

"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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WHISTLEBLOWERS AUSTRALIA INC
PO Box U129, Wollongong NSW 2500



"I'm only a finger-pointer now, but someday I'll be a whistle-blower."

Editing of *The Whistle*

Dear Readers,

The national committee of Whistleblowers Australia selected Rachael Weiss to be the new editor of *The Whistle*. Rachael did much of the work on this issue before feeling obliged to resign due to personal commitments. I have completed this issue following the basic plan established by Rachael plus a number of articles supplied by Don Eldridge. Apologies for the delay, which means unfortunately that a number of items in this issue are out of date. The national committee will be seeking a new editor, so continue to send your contributions to PO Box U129, Wollongong NSW 2500 or to me at bmartin@uow.edu.au.

Brian Martin

Free speech needs to be defended

Editorial, *The Weekend Australian*, 8-9 December 2001, p. 16

A column written by Phillip Adams for *The Weekend Australian* which criticised the US foreign policy record is being investigated by the Human Rights Commission for racial vilification. Following a complaint from a US citizen, the commission is spending taxpayers' dollars to decide whether the denizens of the land of the free have been vilified by our humble columnist's assertion that Americans were "mad" and the US had "always been among the most violent nations on earth".

If a settlement can't be reached the case could go to the Federal Court. That is simply bonkers. The people of the world's strongest democracy (which incidentally offers better protections for free speech than anywhere else) do not need a semi-legal, semi-government body in Australia to defend them against a piece of opinion published in an Australian newspaper.

Some US citizens may be affronted by what Adams wrote, but that doesn't make writing it an offence. The only victim is the Australian public whose right to full and frank opinion, debate and even the facts is being undermined by an encroaching culture of secrecy among our public institutions.

Who upholds the public's rights? Elected representatives. Courts. Yet when it comes to the public's right to know, the lunatics are in charge of the asylum. Their desire to avoid being caught out, combined with a belief in their right to rule, overrides all other considerations. Our Government refuses to tell us anything about the activities of our troops in the war on terror, in contrast with the openness of the British and Americans. Our government gags the navy and claims without substantiation that asylum-seekers are throwing children overboard, simultaneously preventing them from talking to the media and thereby depriving them of their only opportunity to defend themselves against the shocking accusation.

As Warren Beeby, chairman of the Australian division of the Commonwealth Press Union and group editorial manager of *The Australian*, pointed out this week, bureaucrats quote outrageous bills — in at least one case, \$1 million — for processing Freedom of Information requests. Other ploys such as labelling documents "commercial in confidence" or declaring them "cabinet confidential" are cynically used to keep the workings of government secret. Some government departments make it a condition of funding that lobby groups tell them if they are planning to make media comment on touchy issues.

Newspapers can no longer publish pictures of MPs in parliament unless they are standing at the despatch box. Suppression orders to prevent media coverage of court proceedings are increasingly common. Judges keep aborting trials on the basis that media coverage prejudices juries despite evidence to the contrary. Medieval defamation laws protect the powerful while denying the reality that Australians are smart enough to separate fact from opinion. The Walkley-award winning articles — by *The Age's* Andrew Rule on rape allegations against ATSI's Geoff Clark and *The Australian's* Mark Westfield warning

of an HIH collapse — performed a great public service yet were published at risk of punishment by defamation laws. Many other such pieces never see light of day.

Power over information is great power indeed. As the cult of secrecy spreads, more groups seek that power. The people's right to know demands a united defence from those on the front line: media groups, civic groups, lobby groups and citizens.

'Battle-weary' police whistleblower about to call it a day

by Luke McIlveen, *The Australian*, 16 October 2001, p. 3

Four NSW police officers, called to give evidence to a parliamentary inquiry, feared for their jobs and were made to feel they had "broken ranks" with their colleagues.

Another whistleblower from the Cabramatta command in Sydney's southwest, Detective Sergeant Tim Priest, told the Standing Committee on Parliamentary Privilege and Ethics yesterday that he was "battle-weary" and about to resign.

"When I leave here today my career is finished, I know that," Sergeant Priest said. He added he had no intention of being the next Michael Drury, the recently retired drug squad officer who was shot in his Sydney home in 1984.

Four of Sergeant Priest's colleagues, who told the Cabramatta inquiry in February the command was ill-equipped to fight drug gangs, received a directive memorandum from local superintendent Frank Hansen ordering them to reveal their in-camera evidence.

The present inquiry is to determine whether the memorandums constitute a breach of parliamentary privilege.

"We were told people were not very happy about it. It seemed like we had broken ranks," Sergeant Greg Byrne told the inquiry yesterday. His junior colleague, Constable Christopher Laird, told how he "felt sick" when he was handed a yellow envelope marked internal mail in the station carpark the day after giving evidence.

As a recipient of a memo usually reserved for corrupt police, Sergeant Robert Francis said he felt “disgraced and untrustworthy”.

The four officers felt they could not go on at Cabramatta and brokered transfers to other commands through the police union.

Still battered by fresh allegations last week that corruption was alive and well in his service, Police Commissioner Peter Ryan told the inquiry the letters were never meant as an official directive.

On holiday overseas at the time they were issued, Mr Ryan said he understood the memorandum to be nothing more than an informal request for information. In hindsight, he said, “it could have been handled differently”. The service has retained the services of leading silk Tom Hughes.

Sergeant Priest claimed his warnings that gang recruitment was occurring at Cabramatta High School were deliberately ignored.

He also accused Cabramatta Detective Chief Inspector Deborah Wallace of changing a probationary constable’s report to play down a gang-related crime at the school.

Inspector Wallace admitted adding to the report’s narrative at a later debate [sic], but argued this was accepted practice when new evidence in a case came to hand.

Describing as “regrettable” his decision to quit the police service after 20 years, Sergeant Priest was determined to emphasise how little had changed since the Wood royal commission into police corruption in 1995.

