

Whistleblowers Australia: motions passed, 1996, 1997 and 1998

WBA National Committee Meeting, 28 June 1996, Melbourne

*** Frequency of publication of *The Whistle***

It was agreed that if possible *The Whistle* would be brought out 6 times per year, but this is at the discretion of the editor, and it is possible that contingencies may reduce the frequency.

*** Tax-deductability**

We recommended that WBA not seek tax-deductability, since it would put too great a constraint on our ability to engage in action supportive of whistleblowers and related policy issues.

*** Defamation leaflet**

The draft defamation leaflet text was approved for publication as a WBA document, with permission to make minor changes and add graphics.

WBA Annual General Meeting, 1 December 1996, Sydney

*** Return of a fraction of membership fees to branches**

One third of membership fees will be made available for return to branches on request and production of suitable receipts or invoices.

*** Policy on media releases, comment to media, etc.**

Any member of the national executive can issue a media release or comment to the media. In normal circumstances, media releases should be checked first with another member of the executive, typically president, vice-president or director. In all cases, approval should be

sought in advance from anyone whose name is given in a release. The same sort of policy should be followed by branches, with variations depending on branch structure.

*** Delegation of power to approve memberships**

The national executive will invite members to write concise position papers concerning delegation of power to approve memberships. Papers received will be circulated to all members, for example in an issue of *The Whistle*, with an invitation for members to make comments. The national committee will reach a decision about delegation on the basis of arguments raised and opinion expressed.

*** Arrangements for memberships, finances, record-keeping, contact with members, and other duties and activities by national committee members.**

As soon as possible, a subcommittee consisting of the president, national director, secretary, and treasurer should establish a procedure to ensure that all memberships and finances are handled properly, expeditiously and in accordance with the constitution.

*** Official support for members.**

The national executive will invite members to write concise position papers concerning whether WBA may, and as time permits should, communicate to relevant authorities and media official support for members when they appear reasonable, where the member is of reasonably long standing and where s/he has tried hard to get satisfaction without success for a considerable time. Papers received will be circulated to all members, for example in an issue of *The Whistle*, with an invitation for members to make comments. The national committee will reach a decision about official support for members on the basis of arguments raised and opinion expressed.

WBA Annual General Meeting, 28 September 1997, Canberra

*** Correspondence to national committee members**

For reasons of practicability, members should not assume that correspondence to WBA or national committee members is routinely circulated within the committee. Members who wish to send correspondence to committee members should do so directly by obtaining a list of names and addresses from any committee member or, if this is not feasible, providing copies in stamped envelopes for addressing and posting by any committee member.

*** Conflict of interest**

That WBA national committee, branch committee and members should take suitable measures to avoid conflict of interest, secret commissions (unless otherwise disclosed), abuse of trust and misrepresentation. If conflicts of interest arise, they must be disclosed. In particular, members should not take advantage of their role as fellow member or confidante to solicit business, special favours or sexual relationships. Members must be accountable for their behaviour and not be given protected status as a result of their membership. WBA members must be informed of appropriate behaviour in this regard.

*** Register of committee members (constitutional change)**

Section 9 of WBA's constitution shall be replaced by the following:

9. Register of Committee Members

(1) The public officer of the association shall establish and maintain a register of committee members of the association specifying the name and address of each person who is a committee member of the association together with the date on which the person became a committee member.

(2) The register of committee members shall be available from the public officer on request and free of charge to any member of the association.

*** Access to Membership Lists**

Members henceforth have the option of allowing or disallowing circulation of their information on the membership list beyond the national secretary, treasurer or public officer.

WBA National Committee meeting, Sydney, 10-11 January 1998

The Whistle

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

- * The editor is appointed by the national committee. The term of office is one year, which is renewable. Only by a "special resolution" of the national committee (3/4 majority) can an editor be removed before the end of the term. At least three issues of *The Whistle* are expected to be published per year.

- * By agreement with the editor, there can be "consulting editors" with responsibility for specific functions, such as "Media Watch" or letters.

- * A "production editor" is in charge of production. This person is appointed by the national committee after consultation with the editor.

