouth shut.

He had thought he was doing a good and noble thing when he started telling the FBI about the guns and the land mines and the rocket-launchers — all of them being sold for cash, no receipts necessary, he said. He told a federal agent the buyers were Iraqi insurgents, American soldiers, State Department workers, and Iraqi embassy and ministry employees.

The seller, he claimed, was the Iraqi-owned company he worked for, Shield Group Security Co.

"It was a Wal-Mart for guns," he says. "It was all illegal and everyone knew it."

So Vance says he blew the whistle, supplying photos and documents and other intelligence to an FBI agent in his hometown of Chicago because he didn't know whom to trust in Iraq.

For his trouble, he says, he got 97 days in Camp Cropper, an American military prison outside Baghdad that once held Saddam Hussein, and he was classified a security detainee.

Also held was colleague Nathan Ertel, who helped Vance gather evidence documenting the sales, according to a federal lawsuit both have filed in Chicago, alleging they were illegally imprisoned and subjected to physical and mental interrogation tactics "reserved for terrorists and so-called enemy combatants."

No noble outcomes

Corruption has long plagued Iraq reconstruction. Hundreds of projects may never be finished, including repairs to the country's oil pipelines and electricity system. Congress gave more than $30 billion to rebuild Iraq, and at least $8.8 billion of it has disappeared, according to a government reconstruction audit.

Despite this staggering mess, there are no noble outcomes for those who have blown the whistle, according to a review of such cases by The Associated Press.

"If you do it, you will be destroyed," said William Weaver, professor of political science at the University of Texas-El Paso and senior advisor to the National Security Whistleblowers Coalition.

"Reconstruction is so rife with corruption. Sometimes people ask me, 'Should I do this?' And my answer is no. If they're married, they'll lose their family. They will lose their jobs. They will lose everything," Weaver said.

They have been fired or demoted, shunned by colleagues, and denied government support in whistleblower lawsuits filed against contracting firms.

"The only way we can find out what is going on is for someone to come forward and let us know," said Beth Daley of the Project on Government Oversight, an independent, nonprofit group that investigates corruption. "But when they do, the weight of the government comes down on them. The message is, 'Don't blow the whistle or we'll make your life hell.'

"It's heartbreaking," Daley said. "There is an even greater need for whistleblowers now. But they are made into public martyrs. It's a disgrace. Their lives get ruined."

One whistleblower demoted

Bunnatine "Bunny" Greenhouse knows this only too well. As the highest-ranking civilian contracting officer in the U.S. Army Corps of Engineers, she testified before a congressional committee in 2005 that she found widespread fraud in multibillion-dollar rebuilding contracts awarded to former Halliburton subsidiary KBR.

Soon after, Greenhouse was demoted. She now sits in a tiny cubicle in a different department with very little to do and no decision-making authority, at the end of an otherwise exemplary 20-year career.

People she has known for years no longer speak to her.

"It's just amazing how we say we want to remove fraud from our government, then we gag people who are just trying to stand up and do the right thing," she says.

In her demotion, her supervisors said she was performing poorly. "They just wanted to get rid of me," she says softly. The Army Corps of Engineers denies her claims.

"You just don't have happy endings," said Weaver. "She was a wonderful example of a federal employee. They just completely creamed her. In the end, no one followed up, no one cared."

No regrets

But Greenhouse regrets nothing. "I have the courage to say what needs to be said. I paid the price," she says.

Robert Isakson

Then there is Robert Isakson, who filed a whistleblower suit against contractor Custer Battles in 2004, alleging the company — with which he was briefly associated — bilked the U.S. government out of tens of millions of dollars by filing fake invoices and padding other bills for reconstruction work.

He and his co-plaintiff, William Baldwin, a former employee fired by the firm, doggedly pursued the suit for two years, gathering evidence on their own and flying overseas to obtain more information from witnesses. Eventually, a federal jury agreed with them and awarded a $10 million judgment against the now-defunct firm, which had denied all wrongdoing.

It was the first civil verdict for Iraq reconstruction fraud.

But in 2006, U.S. District Judge T.S. Ellis III overturned the jury award. He said Isakson and Baldwin

failed to prove that the Coalition Provisional Authority, the U.S.-backed occupier of Iraq for 14 months, was part of the U.S. government.

Not a single Iraq whistleblower suit has gone to trial since.

"It's a sad, heartbreaking comment on the system," said Isakson, a former FBI agent who owns an international contracting company based in Alabama. "I tried to help the government, and the government didn't seem to care."

U.S. shows little support?

One way to blow the whistle is to file a "qui tam" lawsuit (taken from the Latin phrase "he who sues for the king, as well as for himself") under the federal False Claims Act.

Signed by Abraham Lincoln in response to military contractors selling defective products to the Union Army, the act allows private citizens to sue on the government's behalf.

The government has the option to sign on, with all plaintiffs receiving a percentage of monetary damages, which are tripled in these suits.

It can be a straightforward and effective way to recoup federal funds lost to fraud. In the past, the Justice Department has joined several such cases and won. They included instances of Medicare and Medicaid overbilling, and padded invoices from domestic contractors.

But the government has not joined a single quit tam suit alleging Iraq reconstruction abuse, estimated in the tens of millions. At least a dozen have been filed since 2004.

"It taints these cases," said attorney Alan Grayson, who filed the Custer Battles suit and several others like it. "If the government won't sign on, then it can't be a very good case — that's the effect it has on judges."

The Justice Department declined comment.

Placed under guard, kept in seclusion

Most of the lawsuits are brought by former employees of giant firms. Some plaintiffs have testified before members of Congress, providing examples of fraud they say they witnessed and the retaliation they experienced after speaking up.

Julie McBride testified last year that as a "morale, welfare and recreation coordinator" at Camp Fallujah, she saw KBR exaggerate costs by double- and triple-counting the number of soldiers who used recreational facilities.

She also said the company took supplies destined for a Super Bowl party for U.S. troops and instead used them to stage a celebration for themselves.

"After I voiced my concerns about what I believed to be accounting fraud, Halliburton placed me under guard and kept me in seclusion," she told the committee. "My property was searched, and I was specifically told that I was not allowed to speak to any member of the U.S. military. I remained under guard until I was flown out of the country."

Halliburton and KBR denied her testimony.

She also has filed a whistleblower suit. The Justice Department has said it would not join the action. But last month, a federal judge refused a motion by KBR to dismiss the lawsuit.