“These men are very senior police. They’re not going to walk up to you and say ‘I’m going to destroy you or I’m going to do this or that’. They do it three or four removed — that’s the way they operate.”

Corruption fighter sacked

by Michael Madigan, *Courier-Mail*, 6 August 2001, p. 2

The head of one of Australia’s most powerful Aboriginal organisations claims she has been sacked for taking a stand against corruption.

The Federal Government has replaced Indigenous Land Corporation chairwoman Sharon Firebrace after

two years of controversy. Ms Firebrace has been at loggerheads with her board and has made allegations of corruption and internal mismanagement since taking the chair in 1999.

She has also criticised the Federal Government for failing to support her in what she says is her quest for accountability.

The former Indigenous Business-woman of the Year, who made her name fighting corruption in indigenous organisations in the 1980s, controlled a \$50 million annual budget buying land for dispossessed Aborigines.

She strongly attacked the board’s \$8 million purchase of cattle property Roebuck Plains in Western Australia, claiming it was sold 18 months previously for about \$1.3 million.

Ms Firebrace said her quest for accountability led to her axing.

“I think this is a very interesting situation as if I am actually being victimised for taking the position I have taken, particularly in relation to Roebuck Plains,” she said.

Ms Firebrace said she also found it interesting that other board members were reappointed without question.

A recently released audit report dismissed her allegations of mismanagement in relation to the Roebuck Plains sale.

An inquiry by Andrew Rogers, QC, found the previous sale price of the property involved leasing arrangements and was closer to \$6 million than \$1.3 million.

Ms Firebrace will be replaced by Shirley McPherson, a chartered accountant as well as a director of the Indigenous Business Network Pty Ltd and a board member of First Australians in Business.

Aboriginal Affairs Minister Philip Ruddock said the Indigenous Land Corporation played an important role in breaking the welfare dependency cycle.

It also provided a basis for improving the economic independence of indigenous people.

“I am pleased to announce these new appointments which are in line with the Government’s policy of bringing new talent, ideas and experience to statutory boards,” he said.

Mr Ruddock said Ms McPherson had extensive experience working as a business consultant and had been employed by KPMG.

Raised in Carnarvon in Western Australia she works with Portman Iron Ore to negotiate Indigenous Land Use Agreements in WA.

The corporation’s new director, Norma Ingram, holds a masters degree in education from Harvard University and has been prominent in indigenous community organisations in NSW.

Gallery sacking investigated

by Jennifer Sexton, *The Australian*, 28 September 2001, p. 3.

The National Gallery of Australia is being investigated by health and safety body Comcare over allegations it sacked an employee who blew the whistle on health and safety breaches.

The investigation is the result of a damning report by the Commonwealth Ombudsman, which calls into question the credibility of Comcare’s previous finding that there were no immediate health and safety risks relating to the gallery’s airconditioning system. Comcare is a government body overseeing the health and safety of commonwealth property and staff.

The Comcare report was the result of the former employee complaining the airconditioning system was contaminated and that hydrogen peroxide, potentially dangerous to people and artworks, was used to clean it.

The Ombudsman says aspects of Comcare’s administration are defective, parts of the investigation and recordkeeping inadequate and its policy of not investigating possible past health and safety breaches wrong.

“In my opinion the Comcare investigator failed to adequately investigate possible contravention of the OH&S (Occupational Health and Safety) Act,” the Ombudsman says in his report dated September 25.

Among 10 recommendations, it directs Comcare to investigate whether the gallery breached the OH&S Act in refusing early last year to rehire whistleblower and fitter-machinist Brian Cropp.

Gallery deputy director Alan Froud could not be contacted for comment last night.

Costly solo for whistleblower

by Terry Sweetman, *Sunday Mail* (Brisbane), 21 October 2001, p. 51.

About the nicest thing you could say about Terry Sharples is that he just doesn't give up.

One Nation would probably reserve less kind words for the man who demonstrated in the courts that the party was fraudulently registered during the 1998 Queensland election.

Thanks to him, the party was forced to repay \$500,000 in taxpayers' money to the Queensland Electoral Commission.

The final act, perhaps, will be played out when Pauline Hanson and David Ettridge face charges that resulted from his stubbornness.

The consequences so far have been a happy result for the commission, particularly as it didn't even know it had been duded, didn't want to know it had been duded, and left Mr Sharples to fight alone to prove a fraud upon the public purse.

Not only did the commission disown him, the State Government didn't want a bar of him and refused to become involved.

After taking his case right to the Appeal Court (and fighting it alone) he was left with hefty debts.

A lesser man (a more sensible man, perhaps) would have called it quits and crept off to lick his financial wounds.

But Mr Sharples wanted more. To cut a long story short, he went to the Supreme Court again, seeking an order that the Electoral Commission explain why it had not pursued a claim against One Nation for interest on the \$500,000.

He was rolled in the court and again in a little-noted ruling in the Appeal Court this month.

Not only that, he also was ordered to pay the costs for his unsuccessful action.

There is a limit to the sympathy you can feel for a man who keeps banging his head against legal brick walls, but the treatment of Mr Sharples by the Queensland Government and the Electoral commission has been little short of disgraceful.

The Electoral Commission, at least, owes him for the recovery of \$500,000.

The Parliament, all the attendant political parties (except, maybe, One Nation) and all who care for democracy owe him for ensuring that the provisions of the Electoral Act are observed.

And somewhere between 75 and 98 per cent of the people (depending on the prevailing opinion poll figures) owe him for demonstrating the ineptitude or duplicity of One Nation, which must have contributed to the collapse of its support.

Maybe even the saner elements of One Nation owe him a debt for forcing the party to get its act together and to behave something like a real political entity rather than an aimless mob.

In his latest action, Mr Sharples has pigheadedly dug himself into a hole.

However, the Government could consider some kind of ex gratia payment to relieve him of the burden of his original and farsighted actions.

Everyone who disowned Mr Sharples and then sat back and watched him tilt at windmills has prospered, but he has been left to carry the can of legal and judicial costs.

