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

The Whistle

No. 84, October 2015

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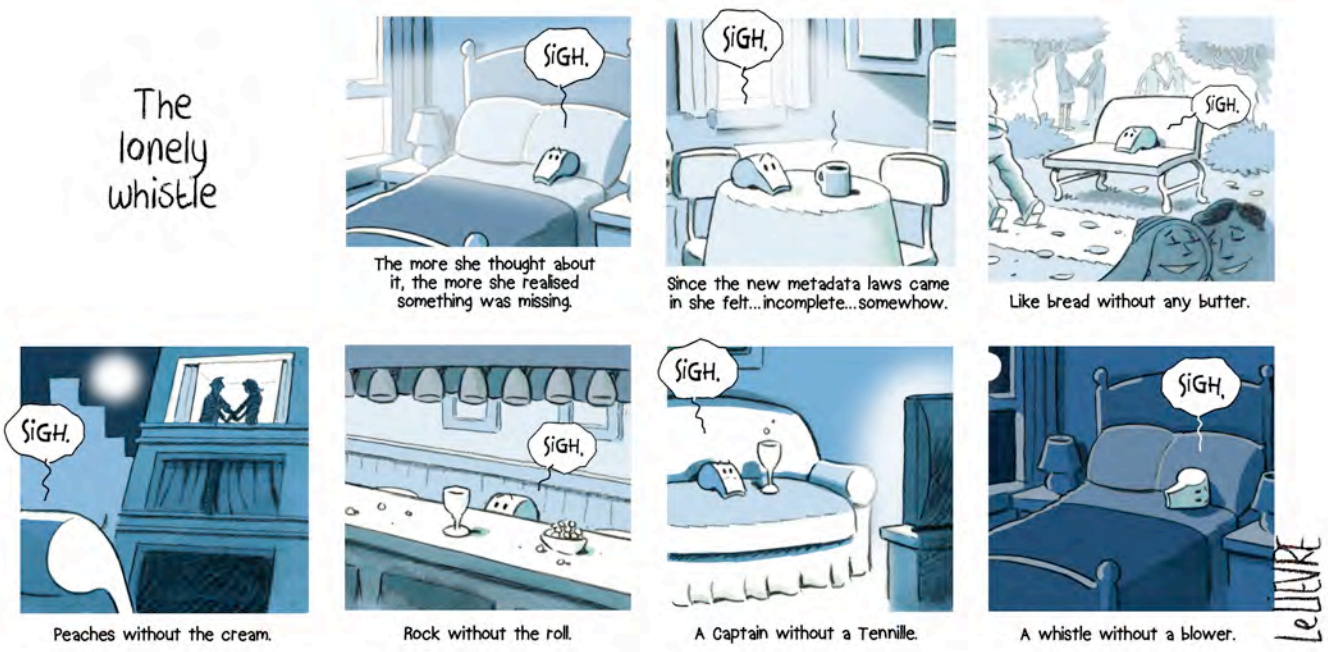


Conference and annual general meeting

Conference
Saturday 14 November 2015
8.15am for 9am

Speakers

Michael Cole, Westmead Hospital whistleblower: Dealing with stress

Stacey Higgins, WBA committee member: FOI, traps for unwary

Tom Lonsdale, pet food whistleblower: Reform takes longer

Alan Kessing, customs whistleblower: GIPA is not FOI

Debbie Locke, police whistleblower: Backing up for "seconds"

Brian Martin, WBA vice president: Rules for Leaking

Jim Page, university whistleblower: Academia not up to scratch

David Reid, ANSTO whistleblower: Taking stock

Lyn Simpson, live exports whistleblower: Unexpected consequences

AGM
Sunday 15 November 2015
8.15am for 9am

Venue: Uniting Church Ministry Convention Centre on Masons Drive, North Parramatta, Sydney

Non-members: $65 per day, includes lunch & morning/afternoon tea. Optional $35 extra for dinner onsite 6pm Saturday night

Members, concessional cardholders and students: $45 per day
This charge may be waived for members, concessional cardholders and students from interstate, on prior application to WBA secretary Jeannie Berger (jayjellybean@aol.com).
Optional dinner @ $30 a head, onsite 6pm Saturday night.

Bookings: notify full details to treasurer Feliks Perera by phone on (07) 5448 8218 or at feliksfrommarcoola@gmail.com or president Cynthia Kardell (for phone/email see below under enquiries).

Payment: Mail cheque made payable to Whistleblowers Australia Inc. to the treasurer, Feliks Perera, at 1/5 Wayne Ave, Marcoola Qld 4564, **or**
pay Whistleblowers Australia Inc by deposit to NAB Coolum Beach BSB 084 620 Account Number 69841 4626 **or** by credit card using PayPal to account name wba@whistleblowers.org.au.

Low-cost quality accommodation is available at the venue: Book directly with and pay the venue. Call 1300 138 125 or email service@unitingvenues.org

Enquiries: ring national president Cynthia Kardell on (02) 9484 6895
or email ckardell@iprimus.com.au

National Whistleblowers Day, 30 July 2015

These are dangerous times for whistleblowers and the "fair go" society we have grown to know and love.

Solid information is becoming very hard to come by and it is likely to become even harder if, for example, our healthcare professionals allow themselves to be intimidated by the draconian border protection laws enacted only recently by federal parliament. These laws have little or nothing to do with maintaining the security of our borders and everything to do with frightening good people into silence in the face of human suffering and tragedy. More than ever before we need people of good will, like our healthcare workers, to stand firm with those who come forward in the public's interest to put what is right ahead of rampant political self-interest.

We may need to see many more of us pushing back with rallies and social media like the "je suis Charlie" campaigns with "je suis refugee" # tags, flags and banners flying from every corner of our nation before our political representatives get the message of not in our name you don't, when you try to stop good people exercising their ethical and professional responsibilities to speak out for their patients, whether they be asylum seekers or not.

If you need any convincing about what might be the result if these draconian laws are not repealed, then consider recent revelations that top psychologists and senior officials in the American Psychological Association (APA) secretly collaborated with the Bush Administration's interrogation programs. The secret "rendition" laws ensured that we too were a part of it. If we are ever to learn anything from history, then this is the time to learn that this shocking behaviour is the natural endpoint of laws introduced to normalise wrongdoing and justified as needed to combat the wrongdoing of our geopolitical enemies. It is a race to the bottom with tragic human consequences.

protest against torture

We have learnt the Bush administration deliberately legislated processes to make it acceptable for ordinary people to secretly torture others for reward, when we all know that waterboarding and other forms of torture are illegal, inhumane and a failure anyway, because the evidence obtained is worthless. But worse, these laws and policies were deliberately set in place to corrupt and encourage the compliance of citizens, even when they violated every value that people hold dear.

The APA revelations make for some very uncomfortable comparisons much closer to home and not so long ago. It was the 1970s when top cop Phil Arantz exposed falsified police crime statistics and was forcibly sectioned and detained by government agents in the Prince Henry Psychiatric Hospital in Sydney to bury him with his allegations.

It was not an isolated incident, because by the 1990s Soviet-style psychiatry had become standard practice for some. They were what the late Dr Jean Lennane, Whistleblowers Australia's founder, called the "hired guns," who were all too willing to do a government agency's bidding to ensure that whistleblowers were seen to be bad or mad or both.

But better methods of getting good information out there are tipping the balance in the public's favour more often and creating enduring legal precedents. The recent court ruling by Justice Hollingworth in the Victorian Supreme Court is being seen as one of the first tests in a superior Commonwealth court of the need, and the difficulty in the digital era, of balancing a country's national security and diplomatic interests against the public's right to know.