"I thought I was among friends"

Donald Vance, the contractor and Navy veteran detained in Iraq after he blew the whistle on his company's weapons sales, says he has stopped talking to the federal government.

Navy Capt. John Fleming, a spokesman for U.S. detention operations in Iraq, confirmed the detentions but said he could provide no further details because of the lawsuit.

According to their suit, Vance and Ertel gathered photographs and documents, which Vance fed to Chicago FBI agent Travis Carlisle for six months beginning in October 2005. Carlisle, reached by phone at Chicago's FBI field office, declined comment. An agency spokesman also would not comment.

The Iraqi company has since disbanded, according to the suit.

Vance said things went terribly wrong in April 2006, when he and Ertel were stripped of their security passes and confined to the company compound.

Panicking, Vance said, he called the U.S. Embassy in Baghdad, where hostage experts got on the phone and told him "you're about to be kidnapped. Lock yourself in a room with all the weapons you can get your hands on."'

The military sent a Special Forces team to rescue them, Vance said, and the two men showed the soldiers where the weapons caches were stored. At the embassy, the men were debriefed and allowed to sleep for a few hours. "I thought I was among friends," Vance said.

An unspoken Baghdad rule

The men said they were cuffed and hooded and driven to Camp Cropper, where Vance was held for nearly three months and his colleague for a little more than a month. Eventually, their jailers said they were being held as security internees because their employer was suspected of selling weapons to terrorists and insurgents, the lawsuit said.

The prisoners said they repeatedly told interrogators to contact Carlisle in Chicago. "One set of interrogators told us that Travis Carlisle doesn't exist. Then some others would say, 'He says he doesn't know who you are,"' Vance said.

Released first was Ertel, who has returned to work in Iraq for a different company. Vance said he has never learned why he was held longer. His own interrogations, he said, seemed focused on why he reported his information to someone outside Iraq.

And then one day, without explanation, he was released.

"They drove me to Baghdad International Airport and dumped me," he said.

When he got home, he decided to never call the FBI again. He called a lawyer, instead.

"There's an unspoken rule in Baghdad," he said. "Don't snitch on people and don't burn bridges."

For doing both, Vance said, he paid with 97 days of his life.

It's official: crazy citizens are on the increase

Teresa Kiernan

If any Australian has ever found that complaints to an ombudsman about system failure, maladministration or corrupt conduct in executive government seem only to lead to more of the same, you will be interested to know what our state, territory and Commonwealth ombudsmen's offices are spending our taxes on over the next 12 months.

Led by the New South Wales ombudsman Bruce Barbour, these ombudsmen have buddied together with a couple of psychiatrists, including Dr Paul Mullen of Monash University and the Victorian Institute of Forensic Mental Health, to develop a profile of the vexatious Australian citizen who drains the resources of our ombudsmen.

The vexatious citizen is the new Australian mental illness. This novel new concept is based on the *vexatious litigant* which is on the rise in our court system with such cases as Bhattacharya [2003] NSWSC 1150. Mr Bhattacharya attempted to inquire into the circumstances around the death of his wife in the NSW hospital system. As his attempts progressed he found that two trends developed simultaneously: his access to such information was frustrated by the state and his unpopularity within the state grew faster than his ability to access the information. The NSW Supreme Court judgement of Bhattacharya is lengthy and ultimately frames Mr Bhattacharya as mentally ill so that he will not be taken seriously in regard to matters of executive government in future. Since 2003 inquiries into the hospital systems in Australia have revealed many patients have died unnecessarily and there had been inadequate oversight, cover-ups and harassment of whistleblowers.

Barbour and Mullen explain in their new reports *Dealing with Difficult Complainants* and *Dealing with Very Difficult Complainants,* currently published on the NSW Ombudsman's website, that there are querulous complainants whose concerns are a symptom of a particular mental illness. Research by Mullen suggests these people are 30-50 years of age, with a 4:1 male/female ratio, well educated and high functioning and rarely with a criminal or psychiatric history. They have a strong sense of victimisation and entitlement and are overly optimistic about receiving help. They seek vindication and retribution rather than redress — in fact, they are not really interested if you solve their complaint. They are on a quest for justice as they define it — basically they want something that most complaint systems cannot provide. Their obsessions have usually destroyed their lives in terms of lost relationships and jobs. When they write, they significantly use the following techniques more than ordinary difficult complainants:

- highlighting particular sentences or phrases with differently coloured highlighter pens
- underlining
- capitals
- exclamation marks
- notes in margins on copies of correspondence written by others.

So now you know what not to do.

Barbour and Mullen fail to note that when the citizen is up against the government he has much less access to administrative sources than it. Unlike the executive government's ability to issue new paper copies of decisions or correspondence, the citizen's documentary evidence is likely to be a photocopy of a document where notes had been made on it previously. This is not a psychiatric symptom, but a reality appropriate to the citizen's circumstances. Written ability differs amongst different citizens and good government should accept citizens as it finds them.

Barbour and Mullen fail to note that when the citizen is up against the government she experiences causal spaghetti: maladministration on top of maladministration. It is not unnatural that the citizen ends up an angry and paranoid nervous wreck. This abuse of power has parallels with domestic violence. Lundy Bancroft says in his 1997 essay "The connection between batterers and child sexual abuse perpetrators" that abusers "characterise their victims as dishonest, as hysterical, and as vindictive when disclosures do get made [they] make the victim sound like a troubled, unstable individual which at times may have some truth to it, largely because of the abuse itself."

Perhaps the biggest problem with Barbour and Mullen's approach is that Australian psychiatrists rarely studied politics and so do not know that Australians' rights to accountable government are not a personal preference but inalienable rights that flow from the Commonwealth Constitution. Entitlement theory evolved from its origin in political philosophy: Robert Nozick said the citizen had an inalienable entitlement to security and justice from the State. The psychiatry industry's excursion into entitlement theory is a subsequent examination of what goes wrong when the misguided person transfers ideas shaped by the State about entitlement onto the private sphere. For example, a boy chases a girl and becomes more resentful and persistent when his advances are rejected, rather than good humouredly accepting her choice.

A sense of entitlement is neurotic when applied in the wrong sphere, but the Australian citizen's entitlement to proper government is only appropriate and nothing less should be settled for. Let's leave psychiatrists' profiles out of this. Otherwise within 12 months we will have new "vexatious citizen" laws in Australia to further help the State cover up bad governance, which is on the increase.