If this is to be the fate of a man who exposed public wrongdoing, it's not much of a lesson in civic responsibility.

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Psychiatrist launches lawsuit over 'academic freedom'

by David Spurgeon, *Nature*, Vol. 413, 4 October 2001, p. 444

A psychiatrist who had a job offer withdrawn by a hospital affiliated to the University of Toronto, after making critical comments about psychotropic drugs such as Prozac, has announced that he will sue the university and the hospital for damages of Can\$9.4 million (US\$6 million).

Lawyers acting for David Healy, of the University of Wales College of Medicine, have filed a statement of claim asking Canada's Superior Court of Justice in Toronto for formal recognition of an academic's right to speak out without fear of losing his or her position or of being reprimanded.

The lawyers say that this lawsuit is the first to be filed in Canada based on the principle of academic freedom.

Healy claims that the university and its affiliated hospital, the Centre for Addiction and Mental Health (CAMH) contravened this principle and broke their contract with him (see *Nature* 413, 240; 2001).

The lawsuit further alleges that Healy, director of the North Wales department of psychological medicine in Bangor, was defamed as a scientist and as a physician during attempts by the hospital and the university to justify the decision to withdraw his job offer.

In September 2000, Healy accepted the post of clinical director of the mood and anxiety disorders programme at the CAMH, with an accompanying full professorship in the university's department of psychiatry.

According to the statement of claim, the contract was rescinded in an e-mail a week after Healy gave an invited lecture at a November colloquium at the centre.

The CAMH has issued a statement saying that it stands by its decision, which was based "solely on the needs of our patients and staff".

University officials have said that Healy would still be offered an academic appointment if he obtained an appropriate medical position in one of the university's affiliated teaching hospitals.

Healy told a press conference in Toronto on 24 September that he did not intend to profit from the lawsuit. Instead, he said, he would use the proceeds — after costs and "immediate damages" — to set up a trust fund "to promote academic freedom".

Message from the President

There's a lot happening, as you will see elsewhere in this issue. An item of particular concern is the prosecution of Ray Hoser for 'contempt' and 'scandalizing the courts' by Victoria's Attorney-General Rob Hulls, who while in opposition I'm told was a noted champion of free speech. How things change once people are in government! But some things don't change, as you will see from the following extract from *Gulliver's Travels*, first published in 1726. Having read the book many years ago, before I knew what I know now, this passage didn't particularly register with me. My eldest son read it recently, and pointed it out. I hope you enjoy it as much as I did. Gulliver is in the land of the Houhynms, noble creatures who have difficulty understanding his explanations of the customs of his home country (England):

"...There was another point which a little perplexed him at present. I had informed him that some of our crew had left their country on account of being ruined by law; that I had already explained the meaning of the word; but he was at a loss how it should come to pass, that the law, which was intended for every man's preservation, should be any man's ruin. Therefore he desired to be further satisfied what I meant by law and the dispensers thereof, according to the present practice in my own country. ... I assured [him] that law was a science in which I had not much conversed, further than by employing advocates, in vain upon some injustices that had been done me: however I would give him all the satisfaction I was able. I said there was a society of men among us, bred up from their youth in the art of proving, by words multiplied for the purpose, that white is black, and black is white, according as they are paid. To this society all the rest of the people are slaves. For example, if my neighbour hath a mind to my cow, he hires a lawyer to prove that he ought to have my cow from me. I must then hire another to defend my right, it being

against all the rules of law that any man should be allowed to speak for himself. Now in this case, I, who am the right owner, lie under two great disadvantages: first, my lawyer, being practised from his cradle in defending falsehood, is quite out of his element when he would be an advocate for justice, which is an office unnatural he always attempts with great awkwardness, if not with ill will. The second disadvantage is that my lawyer must proceed with great caution, or else he will be reprimanded by the judges, and abhorred by his brethren, as one that would lessen the practice of the law. And therefore I have but two methods to preserve my cow. The first is, to gain over my adversary's lawyer with a double fee, who will then betray his client, by insinuating that he has justice on his side. The second way is, for my lawyer to make my cause appear as unjust as he can, by allowing the cow to belong to my adversary; and this, if it be skilfully done, will certainly bespeak the favour of the Bench. Now, your Honour [the houhynm] is to know that these Judges are persons appointed to decide all controversies of property, as well as for the trial of criminals, and picked out from the most dexterous lawyers, who are grown old or lazy; and having been biased all their lives against truth and equity, lie under such a fatal necessity of favouring fraud, perjury and oppression, that I have known some of them refuse a large bribe from the side where justice lay, rather than injure the faculty, by doing anything unbecoming their nature or their office. It is a maxim among these lawyers, that whatever has been done before may legally be done again; and therefore they take special care to record all the decisions formerly made against common justice and the general reason of mankind. These, under the name of precedents, they produce as authorities to justify the most iniquitous opinions; and the Judges never fail of deciding accordingly.

"In pleading, they studiously avoid entering into the merits of the case, but are loud, violent, and tedious in dwelling upon all circumstances which are not to the purpose. For instance, in the case already mentioned, they never

desire to know what claim or title my adversary has to my cow, but whether the said cow were red or black; her horns long or short; whether the field I graze her in be round or square; whether she was milked at home or abroad; what diseases she is subject to, and the like; after which they consult precedents, adjourn the cause from time to time, and in ten, twenty, or thirty years come to an issue.

"It is likewise to be observed that this society hath a peculiar cant and jargon of their own, that no other mortal can understand, and wherein all their laws are written, which they take special care to multiply; whereby they have wholly confounded the very essence of truth and falsehood, or right and wrong; so that it will take thirty years to decide whether the field left me by my ancestors for six generations belong to me, or to a stranger three hundred miles off.

"In the trial of persons accused for crimes against the state, the method is much more short and commendable: the Judge first sends to sound the disposition of those in power, after which he can easily hang or save a criminal, strictly preserving all the forms of law.