- * An editorial board is appointed by the national committee. It serves as a channel of appeal for disgruntled contributors and a forum for advice for the editor. For example, if the editor is unsure whether to publish a particular article or to pursue a certain general theme, board members can be consulted for their opinion. The editor retains ultimate decision-making power. The national committee may take into account significant or repeated flouting of board advice in considering whether to extend or terminate an editor's appointment.

The editorial board should be no more than 3 people.

- * The national committee will assign the responsibility of distribution to a member or members (which could be a branch).

Policy on documents

According to WBA's constitution, "the public officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the association" (section 41) and "The records, books and other document of the association shall be open to inspection

free of charge, by a member of the association at any reasonable hour" (section 42).

The committee agreed to establish a position of record keeper. This person can be the public officer or someone delegated by the public officer to maintain and control the records. The records should be kept in an easily accessible place; access to the records can be arranged or approved by the record keeper.

Items to go in records	Responsibility for depositing items
media releases (on WBA letterhead)	writer of release
minutes of meetings	minute taker
letters on WBA letterhead	sender
documents requested to be filed	requester
formal financial statement	treasurer
formal business correspondence received	secretary

Confidential information and general correspondence and notices are not regarded as part of the formal records of the organisation.

Whistleblower cases of national significance

1. WBA will identify and publish a list of whistleblower cases of national significance.
2. The criteria that a case must meet to qualify for identification as a case of national significance are:
 - * There must exist one or more recommendations from a state or federal public authority or an investigation/inquiry authorised by a state/commonwealth public authority that has found that prima facie evidence exists as to the wrongdoing disclosed by the whistleblower and/or reprisals against the whistleblower.
 - * The issues of wrongdoing and/or reprisals highlighted by the recommendations of the public authority or by an investigation/inquiry by the same public authority are of principal concern to the reform of legislation pertaining to the protection of whistleblowers.

* The case has not been properly resolved.

3. The processes for the acceptance by the national committee of a case as a case of national significance be:

* Each case be nominated by a branch of WBA or by the Whistleblowers Action Group.

* The nomination be accompanied by

(a) documentary evidence as to the recommendation from a state/commonwealth public authority;

(b) reasons as to why the issues involved are of principal concern to reform of legislation pertaining to the protection of whistleblowers;

(c) written permission from the whistleblower or whistleblowers concerned for the case to be nominated;

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

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

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

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

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

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

Disputes

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

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

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

Support for individuals

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

Approval of expenditures

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

Minutes

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

Expectations of national committee members

Each year, each member of the national committee is expected to be involved in at least two networking conversations with each other committee member.

Each member of the national committee is expected to take responsibility for coordination of at least one subcommittee involving an issue or task with national dimensions, with the possible exception of members whose positions (such as treasurer and president) normally involve such coordination within WBA.

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

New subcommittees

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

- * Building industry disputes (Cynthia Kardell)
- * Communications (Grahame Wilson)
- * Key cases (Greg McMahon)
- * Legislation (Greg McMahon)
- * Outreach (Rachael Westwood)
- * Paedophilia (Jean Lennane)
- * Police (Jean Lennane)
- * Public funding (Greg McMahon)

* Workers' compensation & psychiatry (Cynthia Kardell)

WBA National Committee, 28-29 November 1998, Sydney

Whistleblower cases of national significance

Motion: that the cases of Jim Leggate, Kevin Lindeberg, Mick Skrijel and Bill Toomer be accepted as whistleblower cases of national significance.

WBA Annual General Meeting, 29 November 1998, Sydney

Membership form

The AGM passed the following change to the constitution, put as a special resolution.

In the following extract from the constitution, words to be removed are struck through and words to be added are in bold face.

5. Nomination for Membership

(1) A nomination of a person for membership of the association

(a) shall be made by a member of the association in writing ~~in the form set out in Appendix 1 to these rules~~ **by means of a nomination for membership form approved by the committee;** and

(b) shall be lodged with the secretary of the association.

Register of members

That the special resolution to change the constitution in respect of the "Register of Committee Members" be set aside and that a sub committee be elected at this meeting to examine the matter.

That this sub committee (henceforth named The Register of Members Committee) take on board the spirit and intent of the proposed

constitutional change together with the proposed amendment by R Blake as the basis to move forward.

The Register of Members Committee shall report back to the National Committee within four (4) months.