Justice Hollingworth had previously issued a suppression order to prevent misreporting in Australia's biggest bribery case, but later quashed the suppression orders when WikiLeaks' publication of their contents made the suppression orders redundant.

Yes, indeed! Whistleblowers Australia says thanks are certainly due to an anonymous whistleblower and WikiLeaks, because the public's interest in political transparency should always trump fanciful arguments about national security.

The lifting of the orders means Malaysian Prime Minister Najib Razak, his predecessor Abdullah Badawi and Indonesian leaders Susilo Bambang Yudhoyono and Megawati Sukarnoputri (who all deny any wrongdoing) may now be named in the event they are subject to any allegations in future court proceedings involving Australian businessmen charged with foreign bribery offences.

But these are dangerous times for whistleblowers and those who stand shoulder to shoulder with them, because of the opportunity that the spread of militias like Da'esh has offered to really conservative governments to make laws that intimidate, even terrify their own citizens into accepting more and more secrecy in government to keep themselves safe from us! If our whistleblowers and journalists can be jailed, good people everywhere like you and me will be left with very little other than a well founded fear that they have been duped. Because you do not beat extreme conservative fundamentalism by matching it with them! We need to stand proud, on the things that make us very different. Open, accountable, secular and civil society that embraces whistleblowers and the good people everywhere who stand with them!

This is why it is so important at least once a year to say thanks to all the whistleblowers who we have come to know in the media and the hundreds and hundreds of others who we will never know. Whistleblowers from our charities, schools, universities, hospitals, prisons, police, private businesses

large and small and banks and financial institutions, who have been quietly blowing their whistles, all the while despairing that it was a bit like throwing a pebble into a pond, but hoping that the ripple effect might over time build a better, open, more civil society. And, looking back over nearly a quarter of a century we think it has, which is why Whistleblowers Australia would like to say, thank you to all good people everywhere!

Cynthia Kardell, President, Whistleblowers Australia
A version of this article with hyperlinks: http://www.bmartin.cc/dissent/documents/Kardell15.html

Protecting whistleblowers or protecting watchdogs?

Pam Swepson

In June 2015, Greg McMahon, President of the Whistleblowers Action Group Queensland (WAGQ) circulated, via email, my paper "Whistling While They Work (WWTW): Protecting whistleblowers or protecting the watchdogs?" to an international network of organisations interested in protecting whistleblowers. Professor Paul Mazerolle, who is now Pro Vice Chancellor of Griffith University and who had been a researcher on the WWTW study, and Professor A.J. Brown also from Griffith University and lead researcher on the WWTW study, responded to Greg's email and my paper to defend the WWTW study. With respect, their responses did little to answer the question I raised in my paper.

WAGQ has long been critical of the WWTW study into whistleblowing in the Australian public sector, because the study's findings are potentially dangerous to whistleblowers. The study was funded and given oversight by thirteen watchdog agencies from the Commonwealth, New South Wales, Queensland, Victorian and Northern Territory and ACT governments and conducted by Griffith University between 2005 and 2007. The study's findings are that "organisations should adopt a policy of '*when in doubt report'* to encourage the reporting of wrongdoing" while, at the same time, acknowledging that it is not always safe for whistleblowers to do so. The study also found that "organisations need to improve their performance in supporting and protecting persons who come forward with reports of wrong doing … (because) there was ample evidence that this was one area where organisations are falling down."

Watchdog 1

With a background in social science research, and now a member of WAGQ, I critiqued the methodology of the WWTW to find major methodological flaws that biased the results of the study strongly in favour of current practices in the public sector for supporting whistleblowers. Hence, the study could potentially entrench current practices and, coincidentally, support the watchdog agencies that promote those practices and that funded the WWTW study. Hence the title of my paper is **"**Whistling While They Work (WWTW): Protecting whistleblowers or protecting the watchdogs?" The fact that in October 2007, the Queensland Crime and Misconduct Commission, one of the funders of the study, was quick to claim that "New research busts whistleblower bad treatment myth" gives some weight to that concern.

Professor Paul Mazerolle defended the study by saying "The research project was very large in scale and scope." It wasn't. The WWTW study claims that its results are relevant to all 1.6m Australian public servants, but it collected data from only 4 of the 9 Australian jurisdictions, from only 118 of the 973 agencies within those four jurisdictions and then from only 7663 of the 23,177 employees in those 118 agencies. It was a sample of just 0.5% of the total population of Australian public servants. And a non-response rate of 85% from those agencies the WWTW researchers approached and 66% non-response rate from the staff in the agencies who did respond at some level severely comprises the reliability of the study.

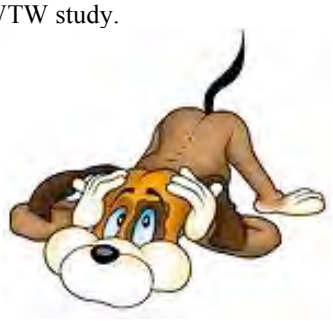
Watchdog 2

Professor Mazerolle also said: "The project relied on large scale surveys, interviews, case file reviews, and documentary analysis. In short, the methodology was multi modal." The research report states that the study relied most heavily on the Employee Survey and that ex-public sector whistleblowers were explicitly excluded from this survey. This has been always been WAGQ's main criticism of validity of the WWTW study: not interviewing whistleblowers who, for various reasons, have left the public sector. My further criticism of the WWTW's Employee Survey is that the design of the questionnaire biases responses in favour of the current practices of Australian public sector agencies in protecting whistleblowers. It introduces this bias by:

- Relying on self-reports. The research report itself cautioned about the validity of self-report data.
- Framing the response to each item in the questionnaire in terms positive towards current practices. To avoid bias, the questionnaire needed to contain a mixture of positive and negative statements about current practices.
- Collecting responses via a five point, subjective, opinion scale (from "strongly disagree" to "strongly agree") and always giving "strongly agree" a score of 5 and always giving "strongly disagree" a score of 1.
- Summing and averaging subjective responses. The data from subjective opinion scales cannot be summed and averaged because the distance between opinions points is not equal: the distance between "neutral" and "agree" may or may not be the same as that between "agree" and "strongly agree." The

only legitimate measures of the central tendency of subjective scales are the median or modal scores. Instead, the WWTW summed and averaged the subjective data of the Employee Survey to produce nonsensical statistical results and claim some "notional extrapolation" (another nonsensical term) to the total population of Australian public sector employees.

Professor Mazerolle also said "Like all research projects and research designs there are limitations to the WWTW project." It is my professional opinion that the methodology of the WWTW was more than limited: it was fundamentally flawed. And it is my opinion that, because the methodology of the WWTW study was so flawed, it could not critically evaluate the current practices of Australian public sector agencies in protecting whistleblowers and, hence, could potentially entrench those practices. Another consequence of this flawed research could be to protect the watchdog agencies that recommend current practices, including those that funded and provided oversight of the WWTW study.



Watchdog 3

The only criticism that Professor A.J Brown, also from Griffith University and leader of the WWTW research team, made of my critique was that it based largely on the study's draft report to the Australian Research Council in 2007. Professor Brown felt that I should limit my criticism of the WWTW project to his description of it in the book he co-authored in 2008. I considered that contemporaneous reports of the researchers in 2007 were more likely to accurately reflect the researchers' findings and concerns than later reports. Indeed, the study's 2009 report to the Australian Research Council, entitled "Whistling while they work: towards best practice whistleblowing programs in public sector organisation," co-authored by Professor Brown, states that the WWTW study, which the 2007 report had described as a non-randomised survey of self-selecting agencies and self-selecting staff with a very high non-response rate was, by then, "randomised" (p12) and, therefore, relevant to the entire population of Australian public sector employees.