"Here my master [the houhynm] interposing, said it was a pity that creatures endued with such prodigious abilities of mind, as these persons, by the description I gave of them, must certainly be, were not rather encouraged to be instructors of others in wisdom and knowledge. In answer to which I assured him that in all points out of their own trade they were usually the most ignorant and stupid generation among us, the most despicable in common conversation, avowed enemies to all knowledge and learning, and equally disposed to pervert the general reason of mankind in every other subject of discourse as in that of their own profession."

Just as well Attorney-General Rob Hulls wasn't around to be scandalized in 1726! If he had been, would we be reading Jonathan Swift's classic satire today?

Jean Lennane

What's the meaning of whistleblowing?

"Frank Whitbread is a chemist who worked for a state environmental protection agency. Several times his boss had refused to allow him to testify before a state panel investigating the agency's failure to test the well water of subdivisions located near sites where hazardous materials had been dumped. Eventually he called up a state senator and told him his story. Shortly thereafter Frank was fired. The state civil service commission made his agency take him back, but he was given no work to do and an office that was once a janitor's closet." (p. 75).

Sound familiar? Frank speaks out in the public interest and suffers fierce reprisals from his employer.

But what does it all really mean? In particular, what does it mean for the whistleblower? C. Fred Alford tackles this vital question in his stimulating new book *Whistleblowers: Broken Lives and Organizational Power* (Cornell University Press, 2001).

Alford is sceptical of the heroic accounts in which the courageous employee brings a corrupt organisation to account, benefiting society and receiving society's gratitude. Instead, he has a much darker, more pessimistic message. Nearly all whistleblowers are destroyed. They lose their jobs, their careers, their houses, their friends, their families. But that is not the worst part. Most catastrophically, whistleblowers lose their trust in people and justice.

Alford is a political scientist at the University of Maryland. To research whistleblowing, he talked to lots of whistleblowers, attended whistleblower support groups and studied writings on whistleblowing. The stories he tells about individual whistleblowers are the same sorts of stories that have been told many times before. But Alford brings to this material a different perspective, offering new insights. In particular, he uses the whistleblower experience to provide insights into ethics and politics.

For whistleblowers, the book has passages that will be illuminating but also agonising. In telling their stories, over and over, whistleblowers typi-

cally go through a sequence of events. This, Alford thinks, serves as a substitute for telling a story that has an ending and a real meaning. The problem is that whistleblowers don't want to recognise the underlying truth, which is that there is no justice in the world and that organisations operate on the basis of power, not morality. If they recognise this truth, then their own actions become pointless. What is the use of behaving morally in a world without justice? Even when whistleblowers are later vindicated, it doesn't really help. As Alford asks, "What is the satisfaction in being right if as a consequence one has to give up everything one believed in?" (p. 51).

When whistleblowers lose their trust in people and organisations, they enter a new sphere of meaning, or perhaps lack of meaning. "For some, the earth moves when they discover that people in authority routinely lie and that those who work for them routinely cover up. Once one knows this, or rather once one feels this knowledge in one's bones, one lives in a new world. Some people remain aliens in the new world forever. Maybe they like it that way. Maybe they don't have a choice." (p. 52).

If whistleblowing results in a loss of meaning, then one response is to find alternative sources of meaning. The opposite to despair is paranoia, in which everything that occurs has meaning, because it is seen as part of a giant plot, with the whistleblower at the centre. Alford says that "Paranoia is a defense against loss of meaning" (p. 54).

Many others have described the devastating reprisals on whistleblowers, including ostracism, reprimands, forced transfers, referral to psychiatrists, assignment to menial duties, dismissal and blacklisting. Alford covers this ground well, but what is outstanding is his account of the psychological consequences of whistleblowing, especially loss of meaning. He draws attention to what is seldom said in public because it is unpalatable. He says that most whistleblowers would not do it again. He describes the inner psychological struggles of whistleblowers, in particular the feeling that they had no choice but to speak out. He describes their stories as "narratives stuck in static time" (p. 44). He tells about their difficulty in moving

on in their lives, because meaning has left their life and telling the sequences of events provides a semblance of meaning. In short, Alford gives not the usual inspiring picture of heroic, public-spirited employees but a depressing picture of devastated individuals whose careers and meaning systems have been destroyed. The title of the book is *Whistleblowers: Broken Lives and Organizational Power*, and "broken lives" sums up what happens to most whistleblowers.

The other part of the subtitle refers to organisational power, and here too Alford provides gloomy insights. The organisation responds to whistleblowers with implacable hostility.

Jennifer Long of the Internal Revenue Service (IRS) testified to Congress about abuses perpetrated by her employer. "On Monday when she returned to work, said Long, every single manager was in her face with the same refrain: 'You're not a team player'.

"The chairman of the Senate Finance Committee, William Roth, had warned the IRS not to retaliate against Long, and a year later he warned the commissioner in follow-up hearings. Two days later, on April 15, the Houston office of the IRS, where Long worked, fired her, after spending a year documenting thirty-three alleged shortcomings, including the failure to write neatly in her appointment book." (pp. 125-126).

Senator Roth as well as the new commissioner of the IRS were furious and moved to protect Long and punish her supervisors. Alford notes that "her supervisors must have known that they were risking their jobs to take hers. In effect, they were committing career suicide. They just couldn't stand it. They or she had to go, and this is one of the rare cases in which it was they, at least for now" (p. 126).

Alford says that "The whistleblower is a political actor in a non-political world." (p. 97). By this he means that the whistleblower acts on the basis of values within an organisation where values have no role. Within the organisation, the main rule is to do what the boss wants. Anyone who imports values into the organisation from the outside, such as public safety, fairness or honesty, is a threat to the line of command and must be expelled.

Because of the unremitting hostility of bosses to whistleblowers, laws do little to help, since ways are easily found of getting around them. In the US, there are hundreds of laws protecting whistleblowers, but they are little help. "At a conference on the legal protection of whistleblowers, every lawyer who spoke agreed that the laws do not work very well and that new laws rarely help." (p. 108). Organisations have much more money and much more time: \$100,000 and ten years to run a case is commonplace. Alford says that the law makes the "autonomous ethical individual" expendable (p. 113).

