

*“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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### Whistleblowing in the US: a report

Robert Vaughn

WHISTLEBLOWER laws, as constructed over the past five decades, shield U.S. whistleblowers. Apart from hundreds of state laws, federal whistleblower laws protect federal employees, contractors, members of the military, government scientists; an Executive Order provides limited avenues of disclosure for national security whistleblowers. The First Amendment applies to public employees in the federal and state governments. Dozens of federal statutes cover millions of private-sector employees.



The Trump administration threatens whistleblowing. First, Trump's fulminations against leaks regarding Russian interference in the U.S. presidential election portend significant changes or elimination of the current presidential Executive Order providing limited avenues of reporting by members of the intelligence community. These fulminations also herald an attack on whistleblowers by the Department of Justice, led by Trump's Attorney General, Jeff Sessions, that could pale the several prosecutions of national security whistleblowers by the Obama administration. Obama's prosecutions included Thomas Drake and others who disclosed programs at the National Security Agency that unnecessarily invaded the privacy of U.S. citizens. (A federal judge in rejecting a fine for Drake's plea of guilty to a misdemeanor of improper retention of

a government document, a plea that protected Drake from imprisonment, said: "I don't think that deterrence should include an American citizen waiting two and a half years after their home is searched to find out if they're going to be indicted or not. I find that unconscionable. It is at the very root of what the country was founded on—against general warrants of the British.")

Prosecutions for the disclosure of classified information rely on the Espionage Act of 1917. That Act, enacted during World War I, is vague in its scope and contains no public interest exception. Perhaps not coincidentally, that Act was used by the administration of President Woodrow Wilson during World War I to support the repression of free speech and civil liberties that historians describe as the most severe repression in the modern history of the United States. Wilson used the law to target progressives and leftists, a use that ironically destroyed a base of his support and enabled the Republican opposition to the League of Nations and undermined the stated purpose of the war—"to make the world safe for democracy."

Second, statutory protections for federal-employee whistleblowers rest on an impartial adjudication of claims by an administrative court, the United States Merit Systems Protection Board. The interests of whistleblowers are also advanced by the Office of Special Counsel given significant authority to protect whistleblowers. Trump will appoint the majority of the MSPB and appoint the Special Counsel. Given Trump's record of appointments, even an optimist should fear the effect of these appointments. Congressional proposals, which would remove the procedural protections applying to the discipline of federal employees, risk undercutting the independence of the civil service and weakening the legal foundation upon which whistleblower protections rest.

Third, the dozens of federal laws protecting private-sector whistleblowers may suffer from Trump's desire to weaken, and in some instances eliminate, federal regulation of corporations. The Department of Labor

administers these private-sector laws. Claims are investigated by the Department and then claims are adjudicated by administrative law judges. An Administrative Review Board reviews the decisions of administrative law judges. That Board has the power to alter previous interpretations of these laws and thereby to establish the law to be applied by administrative law judges. This ARB acts on behalf of the Secretary of Labor and is appointed by the Secretary. Thus, Trump's Secretary of Labor, Alex Acosta, can appoint all of ARB's members. His confirmation process surfaced conflicting views regarding his likely impartiality.

Whistleblowers will become more not less important to public safety as federal regulatory agencies have been placed in the hands of persons antagonistic to the regulatory goals of those agencies. Whistleblowers become a more important source of information regarding risks to public health and safety.

Fourth, judicial review may fail to correct restrictive interpretations of whistleblower protections by agencies charged with their enforcement. The federal courts have historically narrowly construed federal whistleblower laws. For example, on several occasions Congress has overturned interpretations of the Whistleblower Protection Act by the United States Court of Appeals for the Federal Circuit. Studies of state court interpretations of whistleblower laws find a similar judicial hostility to whistleblower claims.

The First Amendment provides a constitutional ground for the protection of public-employee whistleblowers. The United States Supreme Court, however, has dramatically reduced the scope of First Amendment protections of public employees. The Court held that government employees are not engaged in protected speech when the speech is made as part of their official duties. For example, if the employee discovers illegal behavior in the performance of her duty and reports through the proper chain of command, the employee's disclosures are not protected speech under the First Amendment.

Trump poses a threat to whistleblowing and his conduct and values are the antithesis of those of whistleblowers. His reflexive lying and disdain for facts challenge the commitment to truth underlying whistleblowing. His seeming lack of ethical or moral standards limiting his conduct contrasts with the ethical and moral principles that compel many brave whistleblowers to risk much for them.