So, I suggest the question remains, was the purpose of the "Whistling While They Work" study to protect whistleblowers or to protect watchdogs?

Dr Pam Swepson is secretary of the Whistleblowers Action Group Queensland. For a copy of Pam's paper referred to in the opening paragraph, contact her at pam@swepson.com.au.

Response to "Protecting whistleblowers or protecting watchdogs?"

AJ Brown

In response to Pam Swepson's final question: no, neither the aim nor the effect of our research project was to protect watchdog agencies. It was to gain a much more comprehensive understanding of how much whistleblowing goes on in the Australian public sector (much more than commonly understood), how important it is from a public interest perspective (very!), and how organisations are responding to it in the first instance, given that the vast bulk of whistleblowing occurs internally and often goes no further (we found they often respond poorly but sometimes much better than one might expect! — and everything in between). The aim was to begin to identify when and why, so that we could start to identify better and worse practice, and increase knowledge as well as lift the standards on what employers and organisations should be doing to facilitate and respond to whistleblowing. We're happy we were able to begin doing that, and further research is continuing to that end.

If anyone would like a copy of my detailed response to Dr Swepson's concerns (contrary to the impression created by her article, it is a five-page letter), I am more than happy to provide it on an individual basis.

However, I still fail to understand why Pam bases her interpretation of our findings and recommendations on our two draft reports (2007 and 2009) which as I reminded her, were "released precisely for the purpose of attracting comment, criticism and feedback, which we received from a wide range of both experts and other stakeholders including Whistleblowers Australia" and which "was then taken on board for the final publications" in each case: our 2008 book *Whistleblowing in the Australian Public Sector,* and our 2011 organisational guide, *Whistling While They Work.* Both are downloadable for free as e-books from ANU Press, and I encourage anyone seeking to form their own view on the aims, scope, nature and usefulness of the research to simply have a look for themselves.

AJ Brown

AJ Brown is professor of public policy and law at Griffith University and was lead investigator in the Whistling While They Work project.

Media watch

Public Service Commissioner John Lloyd spent thousands to find whistleblower

Phillip Thomson
Canberra Times, 21 July 2015

PUBLIC SERVICE COMMISSIONER John Lloyd's office spent almost $10,000 of taxpayers' money in its failed attempt to catch a leaker in its ranks.

The commission estimated it cost $9275 to try to find out who leaked information to the media which showed Prime Minister Tony Abbott ignored the APSC warnings about incorrect information.

John Lloyd. *Photo: Jay Cronan*

Mr Abbott used the information to justify the government's backflip on Australian Defence Force pay even though it was not correct.

Eventually not enough evidence was found to identify the leaker who Mr Lloyd said had flagrantly breached the Australian public service code of conduct.

In an answer to a question on notice lodged by Labor senator Joe Ludwig, the APSC said the estimated expense of the investigation represented the salary costs of the staff member who did the inquiry.

If it was one person conducting the inquiry, as suggested by the APSC's answer, then it appears as though it was at least a month's work for a senior staff member.

The commission advised ministers' offices at least twice that data used to bolster their argument — that diggers' pay was "catching up" with that of public servants — did not support the claim.

After the story was published in March Public Service Commissioner John Lloyd said he would launch an investigation to find out where the leak came from.

At the time Mr Lloyd said leaking "lets down people who are conscientious and do the right thing."

"If you know someone who has leaked anything you'll never trust them," he said in recent months.

The Australian Public Service Commission is a central agency that plays a huge role in influencing the culture and direction of the federal bureaucracy and one of its important jobs is to promote adherence to the APS code of conduct.

Not investigating the leak may have been seen by some within the bureaucracy as setting a bad example.

The APS code of conduct says public servants must maintain appropriate confidentiality about dealings with any minister or minister's member of staff.

But it appears there would be few options for a public servant to safely blow the whistle on politicians using incorrect information.

Anybody who leaked information about how information was used by politicians would not have their issues investigated by the Public Interest Disclosure Act 2013 — a point previously made by investigative journalist Andrew Fowler.

Andrew Fowler

As Mr Fowler wrote in an article for *The Interpreter* a year ago: "And herein lies the flaw of a procedure which threatens public servants with jail for releasing information to the media.

"The public service whistleblowing rules are simply designed to rigidly enforce the Australian public service code of conduct.

"They have nothing to do with whistleblowing for the public benefit. And they reinforce the control which ministers, the executive arm of government, have on information."

Mr Fowler wrote the government with its new whistleblower legislation "appeared to be trying to do was encourage a culture of controlled whistleblowing within the public service to prevent the information from becoming public."

Under the PID Act, whistleblowers not satisfied with concerns they have raised with their managers can take their issues to the public service commissioner.

"Avoid John Lloyd": more public service leakers to hit media after commissioner's comments

Phillip Thomson
Canberra Times, 29 July 2015

WHISTLEBLOWERS AUSTRALIA president Cynthia Kardell says she is telling people who contact her to avoid taking their sensitive disclosures to Australian Public Service Commissioner John Lloyd.

It comes after Mr Lloyd launched a failed $9200 investigation into a leaker in his own office.

The leaker had given information to the media showing Mr Abbott ignored the commission's advice about incorrect information he was using.

Mr Lloyd has said anybody who leaked would lose the trust of their colleagues.

He said this even though the leaker pointed out Mr Abbott had used the incorrect information to justify the government's backflip on Australian Defence Force pay.

The commissioner oversees the 160,000-strong bureaucracy in his job at the helm of an agency which directs the culture of the Australian public service.

One of his duties involves dealing with public interest disclosures from public servants.

"It's a signal to every whistleblower everywhere that you wouldn't go to the commissioner," Ms Kardell said.

"[Mr Lloyd] is not putting the public's interest ahead of the Abbott government's attempts to delude us.

"I tell anyone who rings me up it's pointless going internally.

"I say if it's something with a strong public interest and it can get a guernsey in the public media then it's worth going to the media and do the sorts of things you need to do to make sure you're not found out.

"We recommend people don't go to the press unless it's something really important."

She gave the advice knowing public servants faced potentially career threatening punishment if they were discovered as leakers to the media.

Ms Kardell told only some to lodge a public interest disclosure but to do so knowing it was like "throwing a coin in a fountain with a prayer."

Her organisation deals with hundreds of people a year considering blowing the whistle.

She was seeing many more private sector workers thinking of leaking which she said was a sign mainstream Australia saw whistleblowers as doing an important job in society.

"It's in society's interest to be fully informed about our political leaders' doings," she said.

She said Mr Lloyd's comments that public servants would not trust colleagues who leaked information sent a message that the commissioner "could not trust them to keep their mouth shut about wrongdoing."

There were few options for a public servant to safely blow the whistle on politicians using incorrect information.

Anybody who leaked information about how information was used by politicians would not have their issues investigated by the Public Interest Disclosure Act 2013 — a point previously made by investigative journalist Andrew Fowler.

The Australian public service code of conduct say public servants must maintain appropriate confidentiality about dealings with any minister or minister's member of staff.

After the report of the cost of Mr Lloyd's investigation into the leaking of information last week, some readers commented critically by pointing out the commissioner used the word "leaker" instead of "whistleblower."

To many the former term was more pejorative than the latter.

But when it came to the dictionary definition both were similar.

Despite the popular use of the terms differing, the Oxford dictionary defined a whistleblower as someone who informed on a person or organisation engaging in unlawful or immoral activity and a leaker as anybody who intentionally disclosed secret information.