Alford tackles the issue of organisational power from several angles. In a chapter titled "Organized thoughtlessness," he diagnoses the bureaucratic organisation as a place where no one is supposed to think for themselves. This can be called the "rule of the living dead, those who no longer exist as actors [people with willpower] because they can no longer bear to think about what they are doing. More than a few whistleblowers talked about their bosses and co-workers as dead, or zombies. 'Sometimes they just don't seem human,' said one whistleblower of his co-workers. 'I think people must kill a part of themselves to remain part of the system'." (p. 119).

In the final chapter, "The political theory of sacrifice," Alford gives another gloomy perspective on organisational power. He compares the expulsion and degradation of the whistleblower with ritual sacrifice, which is a way of cleansing a group by symbolically putting all its sins on to a single individual, the scapegoat. Alford uses this idea, but with a twist. He says that sacrifice of the whistleblower "serves to rechannel destructive individual morality that might result in the breakdown of organizational control and hierarchy. Sacrifice is mobilized against thought in the name of organizational autarky [self-sufficiency]" (p. 128). The organisation is a transgressor, but that is accepted. It is the moral employee who is a threat to the organisation and who must be seen to be destroyed.

George Orwell's novel *1984* describes a totalitarian society in which individuality is extinguished, if necessary by torture. Alford finds analogies between the treatment of

Winston Smith, protagonist of *1984*, and the typical treatment of whistleblowers.

Although *Whistleblowers: Broken Lives and Organizational Power* has many insights for whistleblowers, much of it has a more intellectual purpose. Alford draws on the whistleblower experience in order to comment on bodies of social theory. As well as dealing with theories of organisation, as described above, he develops an explanation of whistleblower ethics around the idea of "narcissism moralised," and analyses this in relation to a number of philosophical theories of ethics. The book draws on prominent social theorists including Hannah Arendt, Zygmunt Bauman and Michel Foucault. Much of this will be far from easy reading for anyone not already familiar with the work of such thinkers. There are lots of sophisticated ideas from narratology, ethics and organisational theory.

Alford performs a useful task in exposing the depressing real-life experiences of whistleblowers and the sordid reality behind heroic stories of virtuous employees winning against evil employers. However, he idealises whistleblowers in his own way, by focussing on the most moral and justified individuals. He does not fully address the phenomenon of the inadvertent whistleblower who speaks out without realising the likely consequences. He filters out diverse types of individuals who contact whistleblower groups, including those whose claims are dubious, those who speak out to protect themselves, those who blow the whistle anonymously and those who are criminals seeking the more prestigious label of whistleblower. He also neglects the experienced organisational radical who knows exactly how the system operates and who speaks out with full awareness and only after suitable preparation. It is only by excluding many types of behaviour that Alford can come up with a standard picture of the conscientious employee whose illusions about justice in the world are destroyed.

Anyone looking for advice or solutions will be disappointed. There are no alternatives presented in the book and no strategies for change, just analysis of the problem.

Another limitation is that Alford does not look outside the US for his

examples and insights. William De Maria's book *Deadly Disclosures* (Wakefield Press, 1999) provides an equally gloomy picture of whistleblowing. More importantly, Alford sticks entirely to the cases of a lone whistleblower against a powerful organisation and thus misses the insights available by studying collective struggle. Deena Weinstein in *Bureaucratic Opposition* (Pergamon, 1979) analyses bureaucratic organisations as analogous to authoritarian political systems. Alford comes close to this in his mentions of Orwell's *1984*. But as well as individual opposition, it is possible to have group opposition, such as by trade unions, action groups and social movements. An individual whistleblower can be expelled but when a group mounts a challenge, the result is a different form of political struggle in the organisation.

Whistleblowers Australia could be seen as way of fostering collective opposition, of providing assistance and contacts so that a more powerful challenge can be mounted to transgressing organisations. Through links with media, trade unions, community groups, politicians and others, there is an increased chance of being effective. The lone whistleblower still usually suffers in vain, but as ever more people understand the dynamics of organisations, there will be fewer sacrificial victims — or at least that is the hope of groups such as WBA. Alford captures an important truth, but it is not the full story.

So read *Whistleblowers: Broken Lives and Organizational Power* and weep for lost innocence, but do not give up yet. The whistleblowing experience may destroy illusions about justice in the world, but there remain other ways to create meaning, including collective social action.

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The most controversial issue among contributors was the case of Ray Hoser.

WBA put out a **press release**, reprinted here, and **Christina Schwerin** puts the case below.

MEDIA RELEASE

A new start for Victoria on police and legal corruption? Or more of the same? Sack Chief Magistrate Michael Adams and jail whistleblower Ray Hoser? Whistleblowers Australia (WBA) played a key role in helping force the Royal Commission in NSW that exposed entrenched and widespread corruption in the NSW Police Service. Long-term whistleblower Ray Hoser has detailed very similar problems in Victoria in his best-selling *Victoria Police Corruption* books. He has also criticised Victoria's troubled court system, some of his points being echoed by chief magistrate Michael Adams before his departure, allegedly forced by Attorney-General Rob Hulls.

In an extraordinary move, Hulls recently issued writs against Hoser and his publisher for contempt, alleging his books have scandalised the Victorian courts. Hoser faces a possible jail term if this move is successful.

LAW OF SILENCE

The Victorian Attorney-General Mr Rob Hulls, has issued a writ for "Contempt of Court" on corruption author-whistleblower, Raymond Hoser. Details of the writ can be found on the Internet at <http://www.smuggled.com/VGS1.htm>. Transcripts and other major documents are outlined at: <http://www.smuggled.com/Tran1.htm>. The writ is served on R. Hoser and his publishing company Kotabi, over their books, *Victoria Police Corruption* and *Victoria Police Corruption 2*. It is alleged that R. Hoser has scandalised the courts in his books, by undermining public confidence in the State's legal system.