Teresa Kiernan is a member of Whistleblowers Australia.

Whistleblowing and doctors

John Wright

A recent ABC 4-Corners program examined, amongst other things, the damaging psychological effects of whistleblowing on a non-surgeon who criticised a surgeon's results. The surgeon has resigned and the hospital concerned has been involved in enquiries without complete resolution of important questions. Everybody, therefore, has been badly affected, the whole truth remains unknown and is likely to stay that way, and it is difficult to see that any justice has been done at all. As always, on both sides of the argument, there have been supporters, each with a vested interest in a successful outcome for their "side," if only to justify their prior beliefs. Whether or not a hospital whistleblower wins or loses the argument, there is always a large amount of irreversible collateral damage and loss of patient and community confidence. And so, it has now been left to a hospital bureaucracy to avoid a repetition. But will it do better next time and, if so, how? Regardless of its specifics, the "Bundaberg Affair" is a fairly easily understood example of how difficulties can arise and become uncontrollable.

There are at least two large principles to be considered in assessing such conflicts. Both involve hospital management and politics at least as much as what doctors do.

1. Any such hospital/employer must be held responsible for understanding and controlling the friction which initiates the fire of conflict between medical staff. It is a common temptation for, say, a surgeon who works at the very frontiers of risk, innovation and complexity to avoid failure only by the device of evasive case-selection. That way, the highest-risk patients are not treated. The same attitude could be chosen by oncologists and radiotherapists who are confronted by incurable tumours. Nobody should be able to force one of these doctors to do things differently from how their principles and perceptions guide them. It is much less common, and much riskier, for those treating such challenging problems to adopt the opposite — an aggressive "taking on all comers" policy when nothing else could possibly help. Only by including true peers on panels of enquiry into what is done or, equally important, not done, can these choices be reasonably understood by patients and families. Unfortunately, hospital boards of management are usually devoid of senior clinicians and easy prey to the agitations of those who have already arrived at positions of serious resentment about either the poorer results of aggressive treatment of risky cases, or their rejection without any specific therapeutic intervention.

2. However these clinical (usually surgical) issues are determined, proper management must mean a deep awareness of the fundamental importance of "systemic" factors in all clinical actions, and of how they affect outcomes — the availability to surgeons of skilled and informed medical and nursing assistance, accurate patient-diagnosis and evaluation, reasonable case-selection and, critically, high-quality anaesthesia and intensive care. And yet those factors are rarely if ever recognised during well-meaning retrospective enquiries when any or all those vulnerable to criticism for not providing systemic support are hastily shunning all responsibility. Add in factors such as clumsy medical politics, rivalry, power-broking, ignorant observers and mischievous gossip and you have a mix of unsolvable menace and confusion. Put very simply, poor support systems might double the chances of complications and mortality after surgical interventions, regardless of the skills of the operating surgeon. Only the immediate availability of senior, experienced, peer opinions on the substance of complaints can begin to identify realities and establish areas of system failure. Daily headlines suggest that the administrative machinery for that is lacking and its need unrecognised. State health departments and hospital boards must carry most of the blame for that. Their committee structures have been found to be dangerously inadequate. No amount of pre-election, federal/state political posturing about hospital economies will affect this core deficiency one iota. To believe that it might is most of the problem and none of the answer.

John Wright is a member of Whistleblowers Australia.

Whistleblowing legislation for the whistleblowers, not the legislators

Kim Sawyer
Lawyers Weekly Online,
3 August 2007

Legislation on whistleblowing fulfils legislators' moral duties. But, says associate professor ***Kim Sawyer*** *from the University of Melbourne, it is time the legislation actually protected whistleblowers themselves*

Whistleblowing is one of the paradoxes of contemporary society. There is a moral imperative to blow the whistle if significant wrongdoing is observed. Yet, the economic and social consequences of such an action are often catastrophic. The trade-off between self-interest and public interest is no better tested than in whistleblowing.

The case of Alan Kessing amplifies the point. Kessing was a customs official recently given a suspended prison sentence for blowing the whistle on airport security. He paid the price for the inaction of others.

Whistleblowers are often the conscience of our society. They identify problems before the problems become headlines. But they are often not heard. They are the Cassandras of modern society. A whistleblower informed the Australian Prudential Regulatory Authority of the problems at HIH more than three years before its collapse. Toni Hoffman identified the problems at Bundaberg Hospital more than a year before an inquiry began.

Collectively, we know that we must protect whistleblowers. Individually we know that we can't.

Since 1980, there has been an explosion of whistleblower protection provisions in common law countries such as the US, UK, Canada and Australia, as well as in Europe, Asia

and Latin America. However, the enforcement of these laws has not matched the legislative imperative. In Australia, for example, where whistleblower protection in various forms has existed for nearly a decade, there has not been a prosecution for retaliation against a whistleblower. There are many laws, many fine statements, but no evidence of enforcement. And enforcement makes a law.

It appears that the protection laws have been enabled principally to deter retaliation against whistleblowers, not to prosecute the retaliators.

Indeed, one economic impact study of US whistleblowing laws suggests that more than two-thirds of their impact is attributable to the deterrence of wrongdoing. The risk, of course, is that if whistleblowers believe in the laws, they may be encouraged to come forward and rely on the protections.

Critics of whistleblower laws refer to them as the "Good Citizen Elimination Act."

In an article in the *George Washington International Law Review* in 2003, Vaughn, Devine and Henderson suggest that model whistleblowing legislation should have seven principles: to focus on the information disclosed, not the whistleblower; to be aligned with freedom of information laws; to permit disclosure to different agencies in different forms; to include compensation or incentives for disclosure; to protect any credible disclosure, whether internal or external, whether by citizen or employee; to involve whistleblowers in the process of the evaluation of their disclosure; and to have standards of disclosure. It is these principles against which whistleblowing laws should be tested.

Most Australian legislation does not follow these principles. In particular, it is non-uniform across states and territories, it does not permit disclosures to different agencies, and it is not aligned with freedom of information laws. And then there is the issue of incentives or compensation for whistleblowing. No Australian whistleblowing Act has specific provision for compensation. The whistleblower must do their public duty, incur the risk, and incur the risk that they will be black-listed in the future.

The most effective Act in the United States for protecting whistleblowers, the False Claims Act, compensates the whistleblower. Under the False Claims Act, a whistleblower can initiate a lawsuit against a fraudulent claimant on the government. The lawsuit can be pursued individually or jointly with the Department of Justice.