Fraud against the Commonwealth: scams take half a billion in public sector fraud

Noel Towell
Canberra Times, 31 July 2015

Photo: Michel O'Sullivan

COMMONWEALTH public servants are the unsung heroes in the battle against corruption, dobbing-in dodgy colleagues in their thousands, according to a new report on fraud against the government.

Fraudsters have ripped off at least half a billion dollars from taxpayers in just three years with scams against Commonwealth departments and agencies, according to Australian Institute of Criminology researchers.

But rank-and-file public servants have emerged as very effective corruption busters with more than 2000 instances of "internal fraud" in Commonwealth departments and agencies detected after staffers turned state's evidence against dodgy colleagues.

Only the increasingly sophisticated "internal controls" proved more effective in catching internal fraudsters in the public service between 2010 and 2013 with nearly 3500 scams detected by systems put in place to prevent them.

The Institute found that internal fraud by public servants and other government employees declined in the three years between 2010 and 2013 but reports of "external fraud" against the government had increased massively during the same period, largely due to improved detection methods.

Most instances of "internal fraud" internal fraud involved financial benefits such as obtaining cash without permission or the misuse of government credit cards, with almost one-quarter of agencies and departments reporting such activity.

The Institute also found that "entitlement" fraud was on the increase, with more rorts against payroll departments and travel and expense claims.

More broadly, more than a quarter of a million separate incidents were reported in the three-year research period but very little of the money was recovered, swindlers were unlikely to be prosecuted and even when they face courts, only one in 10 would go to jail.

The researchers conceded that the problem could be much bigger because nobody knew how many offences went undetected each year.

Scams against the government were a massive problem, according to the report *Fraud against the Commonwealth*, with opportunities for offending "limited by one's imagination, with methods varying from the simple and obvious to the sophisticated and obscure."

But the researchers warned that "inside jobs" with government officials colluding with fraudsters outside the organisation were an emerging risk factor.

Several high-profile frauds had been reported recently, with the Defence Department failing to recover $585,000 after leaving a fuel card on a mini-bus.

Another was an Airservices manager who was sentenced to four years in jail after using fake aviation companies and false documents to defraud the tax office of more than $320,000.

The biggest area of external fraud was government entitlements, mostly revenue or taxation scams, visa or citizenship rackets with more than 90,000 incidents detected or reported in 2012–2013.

The institute found very few fraudsters were given jail sentences when caught, with the most common sentence for proven fraud offences a good behaviour bond.

Nearly a quarter of convicted fraudsters, mostly welfare scammers, got off with suspended sentences, 10 per cent of them copped fines and only 13 per cent found themselves behind bars in 2012–2013.

External and internal whistleblowers were found to be an efficient way to detect fraud with "dob-in" lines particularly effective in catching fraudsters.

Cop accused of leaking Surfers Paradise police station bash footage facing charges

Jeremy Pierce and Greg Stolz
The Courier-Mail, 18 June 2015

A GOLD COAST police officer accused of leaking video footage showing his colleagues brutally bashing a young dad in a police station basement is facing criminal charges.

Gold Coast chef Noa Begic was repeatedly punched and ground in to the concrete floor of the station's basement with his hands cuffed behind his back in January 2012.

While two officers responsible for the attack were given a slap over the wrist, the officer who allegedly leaked video footage to *The Courier-Mail* is now facing charges including misconduct and abuse of public office and fraud.

Rick Flori was a sergeant at Surfers Paradise police station at the time of the incident and his house was raided by officers from the Ethical Standards Command weeks later.

He was "reassigned" and has been fighting to clear his name ever since.

Sgt Flori was formally notified of the charges yesterday but vowed to fight them.

"I intend on fighting the charges to the full extent of the law," he said in a statement.

Of the four officers involved in the attack, only two ever faced disciplinary action and one of those — a sergeant seen washing away blood with a bucket of water — retired from the service before any findings were made.

Rick Flori. Picture: Jono Searle

The officer caught throwing punches was stood down, but has since been reinstated without demotion.

Charges of public nuisance and obstruct police against Mr Begic were eventually dropped.

Mr Begic, who settled out of court in his own action against the QPS, is now prevented from speaking about the incident, but at the time he paid tribute to those who ensured the video footage came to light.

White knight Renee Eaves, who has helped both men in their battles against the QPS, said the charges against Sgt Flori were a disgrace.

"There are many good police within the organisation without a voice and intimidated by these types of actions," she said.

"They are too scared to report misconduct for fear of workplace harassment or intimidation."

Noa Begic. Picture: *The Courier-Mail*

Editorial

Police hunt for whistleblower a serious miscarriage of justice

The Courier-Mail, 8 August 2015

THE EVENTS in the basement of the Surfers Paradise police station in the early hours of January 29, 2012, were shocking enough in themselves.

That the four officers involved in the brutal bashing of a handcuffed young prisoner have escaped virtually scot free is equally appalling.

But it is perhaps the relentless, almost obsessive pursuit of the veteran police sergeant accused of leaking CCTV footage of the incident to *The Courier-Mail* that is the most reprehensible abuse of our justice system on display in this whole affair.

The facts are that public nuisance charges against the bashing victim, Noa Begic, were dropped and he later settled a civil lawsuit against the Queensland Police Service out of court.

His case would have been solid, given the camera footage showed Mr Begic being slammed face first into the concrete and repeatedly beaten, before another officer used a bucket of water to wash the blood away.

Of the four officers involved in the affair, two faced no disciplinary action whatsoever, two were suspended on full pay, with one of these being reinstated and the other retiring before any findings were made.

One of the officers has since been named in a new excessive force claim lodged with the Crime and Corruption Commission, relating to a violent confrontation in Surfers Paradise earlier this year.

For Sergeant Rick Flori, however, the nightmare continues, as the police service continues to hound him through the courts.

After beating a civil court action last year, Sgt Flori now faces charges of criminal misconduct.

What is truly disgraceful is that Sgt Flori, a man who has devoted his working life to upholding law and order in Queensland, is charged with lifting the lid on wrongdoing.

Clearly the leaking of the security camera footage caused immense

embarrassment for the police service.

Had it not come to light though — and Sgt Flori denies he was responsible for the leak — a serious injustice would have been done.

Sadly a grave injustice is still being perpetrated in the case of Sgt Flori. No matter who leaked the damning video evidence, he or she was doing the work of a whistleblower exposing public officials abusing their power.

They did the public a great service, and if and when they are ever formally identified, should be applauded for taking a brave stand against behaviour that has no place in modern law enforcement.

Instead, the police service seems hellbent not on cleaning up any bad apples in its ranks, but rather seeking retribution against anyone who has the courage to speak up about conduct that is as unacceptable as it is unbecoming.

That is not justice.

IOOF — protecting the whistle-blower

The Conversation, 3 August 2015
Pat McConnell

THE IOOF CIRCUS is back in town and the performance of the stars promises to be even more entertaining than last time.

The story so far. In December 2014, an employee of IOOF, which runs the second largest non-bank financial planning network in Australia, contacted the Fair Work Commission with allegations of misconduct at the firm, including front-running, misrepresentation of performance figures and faulty research reports. IOOF management hired PWC to "independently" investigate these allegations, and when no misconduct was discovered, the whistle-blower was fired in May of this year.

That would have been that, had it not been for Adele Ferguson of Fairfax Media. This one-woman financial regulator was approached by another IOOF employee with allegations similar to the original and after Fairfax published the details, the IOOF share price went into free fall. The redoubtable Ms Ferguson has stayed on the case ever since, continuing to reveal even more unsavoury details of this affair.