Whistleblowers Australia believe that if successful, this action will set precedents in law which will have very detrimental, long-term effects for all of

us. Such precedents could then be relied upon in future legal actions used in any instance to silence the reporting of public concerns and to remove from public attention any publication which served to bring these before the public.

Raymond Hoser reports that the current writ calls for the following penalties against him.

"1. That R. Hoser be jailed for 10 years.

That his assets be seized.

That R. Hoser and his publishing company be liquidated.

That possession of the books be made a chargeable offence.

That all of the books be confiscated and removed from public access."

The seizing of assets is supposed to apply only in such cases where the assets are accumulated through the proceeds of crime. That does not apply in the case of Mr Hoser.

Such extreme measures, in the circumstances, appear to be unbelievably harsh. Quite astounding in view of the fact that no action has been taken against the perpetrators of crime and corruption, as reported in the same books.

What kind of message does this send to the people of Victoria?

The removal of the books from public access is a matter of major concern. Due only to the nature of the matters reported therein.

Just some of the cases reported in the books are, the Tanner murder, the raping by police of women in a Women's Refuge at Maryborough Victoria (the police responsible were merely relocated to other areas). The 1977 murder of anti-drugs campaigner, Donald Mackay, in Griffiths, NSW. Also, the Mick Skrijel case, which is detailed in the copy of Mick Skrijel's letter to the Prime Minister of 6 July 2001. (A precis of Mick's case is included on WBA's Four Key Cases of National Significance brochure).

These are genuine cases, documentary proof of most are held on record by Whistleblowers Australia. They evidence the failure of the Government, government agencies, police, and the Ombudsman, authorities which hold the responsibility to deal with such matters, to carry out the duties of their office properly in the best interests of the public. Such

matters as should be kept before the public.

We have a right to access information which affects our communities. Such information assists us to make informed decisions about our lives. We have the right to speak and to voice our opinions and concerns and to have some influence in the forming of the policies and laws of our government. To know how our taxes are being used and if they are being used in our best interests.

For those who are unable to accept the factual reality of the use of litigation as a means of discrediting and falsely jailing people who report on matters which the government does not want you, the public, to know, I refer you to the letter from Mick Skrijel's letter to the Prime Minister dated 6 July 2001, a copy of which can be accessed on the SAEBOW website at: <http://www.bulliesdownunder.com/> scroll down to CURRENT EVENTS and click on HOT NEWS! The link will take you down to the "Speaking Out" forum of 'Bullies Down Under' and the letter can be accessed under "LETTER TO THE PRIME MINISTER" All that Mick reports in his letter can be backed-up with documentary proof.

Incarceration should be reserved for perpetrators of crime and not used to silence and intimidate.

The action appears to be unnecessary and therefore a waste of public money. The books have been on sale for two years now and already over 10,000 copies have been sold. A related action for "Defamation" was failed when brought before Justice EW Gillard in April of last year. Mr Hoser reports that costs were then awarded in favour of R. Hoser, who at the time signed an agreement to the effect that he would not pursue the Hulls side for his costs, on the condition that all and any further actions against him be dropped. Mr Hulls has now initiated this new action.

Whistleblowers Australia have sent media releases to all mainstream media sources in the state, protesting the current action by the Victorian Government against Raymond Hoser. To date there has been two public protests against the action, on 20 July and 13 August, respectively. Still, there has been no exposure of this

matter that has such wide future impact for the public in general.

What keeps the media silent on the matter? We must ask ourselves if the action against Mr Hoser is proper use of the law and the courts when the initiation of this action must be hidden from public scrutiny.

Today it is Raymond Hoser who is to be silenced and his publishing company closed down. Tomorrow, it could be any author or reporter and any publishing source.

This case now initiated against Raymond Hoser, has aspects, which should it succeed, we believe will produce regrettable effects in the long-term, for all Australians.

Christina Schwerin

*National Vice-President
Whistleblowers Australia*
23 August 2001

Comment by Jean Lennane

The pattern of an authority 'shooting the messenger' is all too familiar to WBA from hundreds of cases all around Australia. Many of these cases involve police; many others the courts. It is wildly unrealistic to expect such areas can ever be totally free of corruption; and equally clear that what is required is acceptance by the authorities that some degree of corruption is inevitable, coupled with a determination from the top to do everything possible to prevent it. Victoria's new police commissioner, Christine Nixon, had an honourable post-Royal Commission role in NSW, in particular in strengthening the NSW police whistleblower support unit. This unit has actually succeeded in making it easier and much less dangerous for whistleblowers, the life-blood of any reform process, to come forward. She also instituted ground-breaking research comparing the career paths, health and welfare of police whistleblowers with police they blew the whistle on, as well as controls. This research is proving an invaluable tool for ongoing monitoring of the service's ethical health. It would be equally applicable for Victoria Police, and WBA would be pleased to help with it, as we have in NSW.

Victoria at last has a chance for a new start on corruption, but it requires

a new attitude to whistleblowers, however unwelcome their message. Attorney-General Halls' prosecution of Ray Hoser is unfortunately a giant stride in precisely the wrong direction.

Victoria deserves better.

*Jean Lennane, National President,
Whistleblowers Australia*

Stop press on Hoser case

The court has ruled against Ray Hoser, fining him \$5000 plus costs. He will be appealing.

Ads, Sites and Updates

This section is devoted to notices, tips and directions to helpful sites. Email updates are open to all members wishing to spread the word on issues of whistleblowing significance.

Email Updates

Subject: Public Interest Disclosure Bill
Date: Sun, 2 Sep 2001 18:16:35 +1000
An observant whistleblower spotted the notice for this in Saturday's *Sydney Morning Herald*. No doubt it was also in the other major dailies. Apparently the Bill was referred to the Senate Finance and Public Administration Legislation Committee on 8th August 'for inquiry and report by 18 April 2002'.