In false claims lawsuits, the onus of proof shifts from the whistleblower to the entity against whom the action is taken. Under other whistleblowing laws, the whistleblower must establish their credibility. The False Claims Act entitles the whistleblower to share between 15 and 30 per cent of the funds recovered by the government. This is the most contentious feature of the False Claims Act. Some regard such payments as a bounty. But, given the costs of whistleblowing, the payments would appear to be a fair compensation for the economic loss associated with whistleblowing.

The False Claims Act is very effective. In 1985 before the Act was amended, fraud recoveries amounted to only US$26 million. Since 1986, more than US$6 billion has been recovered in nearly 4,000 False Claims Act cases in the US. The False Claims Act works because it puts the whistleblower on an equal footing.

Australian legislation does not work because the whistleblower is always on the back foot.

Australian whistleblowers are rarely compensated for their efforts. The case of Bill Toomer, a quarantine officer who blew the whistle on anomalous practices in Western Australia, illustrates the point. The chairman of the 1995 Senate Select Committee on Unresolved Whistleblower Cases recommended compensation for Toomer. Yet, when he applied to the Minister for Finance and Administration for compensation under the Financial Management and Accountability Act, it was refused on the basis of information later shown to be false.

When the decision was appealed under the Administrative Decisions Judicial Review Act, the appeal was rejected and costs awarded against Toomer. The appeal decision noted that the minister was lawfully entitled to act on whosever advice he preferred and concluded that "The legislature has entrusted the power to make act of grace payments to the minister. Such payments are not based upon any legal entitlement but are made in response to moral obligations assumed by the Commonwealth as a result of the actions of its employees or instrumentalities."

Since the first Senate inquiry into public interest whistleblowing in 1993, Australian whistleblowing legislation has proliferated. We now have a patchwork quilt of legislation, designed so that legislators can fulfil their moral duty to protect whistleblowers. Now, we need to consider the whistleblowers themselves.

Kim Sawyer is Vice President of Whistleblowers Australia.

Subject: Reporting internally in the first instance

[*Editor:* members of the Whistleblowers Australia national committee exchange emails on various topics. This is an edited selection of messages about reporting internally.]

Sent: Friday, July 13, 2007 5:30 PM

Geoff Turner's interesting contribution of 11 July moved me to email as follows to Dr A J Brown, Griffith University, head of a major whistleblowing research project.

Dear Dr Brown
The transcript of an interview last November by the ABC involving you has just some to my notice.

I disagree with your assertion that "*… people should raise concerns internally first* [my emphasis], and then they need a valid cause to go wider if in fact they expect their disclosure to be protected."

There are occasions when raising concerns internally in the first instance allows the wrongdoing to get completely out of hand, especially when it involves indictable offences by senior administrators.

[Three examples are then given at some length, including those of Bill Toomer and Albert Lombardo.]

Keith Potter

Sent: Friday, July 13, 2007 6:30 PM
Subject: Re: Reporting internally in the first instance

Keith,
I think there is definitely a need to refer whistleblowing matters to an independent authority "in the first instance" so they can oversight management's efforts to address the issues raised (a middleman/umpire of sorts). I can understand the philosophy with reporting internally first but as many whistleblowers have found that just gives them a chance to both discredit the whistleblower, threaten their employment and retaliate against the whistleblower using various methods. Too late once the whistleblower is already damaged.

Mary Lander

Date: Mon, 16 Jul 2007 10:12:07 +1000
Subject: RE: Reporting internally in the first instance

A. J. Brown is wrong, wrong, wrong.

Reporting to someone in the immediate workplace does *not* work for reasons that would fill the remainder of the page.

The only procedure that will work is to register your concerns with an outside independent organisation — *when we get such a registration office.*

Get a registration date, time and number.

As part of the registration, record whether you have been or are currently under a "cloud" (such as misconduct, disciplinary, complaint, workplace warning, personality or psychiatric problems).

Also, identify in general terms the scope of the whistleblowing complaint (some details as necessary): location, type of matter, number of instances, frequency, impact on the public, potential of immediate harm to the public. This establishes a benchmark of your employment situation and the nature of the disclosure. It sets the proof of when the disclosure becomes "in the public interest." It establishes the grounds to measure future workplace retaliation, discrimination, harassment — which will inevitably follow and which is in breach of the pathetic public interest disclosure legislation. (Something is a little better than nothing.)

Peter Bennett

Date: Mon, 16 Jul 2007 10:28:26 +1000
Subject: Re: Reporting internally in the first instance

Peter,
AJ Brown knows all about the problems with internal reporting and I think what he is suggesting is legislation to make it unlawful to victimise a whistleblower, strengthened oversight and introduce a watchdog with teeth (and in that context — internal reporting first). He's not suggesting the system as it currently stands works to protect internal whistleblowers — so I think that's being taken a little out of context.

As it currently stands, most people reporting internally don't even realise they're whistleblowers at the time and prefer to initially seek to deal with it "informally." Generally most people think of whistleblowers as those who go to the media so most public servants are not even aware of the likelihood they will be treated adversely for reporting internally. Damage is usually done by then. No one to turn to except Merit Protection Commission, which waters down complaints. The Ombudsman is prohibited from investigating employment related matters by the Ombudsman's Act. They may be able to investigate the issues (though often declining unless it's been investigated internally first) but even if they take it on they can't do anything to help the whistleblower if the whistleblower has been victimised. The Public Service Act now only allows a public servant to report to the Merit Protection Commission or Public Service Commission and they never do anything. Based on numerous comments I've heard from public servants, none are confident about an independent investigation or fair outcome if reporting to them.

Mary

Date: Mon, 16 Jul 2007 10:25:09 +1000

I believe that there is a need to establish the "status quo" prior to blowing the whistle, whether internally or externally to a "proposed independent authority." In establishing the status quo we are protecting the whistleblower from the inevitable discrediting, the altering of documents, etc.

In my case I have mailed to myself by registered date-stamped post copies

of documents which show the exact situation at the time of reporting. When the altered or "missing" document situation occurred I was able to produce the actual "certified" copy. This was also the time — surprise surprise — when the presumed missing documents slowly started to surface.