The Senate Economics Reference Committee has subsequently held public hearings into IOOF, as part of its Scrutiny of Financial Advice Inquiry, and as each question is answered a thousand more are raised. At a previous hearing, the IOOF CEO, Chris Kelaher, had used the PWC report to deflect questions from the Committee, insisting that the company had been given a clean bill of health by the independent investigator.

Chris Kelaher at Senate hearing

But last week, the Committee made public the PWC report and it turns out that bill of health was not so pristine after all.

The value of PWC's investigation can be gauged by the extensive use of quotation marks in the media around the word "independent." Of course, all investigations are constrained by their terms of reference and PWC's terms for this investigation were extremely narrow, restricted for example to events since 2009, when many of the original allegations covered the period prior to that. PWC were not afforded access to freely interview staff but were restricted to two senior compliance and investigations officers, who had been involved in prior internal investigations.

Given the lack of new information which they had to work with PWC concluded, not unsurprisingly, that they had found nothing new. To put it charitably, PWC appears to have overtaken Tide [detergent] in being able to "wash whiter."

There are a myriad of questions that will arise from the PWC report over the next few weeks in the Senate's Hearings. But one that jumps out is whether there was any conflict of interest for PWC in undertaking the "independent" investigation?

In its official Whistleblower Policy, IOOF states that the "Whistleblower Officer" is "PwC, [and?] currently the IOOF internal auditor." In fact, the policy points out that PWC actually runs the whistle-blowing hot-line for IOOF on a contractual basis. PWC were therefore on both sides of this investigation.

However, this possible conflict of interest is not referred to in the PWC report. Why is this a possible conflict of interest? Simply because, the investigation was into allegations made by a whistle-blower.

If right-hand PWC (whistle-blower officer) knew details of the whistle-blower's allegations, then the left-hand PWC (investigator) should have had unfettered access to them. If not, that might suggest that right-hand PWC may not be a very good whistle-blower advocate, which would embarrass left-hand PWC. Either way PWC did not think it necessary to report any potential conflict of interest, although the investigation was into, among other things, conflicts of interest.

The PWC report also notes that the head of Human Resources at IOOF had requested further information from the whistle-blower on the allegations, but the whistle-blower had declined to provide them. The report did not say whether the head of HR had asked the questions in her role as HR manager or as Whistle-blower Protection Officer, as they are indeed one and the same person. There appears to be another conflict of interest here, this time within IOOF, where "protection" is being afforded by the person who might (and indeed probably did in this case) end up firing a whistle-blower.

A question that might be asked is — what was the corporate regulator ASIC doing while the PWC report was being undertaken?

Although ASIC has not released a statement concerning an official investigation into IOOF, the regulator has been reported as saying that an investigation is underway. Why the secrecy? A clear statement by ASIC that IOOF was being investigated would surprise no one. It would elevate the importance of the investigation, of course, but again that is probably overdue.

When, belatedly, ASIC does announce what it is planning to do to get to the bottom of the allegations against IOOF (and it must be remembered that they are only allegations at this stage),

it needs also to consider its own regulations on whistle-blowing to ensure that valid allegations of financial misconduct are brought to light. Support for whistle-blowers is essential to ASIC's role as the Conduct Risk regulator in Australia otherwise misconduct will continue to get buried.

Now that the issue is out in the open, ASIC could use IOOF as an example to all other financial institutions of the consequences of not having a policy that protects the whistle-blowers who have the courage to bring misconduct to the regulator's attention.

As for PWC, they should ask themselves — is there anything they won't put their name to just to earn a fee?

Pat McConnell

Pat McConnell is Honorary Fellow at the Macquarie University Applied Finance Centre.

Wikileaks says case of Canberra Defence leaker is "cautionary tale" for whistleblowers

Michael Inman
with Christopher Knaus
Canberra Times, 6 August 2015

WIKILEAKS says the prosecution of a junior Canberra bureaucrat alleged to have posted secret information online should serve as a cautionary tale to potential whistleblowers.

The organisation — which specialises in protecting those who wish to leak government secrets — urged would-be whistleblowers to seek expert help to disclose sensitive information.

Department of Defence graduate Michael Scerba, now 24, has been accused of leaking information that risked serious harm to Australia's national security interests, and potentially undermined trust and reciprocal intelligence arrangements with other countries.

Scerba is accused of downloading a Defence Intelligence Organisation assessment, burning it to a disc, taking it home and posting it to anonymous image-sharing forum 4chan in October 2012.

His IP address was tracked, and he has now been brought before the ACT Supreme Court.

WikiLeaks tweeted the story on Thursday morning with the message: "Pearls before swine," a biblical reference to Jesus' sermon on the mount.

In Matthew 7:6 Jesus is quoted as saying: "Do not give what is holy to the dogs; nor cast your pearls before swine, lest they trample them under their feet, and turn and tear you in pieces."

A WikiLeaks spokesperson told Fairfax Media that those leaking in the age of the National Security Agency needed expert help.

"If you're going to leak sensitive documents on the internet, do it right and come to us," the spokesperson said.

"What's really sad about this case, is that the Australian public is still denied what sounds like it is a significant document."

The report had a marking of "Secret, 5 eyes" on each page, a reference to the intelligence alliance of Australia, the US, Britain, Canada, and New Zealand.

Scerba is alleged to have downloaded the intelligence assessment from the Secret Defence Security Network and posted the first two pages of the 15-page document in October 2012.

The first image allegedly included the comment "Julian Assange is my hero."

A post allegedly made by Scerba on 4chan read: "I release what I feel should be in the media: bombings, civilian deaths, actions of the 'terrorists' that just aren't reported in the media."

The DIO believes the document would have been exploited by foreign intelligence services or "others" if obtained, court documents say.

But it conceded it had no idea who might have seen the document, nor what damage may have been done.

While not commenting specifically on the case, Deakin University information security Professor Matthew Warren said often a process of online radicalisation can lead to information being posted in a bid to gain status within an online community.

"When we talk about radicalisation, it isn't necessarily an Islamic form of radicalisation, it's being radicalised with a set of beliefs," Professor Warren said.

"[The radicalised believe] because they're in a position where they can release sensitive information, that they feel that they can and it's somehow justified."

The academic said once posted, the material could no longer be controlled.

"The danger of social media is that any organisation can't control every document within that organisation.

"As soon as it gets out of an organisation and spreads via social media, there's not much organisations can do about it, whether defence or commercial."

Florida corrections officer fired after reporting guard's eye gouge

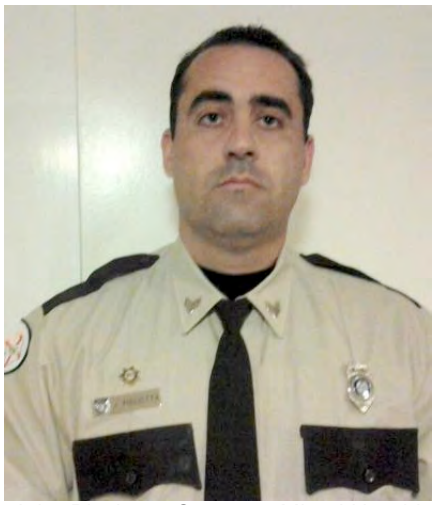
Doyle Murphy
New York Daily News, 20 July 2015

A FLORIDA PRISON GUARD was fired after exposing a fellow corrections officer who gouged out a mentally ill inmate's eye.

Whistleblower John Pisciotta, who witnessed the sickening attack, learned he'd lost his job on the same day his brutal colleague was convicted on federal charges, the *Miami Herald* reported.