The secretariat's phone number is 02 6277 3530; email address below.

Phone or email, just to let them know people are interested.

To: fpa.sen@aph.gov.au

From: Jean Lennane

<jlennane@sydney.net>

Subject: Public Interest Disclosure Bill
Dear Sir/Madam, We were rather surprised at the notice in Saturday's papers regarding the above, since this is the first we have heard of the existence of such a Bill, despite Whistleblowers Australia's considerable input into the two previous Senate Committee inquiries, 1993-5, and repeated representations to the Government since that time.

Obviously we as an organisation, and a number of our members individually, will want to make submissions; however the logistics of meeting the cut-off date of 21st September will be prohibitive, given that none of us has yet seen the Bill, and only about a quarter of our several hundred members are on email.

I am therefore requesting an extension of the deadline for submissions, if at all possible, by at least another three weeks. Could you also please let me know by return email where the Bill is located on the Web? and for those who are not on email, how they can most expeditiously obtain a copy of the Bill? Plus any other available information on the process to be followed by the Committee?

We look forward to hearing from you.

*Jean Lennane, National President,
Whistleblowers Australia*

Dear Ms Lennane

Thank you for your inquiry. The Public Interest Disclosure Bill 2001 is available from the attached link:

<http://search.aph.gov.au/search/ParlInfo.ASP?action=browse&Path=Legislation/Current+Bills+by+Title&Start=3&gDY#top>

Please note, and ask your members to note, that:

*the Bill relates to disclosures in the Commonwealth public sector;

*the Bill defines employees as being employed under the Public Service Act 1999 and the Parliamentary Service Act 1999; and

*submissions must address the Bill.

Hard copies of the Bill will be mailed to those who do not have Internet access and who telephone the secretariat to request a copy (in accordance with the advertisements). The closing date was set with the Committee's available in mind—they will be in Canberra for the last week of September. However if it is not possible to meet this deadline, they should be provided by 12 October 2001.

Yours sincerely

Helen Donaldson

Secretary

*Finance and Public Administration
Committee*

(02) 6277 3530

Senate Committee — Higher Education

I've recently appeared before the Senate Committee looking into Higher Education and you may be interested.

My submission to the Senate is submission 91 and can be found at http://www.aph.gov.au/senate/committees/eet_ctte/public%20uni/sub%20list.htm

It contains details of the two whistleblowing cases in which I've been involved.

The transcript of my hearing before the Senate can be found at

<http://www.APH.gov.au/hansard/senate/committee/comsen.htm>

then select "Employment, Workplace Relations, Small Bus. & Education" then select "15/05/01 Melbourne"

Kim Sawyer

Associate Professor

Centre of Financial Studies

University of Melbourne

Web Sites

Catherine Crout-Habel researches some useful sites.

"Working Towards a Bully Free Workplace" conference, Sept 26th, 2001, Adelaide, can now be accessed on: <http://www.polson.com.au>; click on Workshops/conferences and scroll down to Adelaide Conferences.

BULLY ONLINE

<http://www.successunlimited.co.uk/whistle.htm>

Whistleblowing pages on the UK National Workplace Bullying Advice Line web site. Includes links to other web sites.

CAMPAIGN for FREEDOM of INFORMATION

<http://www.cfoi.org.uk/whistle.html>

This is the whistleblowing section of the CfoI site.

EUROPEAN INDUSTRIAL RELATIONS OBSERVATORY

Legal protection for "whistleblowers" takes effect

<http://www.eurofound.ie/1999/07/InBrief/uk9907119n.html>

"Whistleblowers' Charter" becomes law, 1998

<http://www.eurofound.ie/1998/07/InBrief/uk9807137n.html>

FREEDOM to CARE

<http://www.freedomtocare.org/contents.htm#contents>

The index has a section for 'accountability, ethics and whistleblowing'.

PUBLIC CONCERN at WORK

<http://www.pcaw.co.uk/>

This organisation states that "Our objects are to promote good practice and compliance with the law in the public, private and voluntary sectors. We do this by focussing on the accountability of those in charge and the responsibility of those at work".

WHISTLEBLOWERS AUSTRALIA INC Newsletter

http://www.uow.edu.au/arts/sts/bmartin/dissent/contacts/au_wba/

Medical Reporter Barry

Hailstone wrote in the *Adelaide Advertiser*, 29 August 2001:

"A landmark report on compensation schemes has raised doubts about their impact on the health of injured people. The Royal Australasian College of Physicians report issued yesterday shows people who seek compensation for injuries often end up in worse health than those who do not.

'We have been concentrating too much on the medical factors,' said Dr Ian Gardner, president of the college's faculty of occupational medicine.

He said the study showed psychosocial factors such as the way people were treated by employers, insurers and doctors, too many medical assessments, prolonged absences from work, the time taken to resolve issues and the adversarial nature of the system, worked to prolong illness. The report clearly showed the system would be improved by looking at the way medical, legal and insurance professionals worked with people with compensable injuries.

The college's report makes key recommendations. It suggests: BETTER consumer education. IMPROVED ways to "navigate" the compensation system.

BETTER assessment of impairment and consistent national guidelines.

IMPROVED treatments for commonly occurring health conditions after an injury.

You can phone (02)9256 5444 to have a copy of the Report posted, or access via the web on <http://www.racp.edu.au/afom> (click on Publications and title of report is "Compensable Injuries and Health Outcomes").

This media update found by

Catherine Crout-Habel, SAEBOW (*South Australian Employees Bullied out of Work*)

Help/Information Line "Bullies Down Under"

<http://www.bulliesdownunder.com/>

"Who are the most guilty? Those who bully or those who stand by and allow it to happen?"

Bullying Protest

Workplace bullying and abuse is growing to epidemic proportions, severely damaging not only the person targeted but also family, friends and work colleagues.

Here in South Australia, a group calling themselves "Friends of SAEBOWs" have joined forces and said, "Enough is Enough!"