In an employment situation everyone should get a monthly report for at least a couple of months before blowing the whistle, in order to establish a "satisfactory" position because usually you will be attacked as to your unsatisfactory performance. Such proof should be "registered" with a body such as Whistleblowers Australia and held unopened until required to be produced.

If we were to study more cases of what happens to whistleblowers we could deduce a pattern used to discredit, etc. Let's identify and establish an attack for future cases. The same applies to applications under FOI. Let's remove the smoke and mirrors as far as we can.

Just my thoughts. Please let me hear some critique.

Stan van de Wiel

Sent: Tuesday, 17 July 2007 12:26 PM
Subject: Re: Reporting internally in the first instance

I agree with you except for "we could deduce a pattern used to discredit etc." In my experience there is no discernable pattern — just endless ways to disempower and discredit.

Define a pattern, and watch clever twisted minds find new ways to disempower and discredit without breaching the pattern.

Keith

Date: Tue, 17 Jul 2007 13:46:39 +1000
Subject: RE: Reporting internally in the first instance

Perhaps I'm using my accident investigation skills out of context. In air accident investigation we try to deduce the cause and build a defence for future recurrence by training. Maybe we should establish a licensing system for whistleblowers before they are allowed to blow the whistle. I'm sure the "burorats" will like that and think of the fees rolling in.

In fact to take this ridiculous response of mine a bit further, there already exists such a system with huge fines/penalties operating — loss of job, esteem, future, health and wealth.

As whistleblowers we have a unique experience to build on. We generally follow a pattern (ethics) and therefore should be able to identify the corresponding defence. In Brian's book [*The Whistleblower's Handbook*] he refers to all these characteristics but we need to list them for newcomers as a checklist (this is my pilot talk).

Stan

Date sent: Mon, 16 Jul 2007 13:36:36 +1000
Subject: RE: Reporting internally in the first instance

Good advice Stan. I now do this to myself using email as verification of when and what I have received or sent, so it is harder for those who deny receiving documents by email as date, time, etc. are recorded. I do realise that the claim "I did not receive" will be used, but if their IP server has accepted delivery then that is hard to argue otherwise, even though a few have tried. This process has worked well for me up to now.

I agree wholeheartedly with everything else stated. If I only had had this info before my case!!!!

Lori O'Keeffe

Date: Mon, 16 Jul 2007 18:28:09 +1000
Subject: Reporting internally in the first instance- Independence *needed*

Self-generated emails are not a guarantee of email delivery or email content. I doubt that any self-generated email would hold up in court.

I can create an apparent email anytime I like and it will look like it came through an email server. I can actually send a self-generated email to myself and then change the wording on the email after it arrives — and if I am extra careful I can match the kilobytes used in the doctored email precisely to the original email. Who is to know what was actually sent in the original email?

The very fact that an email is self-generated and loop mailed to myself considerably weakens the value of the communication. There is no independent verification of anything. This facility is better than nothing, but only marginally. The further up the legal standards ladder it is forced to climb, the weaker it becomes.

It is necessary that any verification of matters related to a disclosure be done by an "independent (statutory) authority."

Open for discussion.

Peter Bennett

Date: Mon, 16 Jul 2007 23:03:35 +1100
Subject: RE: Reporting internally in the first instance

I think establishing the status at a known time is a good idea as part of a whistleblower's strategy. I like Stan's idea of the registered letter to oneself or to a trusted party, such as Whistleblowers Australia.

Email can also be used as a time-stamped record of status or of sending someone a message, but there are limitations. For this reason, it should be used in combination with other (conventional) methods. Here are some points to consider:

1) Email isn't 100% reliable. It can (and sometimes does) fail to turn up at an addressee's address. Sending the same message more than once a few hours or a day or two apart can virtually eliminate doubts about receipt, so long as the recipient's server isn't down for an extended period. (Even if the recipient's server is down, email should automatically be queued until it's up again.)

2) When sending email, one can use the email settings to request confirmation of delivery and confirmation of reading. Bear in mind that the recipient's server may not respond to delivery confirmation requests (but it's handy when it does) and the recipient may have configured his/her email client so it never sends confirmations that email has been read. For security and privacy reasons, I always configure my email programs so they

never send such confirmations, so the latter would not work with me.

3) When using email, one can easily use other receiving addresses to help verify the date and time of sending, as well as the contents. One obvious way is to send copies of the emails to trusted recipients. Perhaps better still is to create special accounts on Google Mail or Yahoo, etc., to which you send copies. E.g., GeoffsSecureEmailAddress@gmail.com. Send copies of your emails to your secure address(es) by CC or BCC, depending on whether you want to reveal to any other recipients that you are using them. Make sure you log into your secure address(es) frequently enough that the accounts are not deleted or suspended. You have to make sure that any computer from which you log into your secure address is itself as secure as possible. If someone installs a keylogger (snooping software) on your PC, you could find all your email records deleted. Do not use a work PC to access your secure email addresses. Leave a record of your secure email accounts in a sealed envelope with a trusted family member or friend in case something happens to you.

The fact that most responsible organisations back up the data on their systems helps, because it means that it's almost impossible for corrupt individuals to delete all traces of emails and computer files.

Geoff Turner

Sent: Tuesday, July 17, 2007 11:40 AM
Subject: Re: Reporting internally in the first instance

I have a couple of comments on the issue of reporting internally first.

1. I give lectures and assignments on whistleblowing to students at Sydney University. One such type of assignment is a young engineer faced with a wrongdoing in the workplace. Over 300 students have been given this type of question in recent years, and without exception, they have gone upwards in the organisation first. Perhaps 60% will then go further up, and then outside if earlier steps do not work.

2. I think such a response is entirely natural, for any person will want and expect their own organisation to sort out the problem first. Any scheme devised by whistleblowers has to accommodate this natural tendency.

3. I respectfully disagree with Peter Bennett's statement that AJ Brown is wrong, wrong, wrong. AJ is a highly regarded researcher, is a legal academic, and has the support of many agencies in the whistleblowing business, including the Independent Commission Against Corruption and the Ombudsman in NSW, and similar agencies in other states.