"I knew once I did the right thing and I stepped forward … my career would be over," Pisciotta told jurors during the 2009 trial. "It's something you don't do. You don't go against other officers, because my life has

been a living hell ever since."



John Pisciotta. Courtesy *Miami Herald*

Pisciotta, who grew up in Long Island, was part of an "extraction team" assigned in 2008 to pull inmate Kelly Bradley from his cell in the psych ward of Charlotte Correctional Facility.

The schizophrenic prisoner had used his mattress to barricade himself in, and a veteran supervisor sent the officers to remove him.

"This inmate was cowering under a blanket in the corner of his cell," Pisciotta told the *Miami Herald.* "He was an older man, very frail and mentally ill. He wasn't trying to fight anybody. He was just scared. He was no threat to anyone."

Kelly Bradley
Photo: Florida Department of Correction

A muscle-bound officer, William Hamilton Wilson, jammed his finger into Bradley's eye, "digging and digging" until he popped it out of the socket, Pisciotta testified.

The helpless prisoner, convicted of dealing drugs, lost his eye in the horrifying encounter, but it was like it never happened, according to the officers' reports.

The guards washed off his blood, threw away their gloves and claimed they had no idea what had happened.

Only Pisciotta came forward — and the consequences were dire.

New details of the retaliation endured by the brave officer were recently revealed as part of a grand jury report on the death of a different inmate during another violent extraction in 2014.

Courtesy *Miami Herald*

A vandal spray-painted "Coward" in black paint on the wall of Pisciotta house. Someone cut the transmission cables on his car. And several colleagues concocted a story about Pisciotta abusing another inmate in a van.

A state commission later found the officers' abuse allegations were a set-up, but his bosses still fired him.

Pisciotta later sued and won a $135,000 settlement. He stands by his decision to come forward.

"I just couldn't live with myself if I didn't tell the truth," he told the *Miami Herald.*

Now 41, he's left the prison system behind and moved to Vermont. He's begun a new career as a farmer.

Sarawak Report whistleblowing website blocked by Malaysia after PM allegations

Beh Lih Yi
The Guardian, 20 July 2015

MALAYSIA has blocked access to a whistleblowing website run by a British journalist which has reported allegations that money linked to a state investment fund ended up in Prime Minister Najib Razak's bank accounts.

The Sarawak Report, founded by Clare Rewcastle Brown and based in London, has in recent months reported extensively on a series of sensational bribery and financial mismanagement allegations linked to Najib and the fund, 1Malaysia Development Berhad (1MDB)

Rewcastle Brown, who is married to former British prime minister Gordon Brown's younger brother, set up Sarawak Report in 2010, and most of its reporting has focused on deforestation in the Malaysian part of Borneo — including the state of Sarawak — and corruption.

Clare Rewcastle Brown

The move to block Sarawak Report came two weeks after the website first reported on how investigators probing the debt-laden 1MDB discovered that some US$700m allegedly made its way into Najib's personal bank accounts.

The *Wall Street Journal* reported a similar story, citing official documents. Najib, facing mounting calls to resign, has denied receiving money for his personal use.

The Malaysian Communications and Multimedia Commission, the country's internet regulator, confirmed late on Sunday it had blocked Sarawak Report for reporting on what it called "unverified content."

"Such content could create unrest and threatens national stability, public

order and economic stability," the commission said in a statement.

It said the website would be blocked until an official investigation into 1MDB is completed. No time frame has been given for the investigation.

Sarawak Report continues to be accessible from outside Malaysia, however.

Responding to the decision, Rewcastle Brown — who was denied entry into Malaysia in 2013 — said it was "a blatant attempt to censor" Sarawak Report's exposure on corruption in Malaysia, ruled by the long-dominant National Front coalition since gaining independence from Britain in 1957.

"This latest blow to media freedom only brings further discredit upon the present administration, who have proven unable to counter the evidence we have presented in any other way," she said in a statement sent to the *Guardian*.

She said the move showed Malaysian authorities were fearful of being exposed, and vowed not to be silenced.

"Sarawak Report will not be impeded in any way by this action in bringing out future information as and when its investigations deliver further evidence."

The decision to block the site has also sparked condemnation from Malaysians, who said the government has gone back on a promise not to censor the internet.

Malaysia pledged not to restrict the internet when it set up the "Multimedia Super Corridor", Malaysia's answer to Silicon Valley, in the 1990s in a bid to attract foreign investors.

"Imposing stricter internet controls over what a user can post and read will severely restrict the freedoms of expression and the right to information, " Shamini Darshni, Amnesty International Malaysia executive director said.

The internet regulator has previously threatened Malaysians with jail for spreading parodies or false news through social networking sites over the latest allegations against Najib.

Whistleblower woes: why UN staff are too scared to report corruption or abuse

The Guardian, 15 September 2015

Caroline Hunt-Matthes. Photo: AP

When a United Nations investigator reported the rape of a refugee in Sri Lanka, she did not expect the disclosure to force her into a decade-long legal battle with her employer.

Caroline Hunt-Matthes was ostracised and eventually ousted, and it took her nine years to secure redress. By that time her UN career was over.

Her case was remarkable in duration but not in substance. Hunt-Matthes is by no means the first or only whistleblower to fall foul of the UN system. Indeed, her case highlights neatly one of the UN's dirtiest secrets: that its staff are reluctant to report abuses or corruption within the organisation for fear of losing their jobs.

"The bottom line is the UN is not a safe working environment at the minute," said Hunt-Matthes, who has left the UN and now works at a university in Geneva.

"You can't report misconduct and be protected. What could be more serious than that?"

Figures obtained by the Government Accountability Project, which supports whistleblowers, reveal that the UN ethics office had received 447 approaches up to July 2014 from those alleging they have faced retaliation for exposing wrongdoing. They completed reviews into between 113 and 135 of these cases, identifying prima-facie cases of retaliation in 14, and ultimately establishing there had been retaliation in just four cases — a statistic that is hardly encouraging to those who feel bound to report corruption, malpractice or sexual abuse.

"The percentage of whistleblowers who actually receive relief through this channel remains abysmally low," said Bea Edwards, the international director of GAP. "We're now working with UN whistleblowers who have simply resigned rather than endure such a protracted and complex internal process."

Anders Kompass

Two striking cases have hit the headlines in recent years. This year, a senior UN aid worker, Anders Kompass, was suspended for disclosing to prosecutors an internal report on the sexual abuse of children by French peacekeeping troops in the Central African Republic.

After a furious row over the treatment of Kompass, the secretary general, Ban Ki-moon, was ultimately forced to order an external inquiry into the handling of the affair. Two years earlier, the ethics office was found to have failed to protect another UN diplomat, James Wasserstrom, who was sacked and then detained by UN police after he raised suspicions in 2007 about corruption in the senior ranks of the UN mission in Kosovo (Unmik).

The *Guardian* spoke to a current UN employee who had blown the whistle on organisational malfeasance. "It is all window dressing," said the staff member, who wished to remain anonymous. "The offices within the UN that are supposed to protect staff members do the very opposite. They side with and report to management. For example, office of staff legal assistance and the ethics office, neither of which are independent. And you cannot appeal decisions of the supposedly independent ethics office because

they are now considered 'recommendations'."

If the ethics office establishes a prima-facie case of retaliation against a staff member, an investigation is conducted by the UN's office for internal oversight services (OIOS). OIOS has been beset by problems in recent years, with staff complaining that it lacks the independence required for proper scrutiny.

Peter Gallo

Peter Gallo is a former OIOS investigator who left the UN in March. He said the office lacked independence, saying: "Management of OIOS has been riddled with cronyism, incompetence and corruption for the past five years."