Robert Vaughn

Despite the challenges now confronting whistleblowing and whistleblower laws in the United States, there are reasons to believe that whistleblowing in the United States will survive and perhaps emerge even stronger. The past five decades have witnessed significant changes in perceptions of whistleblowing. When Ralph Nader held the first conference on whistleblowing in 1972, whistleblowing was publicly rejected and officially punished. By 1978, whistleblowing was widely accepted and over two million federal employees were protected by statute. Similar developments occurred in the states and many federal statutes were enacted to protect private-sector employees. The protection of whistleblowers has accelerated: in the 2000s more federal laws were passed or strengthened that protected private-sector whistleblowers than in any previous decade.

Organizations not covered by a statute have accepted protections; others have adopted protections and procedures beyond those required by statute. Whistleblower protection,

spurred in part by anti-corruption efforts, represents an international movement with provisions adopted by many countries, international organizations and regional confederations. The ubiquity of these laws supports whistleblowing in any specific country or international organization.

Civil society groups in the United States defend whistleblowers and support whistleblower laws. The whistleblower advocacy groups in the United States first come to mind but many civil society groups, including other open government ones, civil rights, and employment rights groups support whistleblower laws. As important, groups from those supporting environmental protections, to taxpayer advocacy, to shareholder rights and to animal rights have become part of coalitions to enact, to implement and to protect whistleblower laws. These groups understand how whistleblowing supports a variety of societal reforms. Civil society groups are deeply embedded in American society and in American culture.

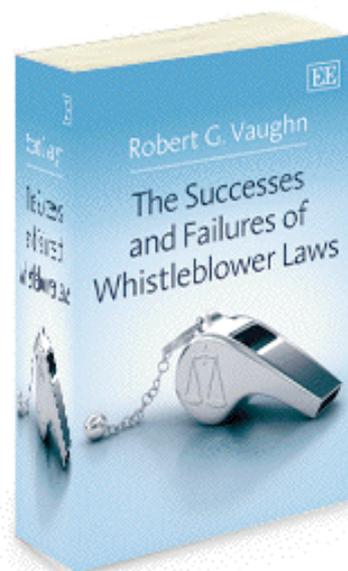
Bipartisan support in Congress marked the enactment of whistleblower protections for federal employees. On April 26, 1951, Senator Richard Nixon introduced the first bill to protect federal employees who testified before Congressional committees. Nixon's action illustrates that members of Congress of both parties came to recognize that whistleblowers provide information to Congress and to the public about activities of the executive branch. Senator Barry Goldwater, the 1964 Republican candidate for President, and Senator Ted Kennedy, the brother of President John F. Kennedy, co-sponsored some of the most important amendments strengthening the whistleblower provision of the 1978 Civil Service Reform Act. In the following decades there has been bipartisan support for subsequent amendments of the provision. Whether that bipartisan support can be found in the current Congress will tell us much about more than the future of whistleblower protection.

Whistleblowers are the foundation of whistleblower laws. The stories of courageous whistleblowers created whistleblower laws and those stories may now save those laws. As government health and safety and environ-

mental programs are undermined, whistleblowers will emerge and the stories of those whistleblowers will continue to support protections. As laws are violated and regulations ignored, whistleblowers will also emerge. The stories of whistleblowers were linked to the proliferation of whistleblower laws and responded to major upheavals of the past five decades. These stories will make the assault on whistleblower laws concrete rather than abstract, personal rather than statistical, and emotional as well as analytical.

Whistleblower laws are like the "canaries in the coal mine" for the commitment of American society to President John Adams' assertion that the United States was created to be "a government of laws and not of men." If they are repealed or eviscerated; if whistleblowers suffer without redress, the rule of law itself will also be endangered.

Robert Vaughn is Professor Emeritus at the American University Washington College of Law and author of *The Successes and Failures of Whistleblower Laws* (reviewed in *The Whistle*, April 2013).



## Whistleblower update

Cynthia Kardell

ELEVEN years ago, Brian Hood blew the whistle on a group of former currency executives. Six years ago, they were charged with bribing foreign bank officials. Finally they are set to stand trial in Victoria, with an expected 12-week trial likely to begin on 29 January 2018.

This story has everything. The federal government tried to shut it down during the committal hearings, citing national security concerns. In reality they were trying to shield Malaysian prime minister Najib Razak from the allegations implicating him. Wiki-Leaks published the documents the government was trying so hard to suppress, citing the Malaysian people's right to know. The Reserve Bank of Australia (RBA) paid over \$20 million in fines under the proceeds of crimes act for the part played by its subsidiaries, Note Printing Australia and Security.



Najib Razak

This trial is to focus on bribery allegations involving officials in Malaysia. Separate trials will be held for bribery allegations concerning Indonesia and Nepal, so this saga has a long, long way to go!