Peter Bowden

Date: Tue, 17 Jul 2007 18:41:15 +1000 (EST)
Subject: Whistleblowing legislation for the legislators not the whistleblowers

Dear Peter
Your comment about teaching students at university accords with my experience. I give a number of lectures each year, both at the University of Melbourne and at other institutions. Most students express the view that they would always refer matters to an internal authority first. I am sure this is representative of the population in general. Most who have not blown the whistle would always respond this way, because they naturally expect the organisation to appropriately respond. Most who have blown the whistle would respond entirely differently, because they know how organisations respond. And that is the whistleblowing dilemma. Unless you have been a whistleblower, it is difficult to understand how different the perceptions of being a whistleblower are from actually being a whistleblower. I liken it to playing football. Until you cross the white line, you can never know what it's like to play football. And similarly, unless you are an Aboriginal, you can never know what it's like to feel the discrimination against an Aboriginal.

And that brings me to my second point. I cannot understand why those involved with whistleblowing research and legislation have not spoken more to whistleblowers. For example, in 2001, Rob Hulls introduced whistleblowing legislation in Victoria. I contacted his office three times to have a meeting to discuss the bill with other whistleblowers. Although his adviser indicated that such a meeting would take place, it never did. This I think corresponds to the experience of most whistleblowers in Australia. We are rarely consulted.

I have come to the view that whistleblowing legislation is for the legislators, not the whistleblowers. We are too unimportant to be considered.

Kim Sawyer

Date: Tue, 17 Jul 2007 19:54:56 +1000
Subject: RE: Whistleblowing legislation for the legislators not the whistleblowers

Hi Kim and all,
I totally agree with your comments here. One of the factors I've found as a psychiatrist, treating a lot of whistleblowers over the years, is that the ones who are traumatised the most are those who are naturally conventional. They expect authority to do the right thing, until they find out the hard way that so many authorities don't, and of course will always do their whistleblowing the internal and conventional way first, then have their whole belief system destroyed. Whistleblowers who are natural dissenters are a lot less traumatised, since what strikes them tends to fit with their beliefs.

On your point about legislation being for legislators not whistleblowers, I'd put in an extra point, that is, that since all political parties are only as clean as their dirtiest member/s, the last thing they can afford to have is effective whistleblower protection legislation, which would run the serious risk of exposing the dirt. In my experience it's only independent members of parliament who ever support properly protecting whistleblowers.

Jean Lennane

Date: Tue, 17 Jul 2007 22:32:52 +1000
Subject: RE: Reporting internally in the first instance

Let me count the trail of destroyed people who have reported matters internally and who have suffered immeasurably. Aren't those people the reason why Whistleblowers Australia exists?

With respect, what Peter (Bowden) does not identify in respect of these assignments is the nature of the wrongdoing that is being reported. "Fellow worker, supervisor, contractor, or manager or senior manager?"

I tend to agree with Mary's comments that AJ has been taken out of context. However I still think he hasn't grasped the real nettle.

Whistleblowing matters exist in organisations at two distinct levels: (1) matters which are wrong and can be fixed by management and (2) matters that are wrong and are caused by management. Whistleblower matters that can be fixed by management are in the majority and they show that the system works. Research will show that these matters are in the majority.

Whistleblower matters that are caused by (senior) management are fought tooth and nail till the whistleblower is driven to destruction.

Does the one who faces destruction not count simply because most matters are resolved by internal reporting?

Management will resolve a multitude of matters that are of little consequence, but report one matter of managerial misconduct and watch what happens. That reporting person faces crushing employment retaliation.

Who do we need to protect: the half dozen people who have their matter dealt with by an unchallenged management or the person who has to face the challenges of exposing managerial corruption?

AJ is wrong because he sees that many managers will fix problems which are of no consequence or threat to them. So he thinks that because most issues are resolved by management, then the system works. And it does in most instances. That is his finding from his excellent research and analysis. But we are not about systems that work — we are about the systems that don't work.

Ask this question: "what happened to the person who identified managerial corruption or maladministration or misconduct?" The answer will be, "they were harassed out of a job and made destitute."

The bottom line: who looks after the individual who has nowhere to go but "up the line" to the very people he wants to complain about? Do you build a system to accommodate the majority who will suffer no harm by going up the line or do you build it for those individuals who face disaster by going up the line.

If AJ is right and going up the line works, then we have no purpose.

I will stand down off my soap box now.

Peter Bennett

Date: Wed, 18 Jul 2007 14:35:37 +1000
Subject: RE: Reporting internally in the first instance

Peter Bennett is right about the problem being senior management and the retribution coming from them. My point is simple however. People will still go up the organisational ladder to correct wrongdoing, and unless we can indoctrinate the whole world to go outside, we have to accommodate the fact that they will go internally.

My answer is legislative change to ensure that agencies, or private companies if we get that far, be required by law to report instances of public interest disclosures to an independent whistleblower agency, such as an office within the Ombudsman or whatever the whistleblower agency looks like.

I have pasted below the last three whistleblower assignments for the students. All are true cases or based on true cases. All students respond by taking the issue up internally, sometimes by remonstrating with their immediate boss but usually to an organisational level above their immediate boss. Only if that fails do they go elsewhere.

Peter Bowden

Date: Wed, 18 Jul 2007 19:01:11 +1000

Peter

With respect I disagree with you, and suggest that you reconsider your advice to engineering students. My disagreement is based on personal experience and consideration of the comparatively far greater relevant experience of other persons.

In the early 1990s, I was shocked by the extent of widespread serious corruption that became evident when a dozen or more whistleblower victims such as Mick Skrijel and Albert Lombardo came to Whistleblowers Australia's then Victoria Branch and tabled evidence.

This discussion started with opinions as to whether disclosures should be made internally in the first instance. Our President [Peter Bennett] was right when he said that Dr Brown was wrong, wrong, wrong.

Keith

Date: 27 September 2007
[*Editor:* I sent the emails above to A J Brown for his comment. He promptly replied as follows.]

Partly this argument about internal and external reporting avenues seems to be a bit at cross-purposes, but I think it raises very important issues. If that's what I actually said and/or have been misrepresented or misinterpreted as saying, then I agree with Peter Bennett (i.e. "wrong wrong wrong"). I absolutely agree with Peter about the importance of distinguishing between wrongdoing that should be able to be reported internally with relative safety (depending on the competence of organisation's internal systems), and wrongdoing that is likely to represent too much of a challenge to management or powerful people for the agency's internal systems to be able to handle it.

In the latter case, it is vital for society to have external bodies, or if necessary the media and political process, that are capable of taking the matter on, and I would agree that any whistleblower in that situation is well justified (indeed wise) in trying to go to an independent agency first, or at least at the same time as they raise it internally.