Gallo, a former fraud investigator in Hong Kong who joined the UN, has tried to challenge in the UN's court the ethics office's decision not to consider him a genuine whistleblower.

"Nothing will change until there is real accountability in the organisation, and that will never happen unless and until there is a truly independent and separate agency established that is not part of the UN secretariat, but reports directly — and separately — to the member states."

David Kaye, the special rapporteur on freedom of opinion and expression, said that in democratic nation states, where voters are close to the government, there is a sense that whistleblowing can have a public role in holding government to account.

However, "there just isn't a public accountability mechanism" at the UN, according to Kaye. "There is not enough clarity about what is happening in the UN system and about how these cases get resolved."

As a result, he said, management was less concerned with being caught out. "That reduces their incentives to do the right thing. There is all sorts of opacity which makes it easy for an employee to suffer retaliation."

Indonesian match fixer whistleblower: "I know too much"

Zaihan Mohamed Yusof
The New Paper, 16 September 2015

HE CLAIMS to be sickened by gambling and match-fixing syndicates corrupting Indonesian football.

All he wants now is to restore the reputation of his country's favourite sport.

And this former match fixer intends to do this by exposing his ex-partners to the Football Association of Indonesia (PSSI).

Mr Bambang Suryo, also known as Botak or BS, is helping PSSI "map out" match fixers — both foreign and local — who have had a hand in tainting Indonesian football since 2010, he tells *The New Paper* in an exclusive interview late last month.

And he claims Singaporeans are among them.

Working with the PSSI, Mr Bambang told the Indonesian media on Sept 3 that he aims to "destroy" the stranglehold that gambling and match fixing syndicates have on Indonesian football.

His vow has come at a price: His ex-partners — match fixers and financiers — now consider him a traitor.

In a telephone interview with TNP, Mr Bambang claimed he had received threats from match fixers in Singapore and Malaysia.

"I know too much. They threaten to kill and expose me. But I'm not afraid. Nobody's putting pressure on me to speak up," he said.

His lawyer, Mr Muhammad Isnur, told *TNP* that his client had been visited and threatened by unknown people at his last residence.

Mr Isnur said: "He (Mr Bambang) has revealed that 18 football matches involving Indonesian teams were fixed. He also named investors from Singapore, Malaysia and China behind fixed matches since 2010."

Following his allegations, the head of the disciplinary committee at PSSI, Mr Ahmad Yulianto, told Indonesian media that Mr Bambang had surrendered four overseas telephone numbers from countries like Malaysia and Ukraine used by the match fixers.

Mr Isnur also urged the police to place Mr Bambang under a witness protection programme and start investigations. Nevertheless, arresting foreigners may not be easy.

Mr Bambang has not been arrested or charged by Indonesian police, according to Mr Isnur.

"Remorseful"

Mr Bambang said he decided to become a whistleblower because he was remorseful about his previous kelong activities.

In interviews with *TNP,* he identified five Singaporean match fixers and four from Malaysia.

He claimed to have fixed about 20 matches for Singapore kelong syndicates. After agreeing on which teams to target, the Singaporeans would front the money needed to bribe Indonesian match officials and football players.

"The money is hand-delivered to me in Jakarta by a Singaporean who works for a prominent Singaporean in the sports scene," said Mr Bambang. "It can cost as much as 600 million rupiah (S$59,000) for a fix."

He did not disclose the profits from betting on a fixed match in Indonesia's local leagues.

He claimed that some of the Singaporeans are no longer talking to him.

Mr Bambang first emerged on the radar after an audio clip of his chat with other match fixers was aired on Indonesia's Metro TV in December 2014.

His telephone conversation with two Singaporeans was secretly recorded in early May last year. The trio had discussed fixing several matches in the 2014 Indonesia Super League, a professional football league in Indonesia.

TNP gave the audio clip to Indonesia-based Save Our Football, which passed the clip to the TV station. Exposed, Mr Bambang decided to give his side of the story.

In June this year, he rose to more prominence when his voice appeared in audio recordings talking about football matches in the 2015 South East Asian Games.

It was suggested then that the Indonesia national Under-23 team's semi-final against Thailand and their third-place play-off against Vietnam were fixed by a Malaysian syndicate.

Mr Bambang told TNP that in one of the recordings, a Malaysian called "Das" had assured him of the score before the Indonesia versus Vietnam match was played.

Das told him that Indonesia would concede four goals in the first half and then two or three more in the second half.

Indonesia were four goals down at half-time, but conceded one more to lose 5–0.

Arresting foreigners not easy

A high-level source in the Indonesian police told *The New Paper* that any information on match fixing activities in Indonesia would be useful.

But arresting foreigners has some challenges.

The source said "dual criminality" must exist if prosecution is to be successful.

What this means is match fixing must be committed in both Indonesia and Singapore, for example, before any arrests may be possible.

There is also the issue of jurisdiction.

At present, Indonesia's law does not possess specific provisions for sports fraud, which some countries have categorised as match fixing.

If a person is wanted for committing sports fraud by another country, Indonesia might not be able to arrest or extradite that person, the source said.

Likewise, Indonesia might not be able to request the extradition of foreign match fixers if both countries' laws differ.

Israel: "Vindictive" ruling keeps whistle-blower Vanunu under house arrest

Amnesty International
11 September 2015

TODAY'S court decision to keep Israeli nuclear whistle-blower Mordechai Vanunu under house arrest for giving a media interview is vindictive and heavy-handed, Amnesty International said.

The Jerusalem district court turned down his appeal against a week of house arrest imposed yesterday in connection with an interview he gave to Israeli broadcaster Channel 2 on 4 September. The sentence also prohibits him from using the internet or speaking to any journalists.

"The restrictions on Mordechai Vanunu are punitive and vindictive," said Philip Luther, Middle East and North Africa Director at Amnesty International.

Mordechai Vanunu

"The latest attacks on Vanunu's freedom are just one more example of the Israeli authorities' determination to continue to exact retribution and make an example of him for what he did in 1986 and for which he paid the high price of 18 years in prison.

"Punishing him further now does nothing to protect Israel's national security — any information he disclosed almost three decades ago is by now way past its sell-by date."

Amnesty International considers Mordechai Vanunu to be a prisoner of conscience, deprived of his liberty solely for peacefully exercising his right to freedom of expression.

He previously spent 18 years in prison, including 11 years in solitary confinement, for revealing details of Israel's nuclear arsenal to the British newspaper *The Sunday Times* in 1986. Following that disclosure, agents from Israel's intelligence agency Mossad abducted him in Italy and held him in prolonged secret detention.

Though Mordechai Vanunu was released in 2004 after serving his sentence, his ordeal continues today. He remains subjected to military orders that impose punitive and unnecessary restrictions, including bans on foreign travel or going near foreign embassies, as well as restrictions on his internet use and communications with foreigners.

But, until his arrest this week, he had not been barred from speaking to Israeli journalists. Vanunu's lawyers say that he did not breach his release conditions — the interview was given prior approval by an Israeli military censor.

Channel 2 is apparently standing fast to the principle of protecting their sources and has refused to give police the unedited footage of their recent interview with Mordechai Vanunu.

"The latest restrictions on Vanunu's freedom are just one more example of the Israeli authorities' determination to punish and make an example of him," said Philip Luther.

Background

Since Mordechai Vanunu's release from prison in 2004, Israel's Supreme Court has repeatedly quashed his attempts to be able to exercise his rights to freedom of expression, assembly and association.

Last year, for example, the Supreme Court denied a petition from his lawyers to lift his travel ban so he could participate in an Amnesty International event on whistle-blowers in the UK and attend an event at the UK parliament to which he was invited by 54 members of parliament.