Their first protest, on behalf of bullied workers, is the South Australian Labour Day March, 28th September, 2001. They call upon others to meet with them in Victoria Square, near Market entrance between Samuel Way Court and Hilton Hotel, at 11.45a.m. and join the march to Parliament House.

Look for the banner....

For further details contact the organiser:

Paul Pledger

Ph (08) 83837381 or 0419822317

Fax (08) 83837391

Email pledgerp@ozemail.com.au

Change can come about through the power of many, but only when the many come together to form the invincible - the power of one. Bryce Courtenay

Joe Hine sends in this contribution, and asks, *Is the anti-globalization movement the answer to an epidemic of loneliness?*

Excerpted from the book *Escape Routes* by J.C. Arnold
Read it free by email at <http://escape.plough.com>

WHO WILL NOTICE WHEN YOU DIE?

By Johann Christoph Arnold

Three weeks before Christmas 1993, Wolfgang Dircks died while watching television. Neighbors in his Berlin apartment complex hardly noticed the absence of the 43-year-old. His rent continued to be paid automatically out of his bank account. Five years later, the money ran out, and the landlord entered Dircks's apartment to inquire. He found Dircks's remains still in front of the tube. The TV guide on his lap was open to December 3, the presumed day of his death. Although the television set had burnt out, the lights on Dircks's Christmas tree were still twinkling away.

It's a bizarre story, but it shouldn't surprise us. Every year thousands of people are found accidentally days or weeks after their solitary deaths in the affluent cities and suburbs of the Western world. If a person can die in such isolation that his neighbours never notice, how lonely was he when alive?

Forget about the Information Age: we live in the age of loneliness. In a world where marriage rates are dwindling, middle age is synonymous with divorce, and old age means a nursing home, people are bound to be very lonely. How many of our neighbors or colleagues do we really know as friends? How often do we turn on the television because we lack companionship?

It's true that in the last few years new kinds of community have arisen which we ought to take note of. One is the grassroots movement of environmental, human rights, and labor groups that converged on Seattle in 1999 and Quebec in 2001 to demonstrate against the undemocratic globalization agreements known as "free trade." A woman who helped

organize for the Seattle protests told me:

"The feeling of solidarity and community among us was incredible. Even though most of us were strangers, we cared and looked out for one another. Our aim was a non-violent one, putting into practice the teachings of Gandhi and King."

When thousands of people from all walks of life come together to share a vision after years of creative networking, I feel great hope for the future. Still, such hopeful signs are far too rare to solve the epidemic of loneliness that is the curse of our society today.

Surely there must be more to our cravings than can be answered by the simple presence of others around us — who hasn't felt lonely in the middle of a crowd? Kierkegaard, by way of example, writes in his *Journal* that though he was often the life and soul of a party, he was desperate underneath: "Wit poured from my lips, everyone laughed and admired me. But I went away ... and wanted to shoot myself."

Such desperation is a common result of alienation from our true selves. If it seems an exaggeration, recall your own adolescence. How often were you insecure or lonely, unable to measure up to all those people who seemed to have everything — people who were smart, fit, and popular? And even if you were well-liked, what about your hypocrisy, your deceit, your guilt? Who hasn't known the weight of these things? Multiply self-contempt a million times, and you have the widespread alienation that marks society today. What else is it that stops strangers from acknowledging each other in the street, that breeds gossip, that keeps co-workers aloof? What else is it that destroys the deepest friendships, that divides the most closely knit families and makes the happiest marriages grow cold?

We may justify the walls we throw up as safeguards against being used or mistreated. But do they really protect us? If anything, they destroy us by keeping us separated from others. They result in the attitude summed up by Jean Paul Sartre, who said that "hell is other people."

Dostoyevsky half-jokingly said that though he loved humanity, he couldn't stand individuals. All too often, our actions unwittingly mirror exactly that

view. How many of us really love our neighbor, rather than merely coexist? How often do we pass someone with a smile on our face, but a grudge underneath — or at least a quiet prayer that if he stops to talk, he won't go on too long? And doesn't this lack of love contribute to alienation on a broader social level?

How far we have fallen from our real destiny! If only we were able to break down a few of the barriers that separate us, we might not resign ourselves so quickly to the idea that they are an unavoidable fact of life, but open our hearts to the richness that human experience affords — both in the sheer miracle of our individual existence, and in the joy of meaningful interaction with others.

An outspoken social critic and award-winning author, Johann Christoph Arnold's books have sold over 300,000 copies in English and have been translated into 18 foreign languages.

Whistleblowers Australia: contacts

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 7:30 p.m., Presbyterian Church Hall, 7-A Campbell St., Balmain 2041. **General meetings** held in the Church Hall on the first Sunday in the month commencing at 1:30 p.m. (or come at 12:30 p.m. for lunch and discussion). **Contacts:** Cynthia Kardell, phone/fax 02 9484 6895, or messages phone 02 9810 9468; fax 02 9555 6268.

Goulburn: Rob Cumming, 0428 483 155. *Web site:* <http://www.whistleblowers.org.au>

Wollongong: Brian Martin, 02 4221 3763.

Queensland contacts: Feliks Perera, phone/fax 07 5448 8218. Also Whistleblowers Action Group contact: Greg McMahon, 07 3378 7232 (a/h).

South Australian contacts: Matilda Bawden, 08 8258 8744 (a/h); John Pezy, 08 8337 8912

Tasmanian contact: Isla MacGregor, 03 6239 1652

Victorian contacts: Anthony Quinn 03 9741 7044 or 0408 592 163; Christina Schwerin 03 5144 3007; Mervin Vogt, 03-9786 5308.

Western Australian contacts: Avon Lovell, 08 9242 3999 (b/h); John White, 08 9382 1919 (a/h).

Membership of WBA involves an annual fee of \$25, payable to Whistleblowers Australia. 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.

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

The activities of Whistleblowers Australia depend entirely on voluntary work by members and supporters. We value your ideas, time, expertise and involvement.

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