I'm also very happy if Peter or anyone wants to keep making those points, every time I say something that could be construed to the contrary.

I do think it would be great if people could always go internal first. And in many instances, I think people can blow the whistle internally first, and expect the best possible result from internal processes rather than external ones. But I agree with Peter, this is always going to be easier to achieve in relation to matters that are either cut and dried, or less threatening to the agency as a whole (or both). And some agencies are better at it than others. This is all the main focus of our research. I have always taken the view that agencies have no excuse not to get their basic internal processes right for these basic kinds of matters, so let's at least get them doing that, and work from there. And let's at least get the watchdog agencies shouldering a bit more direct responsibility for the welfare of their complainants and informants.

To this end I think there are options for a good legislative model in which a competent independent agency takes on coordinated oversight of whistleblowing matters irrespective of whether they are reported to that agency first, or are internal matters which organisations are required to automatically notify (e.g. every month) to the independent agency. I also agree with Peter's "registration" approach, but our research is showing that people are very trusting of their own management and so do often report up the line in situations where, personally, I would go outside first (at least confidentially) in order to establish a better defensive position, before the shit hit the proverbial. So the key is to also create some external discipline for how agencies react internally to a wide range of matters (including hard and messy ones).

I also think that in addition to the hard, big cases where organisations are unlikely to ever respond well by themselves, there are a lot of middle cases, where all that is needed for an organisation to think straight for a minute is the consciousness that someone is aware of the matter and looking over their shoulder at how they deal with it. If it is the media, the organisation may jump the wrong way and go straight into "defend ourselves and discredit the whistleblower" mode. So we have to put some competent independent agency (or agencies) in that position, by making it routine for organisations to report their whistleblowing matters automatically, and the independent agency (if not already aware of it from the whistleblower) is then in a position to take a closer interest in the more "high risk" cases.

This is something I know for a fact — there are good people in positions of influence and authority in most organisations, who are capable of helping get their management to do the right thing in a lot of cases where management can easily otherwise do things that are very stupid. So part of it is building systems that give those good people the upper hand at critical moments (including a bit of friendly scrutiny from outside).

Who the competent independent agency might be is another debate we should continue to have. Personally I think we have to build up these roles and competencies in some existing agencies, rather than trying to create any new ones, but I recognise the challenges.

Last up: I am very happy to hear criticism because as I say, my approach (and hence a lot of the current research project) is biased towards helping agencies figure out how to fix up easy matters (since currently they often stuff even these up). This choice of focus in the research is quite deliberate and it's why we are happy to be working with mainly surveying people who have blown the whistle but are still in their organisation (quite a few on the verge of departure mind you!). We're looking for what goes right sometimes, as well as what we all know often goes wrong. We won't get answers on how agencies can learn to better manage all the really threatening disclosures, because by definition this kind of conflict is indeed difficult if not impossible to contain just within internal systems. That's where the rest of the external systems need to be able to click in faster and more effectively, including legal protection if indeed people have no other choice but to go to the media.

A J Brown

Date: 7 October 2007

[*Editor:* A J Brown generously suggested that Whistleblowers Australia President Peter Bennett be offered the last word in this discussion.]

I appreciate and respect AJ's views.

I have in fact met with AJ since that earlier correspondence. I discussed with him the matters set out below.

The initial issue is this: I specifically promote the external *reporting* of a public interest disclosure (PID) matter. How the matter is then dealt with by the organisation or another agency is a secondary issue. I strongly believe that the initiating of a PID is the most critical issue. The effectiveness of that initial reporting will have a direct and proportional effect on the protection provided to the whistleblowers and ultimately the resolution of any PID matter.

The power to decide whether and how an *internally reported* whistleblowing matter is dealt with resides solely with management. The total and absolute power is vested in the executive managers of an organisation. The executive managers have the ultimate power to decide whether a whistleblower will be dealt with fairly and appropriately or whether the whistleblower will be victimised, harassed and seriously damaged.

The fact that some organisations can and do properly deal with some whistleblowing matter *only masks* the worst aspect of failed legislation and weaknesses in protection afforded to whistleblowers who threaten management's interests. Repeated internal whistleblowing reporting which is properly dealt with within an organisation induces staff to disclose their concerns about wrongdoing. But often staff don't know what matters will offend management's interests. So each disclosure is a roll of the dice. If you don't touch management's interest you will usually be safe. But if you touch on management's interests, then you could be harassed, victimised and actually harmed. Managers have the absolute right to decide and the disclosing whistleblower won't know how their disclosure is going to be dealt with till after their head is in the noose.

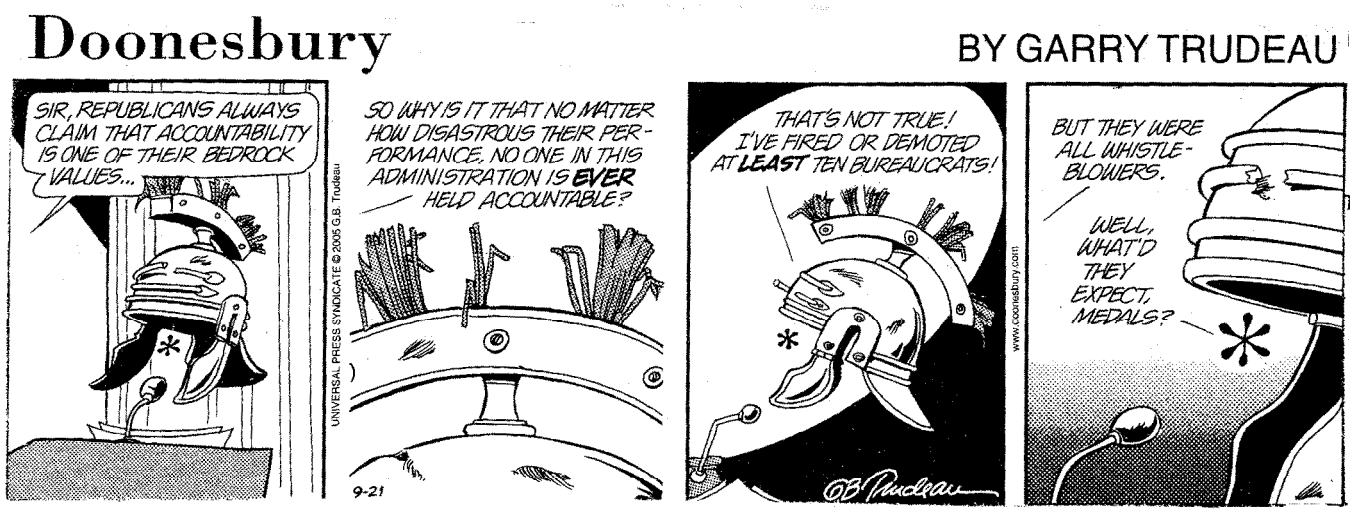
Though there are many people of good will and conscience in most

organisations, that is the normal state of right thinking and even-handedness. Regrettably, under job stress, those credible attributes are easily dropped. Unfortunately the evidence of middle managers being willing to continue to promote whistleblowing facilities in organisations regularly and invariably fails the strain test. When the poo hits the fan, middle managers ultimately have to decide to follow the executive management route or get in the sinking boat with the whistleblower. Most simply retreat to a position out of the line of fire and drift into silence. And that is something I know to be a fact.