In 2010 he was imprisoned for three months after being convicted of breaching his restrictions by speaking to foreigners and attempting to attend Christmas Mass in Bethlehem.

Ellsberg seeks justice for Vanunu

Consortiumnews.com
12 September 2015

FAMED Defense Department whistleblower Daniel Ellsberg says Israel should cease its nearly three-decade-old persecution of Mordechai Vanunu, the former nuclear technician who exposed the existence of Israel's clandestine nuclear program in 1986 and was jailed for 18 years.

Former U.S. Defense Department official Daniel Ellsberg, who leaked the secret Pentagon Papers history of the Vietnam War, says Israel should finally recognize that former nuclear technician Mordechai Vanunu did the right thing when he disclosed the existence of Israel's nuclear weapons

program in 1986, which led Israeli agents to kidnap him from Italy and spirit him back to Israel.

In an interview with RT, Ellsberg, who himself was branded a "traitor" to the United States for revealing the Pentagon Papers history of the Vietnam War in 1971, added that the Israeli government should finally lift restrictions on Vanunu's civil rights. Further, Ellsberg said, Israel should come clean about the existence of its nuclear weapons program and admit that it violated its promise not to be the first to introduce nuclear weapons into the Middle East.

Photo of a control room at Israel's Dimona nuclear weapons plant in the 1980s taken by Mordechai Vanunu

RT: Ten years since his release, Vanunu is still under constant government pressure, is in constant fear of arrest. Why is that happening, do you think?

Daniel Ellsberg: I think it's essentially what they want to be a lifetime punishment, in effect, for embarrassing them, actually, in a policy that really can't be defended in the nuclear era. Is it really legitimate for a country to develop nuclear weapons in secret and continue to maintain the secrecy, then, indefinitely from the world, or pretend to keep that secret? I think not.

I think Vanunu did exactly the right thing by telling his fellow citizens, and the rest of the world, that Israel had a large nuclear program. And for that, he served 18 years in prison: 10 and a half in a very small cell of isolation — a 6 by 9 foot cell — what Amnesty called "torture," essentially, for that long period.

The idea that he's restricted after serving the full sentence — nothing off for good behavior or any pardon of any sort — after serving the full sentence of 18 the idea that he should be subject to further restrictions about who he can talk to, and whether he can leave the country, is actually a relic of the British colonial policies, when they ruled Israel entirely and they were just incorporated into Israeli law that's not regarded under human rights legislation anywhere else in the world, actually, as a fair thing to do.

He wasn't let out a day early. He served the entire sentence, and was then he was given, as I say, these further restrictions as the British occupation regulations had allowed and Israeli law simply continued those into its own law in clear violation of the UN Charter on Human Rights.

RT: For some people Vanunu is a hero, for others, he is the exact opposite. They say he should be put in prison for life. What impact do you think his revelations have had?

DE: Well, I can't say that his revelations affected Israeli policy, though they should have, I think. Many Israelis feel that they should have been honest and open about their nuclear policy many years ago, and right now are still saying that. He's called a traitor. I was called a traitor, though not charged with that under the American Constitution.

Virtually everyone, I think, who gives out truth that the officials, the government doesn't want revealed, gets that terrible name. If you're not willing to be called names, you really can't tell the truth, I would say, about wrongful things your government is doing. And I'm speaking here not so much about the Israeli nuclear program, as about the fact that they have lied about it ever since.

RT: Has it been effective in the sense that he was the first to publicly speak out about the alleged existence of the Israeli nuclear program? Has it been effective in that it's inspired others to follow his lead?

DE: I'm glad that it has. Actually, there were those who felt at the time that he had improved Israeli security by making it clear to their neighbors that they were confronting a nuclear state – something I think they were, on the whole, even the government, was happy to have out. But they wanted to "A" — punish the person who had taken it on himself, the initiative to reveal that, and discourage other whistleblowers. And, on the other hand, they wanted to continue their policy of the so-called "ambiguity," which is just a policy of lying to the public — to their own public and to the world.

RT: How do you think things have changed over the decades that have past? Do you see governments now putting in more controls and more protections to prevent whistleblowers? Is it becoming harder?

DE: Well there are people who can't be deterred by the threat even of very heavy, indefinite or lifetime sentences. Ed Snowden, obviously, living in exile now and probably in danger of his life indefinitely, is willing to take on that risk. Chelsea Manning, who is in prison right now, for revealing this. I think all of those, including Vanunu. Let me just say they are my personal heroes. I admire them.

I regard Vanunu as a friend, having met him several times and corresponded with him. I went to Israel to intercede for him in an appellate hearing. I think he is the preeminent prophet of the nuclear era. Someone who not only risked life in jail or death, but actually served a tremendous long time — as I say, 10 and a half years in solitary confinement in 18 years.

So, I think he deserves to be honored, really, throughout the world, and he is in much of the world. And to be allowed, certainly, to join his new wife — I'm very happy for her, that they've gotten together — to join his wife in Norway and live his life.

But he's clearly not willing to be entirely muffled on his views about nuclear weapons and his belief, actually, that the nuclear policy of Israel is shortsighted, and dangerous to the state itself, in promoting proliferation to which Israel is very subject and vulnerable. So, I think he should be allowed, not because he's suffered enough, but because he did exactly the right thing, and it's time to recognize that.

Whistleblowers Australia contacts

Postal address PO Box U129, Wollongong NSW 2500
Website http://www.whistleblowers.org.au/

New South Wales
"Caring & sharing" meetings We listen to your story, provide feedback and possibly guidance for your next few steps. Held by arrangement at 7.00pm on the 2nd and 4th Tuesday nights of each month, Presbyterian Church (Crypt), 7-A Campbell Street, Balmain 2041. Ring beforehand to arrange a meeting.
Contact Cynthia Kardell, phone 02 9484 6895, ckardell@iprimus.com.au

Wollongong contact Brian Martin, phone 02 4221 3763.
Website http://www.bmartin.cc/dissent/

Queensland contacts Feliks Perera, phone 07 5448 8218, feliksfrommarcoola@gmail.com; Greg McMahon, phone 07 3378 7232, jarmin@ozemail.com.au

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Reflections on the Kathy Jackson saga

Kathy Jackson is the union whistleblower who has been found to have committed serious crimes herself as a union official. What does this say about whistleblowing?

One lesson is that if you're a whistleblower, you don't have to be perfect. Whistleblowers come in all shapes and sizes. Some are ideal citizens, without even a traffic fine. Others are out-and-out criminals who inform ("squeal") on their mates.

There is an incorrect assumption in some people's minds that if a whistleblower does something wrong, or is deviant in any way, it somehow discredits their disclosures. So influential is this assumption that employers routinely search to find dirt on whistleblowers in order to undermine their credibility. This is a potent technique though in principle it should make no difference: disclosures should be judged on their merits.

If someone is a whistleblower, or claims to be a whistleblower, this should not exempt them from scrutiny. If they are alleged to have done something wrong, they should be investigated in the usual way and, if found guilty, suitably penalised. Please take note of the phrase "in the usual way" and the word "suitably." The reality is that whistleblowers are regularly investigated for minor transgressions that would be ignored if done by anyone else, and given harsh penalties, far greater than normal.

The key message should be: investigate the disclosures, not the discloser. And aside from the disclosure process, don't treat whistleblowers any differently from anyone else, better or worse.

Brian Martin

Whistleblowers Australia membership

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.

To subscribe to *The Whistle* but not join WBA, 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, feliksfrommarcoola@gmail.com