If *all* whistleblowing, particularly that including the minor and uncontentious matters were registered with an external reporting agency with a fixed and uniform format, then it would become "routine" for PIDs to be reported. The more minor and uncontentious matters visibly reported and dealt with, the more it will polish the system and clean up problems. The system will have the appearance of working. This will encourage more serious disclosures to be made. When these major and contentious serious disclosures are made (involving executive managers) it will already be in the system and will be recorded, protection will be in effect and there will be a reduced chance of a cover up. When external reporting takes on a formal and regular process, that system will expose weakness in legislation and it will promote support for appropriate whistleblowing protections.

It is good that AJ wants dialogue on this issue. I will be very happy to oblige. We are looking forward to further dialogue at the forthcoming conference.

Peter Bennett



Whistleblowers Australia national conference and AGM

Saturday & Sunday. 24-25 November 2007

This year's conference will be held at the Uniting Conference Centre, 16 Masons Drive, North Parramatta, NSW. It is a very attractive centre in a semi rural surrounding.

The general public as well as members are invited to the Saturday session. Speakers include Peter Timmins on Freedom of Information, Dominique Hogan Doran, NSW Barrister on whistleblowing in the private sector, Barry O'Farrell, leader of the opposition in NSW, Lee Rhiannon, NSW Greens, Prof Kim Sawyer of the University of Melbourne

Dr AJ Brown of Griffith University will also give a progress report on his half million dollar Australian Research Council funded inquiry into whistleblowing practices in Australia.

Sunday is primarily for members although the public and students are invited. The day will consist of workshops on whistleblowing protection, on whistleblowing legislation, and a discussion on PhD research into whistleblowing. The first session on Sunday morning will be WBA's Annual General Meeting.

Fees are $110 for members.

Non members may attend Saturday or Sunday for $60 per person. Students may attend either day for $50. Lunch and morning and afternoon coffee/tea are included.

Just off Pennant Hills Road, the Centre is about a 40 minute drive from the centre of Sydney. Look out for the Uniting Church Centre for Ministry. By public transport catch a 624 bus from Parramatta Station at 8.34 am and get out at Mason's Drive, returning at 5.16 pm.

To register, please fill in and forward the registration form enclosed with this issue and send it in at least two weeks in advance.

Accommodation over the weekend can be supplied in the Centre's residential quarters, from $56 and up. Call 1300 138 125.

Whistleblowers Australia contacts

Postal address: PO Box U129, Wollongong NSW 2500

New South Wales
"Caring & Sharing" meetings We listen to your story, provide feedback and possibly guidance for your next few steps. Held every Tuesday night at 7.00pm, Presbyterian Church Hall, 7-A Campbell St., Balmain 2041.
Contact: Cynthia Kardell, phone 02 9484 6895, fax 02 - 9481 4431, ckardell@iprimus.com.au
Website: http://www.whistleblowers.org.au/
Goulburn region: Rob Cumming, phone 0428 483 155.
Wollongong: Brian Martin, phone 02 4221 3763.
Website: http://www.uow.edu.au/arts/sts/bmartin/dissent/

Queensland: Feliks Perera, phone 07 5448 8218, feliksperera@yahoo.com; Greg McMahon, phone 07 3378 7232 (a/h) [also Whistleblowers Action Group contact]

South Australia: John Pezy, phone 08 8337 8912

Tasmania: Whistleblowers Tasmania contact: Isla MacGregor, 03 6239 1054

Victoria
Meetings are normally held the first Sunday of each month at 2.00pm, 10 Gardenia Street, Frankston North.
Contacts: Stan van de Wiel, phone 0414 354 448; Mervyn Vogt, phone 03 9786 5308, fax 03 9776 8754.

Whistle
Editor: Brian Martin, bmartin@uow.edu.au, phones 02 4221 3763, 02 4228 7860. Address: PO Box U129, Wollongong NSW 2500. Associate editors: Don Eldridge, Kim Sawyer, Isla MacGregor. Thanks to Cynthia Kardell for proofreading.

2007 conference and AGM

Saturday-Sunday, 24-25 November 2007
Uniting Conference Centre, North Parramatta (Sydney)

For details about the conference, see page 19.

Nominations for national committee positions must be delivered in writing to the national secretary (Cynthia Kardell, 7A Campbell Street, Balmain NSW 2041) at least 7 days in advance of the AGM, namely by Sunday 18 November. Nominations should be signed by two members and be accompanied by the written consent of the candidate.

Proxies A member can appoint another member as proxy by giving notice in writing to the secretary (Cynthia Kardell) at least 24 hours before the meeting. Proxy forms are available at
http://www.whistleblowers.org.au/const/ProxyForm.html.
No member may hold more than 5 proxies.

Whistleblowers Australia membership

Membership of WBA involves an annual fee of $25, payable to Whistleblowers Australia, renewable each June. Membership includes an annual subscription to *The Whistle*, and members receive discounts to seminars, invitations to briefings/ discussion groups, plus input into policy and submissions.

If you want to subscribe to *The Whistle* but not join WBA, then the annual subscription fee is $25.

The activities of Whistleblowers Australia depend entirely on voluntary work by members and supporters. We value your ideas, time, expertise and involvement. Whistleblowers Australia is funded almost entirely from membership fees, donations and bequests.

Send memberships and subscriptions to Feliks Perera, National Treasurer, 1/5 Wayne Ave, Marcoola Qld 4564. Phone 07 5448 8218, feliksperera@yahoo.com