You'll remember Brian Hood was one of the speakers at our 2013 conference. Brian remains unemployed and has recently had to sell his home — and the AFP will be asking him to dig deep again, when it comes time for

him to give evidence.

Brian is making his mark in other areas too. He made a submission to the recent Victorian parliamentary inquiry into the state's Protected Disclosure Act 2012 and he seems to have been instrumental in persuading the committee to make some necessary changes. See the inquiry report at <http://www.parliament.vic.gov.au/ibac/article/2996>. For those who don't have a quiet couple of hours to spare, have a look at pages 117, 136–147 and 179–180 and Brian's submission, number 21.

Those page references I've given you also include excerpts from the two submissions — numbers 3 and 22 — made by our committee member and whistleblower, Karen Burgess, who also seems to have influenced the committee's recommendations (e.g.) to extend the act to apply to corrupt NGOs like her old employer. WBA's submission is number 13.

Then there's Ron Shamir, Australian Tax Office (ATO) whistleblower. Ron shot to prominence a couple of years back when he blew the whistle on middle management abusing its right to access privileged information. He was severely dealt with in the usual way and won his case for unfair dismissal, but then lost on appeal, with an order to pay the ATO's costs.



Ron Shamir

The recent revelations about deputy commissioner Cranston allegedly try-

ing to access privileged information for his son (who has been charged with serious fraud in relation to the \$130 million "Plutus Payroll" scandal) have only enraged him further.

If you watched the Four Corners program on ABC TV on Monday 12 June, you will have been pleasantly surprised to see the 1987 program "The Moonlight State" revisited, because the whole story of how the whistle was blown has never fully been told. In this episode the key players who put their trust in journalist Chris Masters came forward after 30 years to tell their story, on camera, for the first time.

I found the program riveting. It shows the undercover police officer, Jim Slade, whose report on drug trafficking was shelved at the highest level, the national Bureau of Criminal Intelligence officer Peter Vassallo, who got journalist Chris Masters involved after meeting Jim Slade at a policing conference, the police officers on the beat who wouldn't take a bribe, like whistleblower Col Dillon, how the Queensland police planned to frame Chris Masters as a paedophile, and the undercover Australian Federal Police officer Dave Moore tasked with protecting Masters, whose life was under threat.



Chris Masters

The program made me thankful for every whistleblower, everywhere.

Cynthia Kardell is president of Whistleblowers Australia.

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## Media watch

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### ATO will “destroy your life” if you dare to speak out: whistleblowers

John Power  
*The New Daily*, 7 June 2017

FORMER STAFF at the scandal-plagued Australian Tax Office have sounded the alarm about the likelihood of continuing abuses at the agency due to an internal culture that squashes whistleblowing and refuses to tolerate dissent.



The tax office is under scrutiny over a major fraud case. *Photo: AAP*

The country’s tax collector is under mounting scrutiny following allegations that ATO deputy commissioner Michael Cranston improperly accessed records on behalf of his son, Adam Cranston, who was last month charged as one of the key players in a \$130 million fraud syndicate.

On Tuesday, Inspector-General of Taxation Ali Noroozi said a review into the agency’s practices was “inevitable.”

Whistleblower Ron Shamir told *The New Daily* that the agency had created a climate of fear to keep employees in line.

“I have not been able to get a job for two years,” said Mr Shamir, who was sacked in 2015 after alleging that senior managers had cancelled taxpayer refunds en masse without justification.

“Our life savings have evaporated in that time, mainly on legal fees. We are about to lose our home and we can’t even afford to rent.”

Last week, ATO commissioner Chris Jordan separately revealed that 30 employees had been investigated so far this year for accessing private taxpayer information without authorisation.



Nine people have been charged over a conspiracy to defraud taxpayers, including Adam Cranston, the son of Australian Taxation Office Deputy Commissioner Michael Cranston (pictured). *Photo: AAP*

While acknowledging that recent revelations had struck at the “heart and values” of the ATO, Mr Jordan denied there were systemic problems at the organisation.

An ATO spokesperson told *The New Daily* that it was committed to the “highest standards of ethical behaviour and integrity” and did not take retribution against employees who raised concerns.

“The ATO is committed to supporting the making of public interest disclosures, protecting those who make disclosures and ensuring appropriate action is taken,” a spokesperson said.

“These reports can also be made via a number of channels, including to an authorised officer or via email within the ATO or to the Commonwealth Ombudsman.”

But Mr Shamir, whose dismissal was ruled unjustified by the Fair Work Commission before it was later upheld on appeal, said the ATO was abusing the vast resources at its disposal to silence criticism from within and outside the organisation.

“The vast majority of ATO dissent is resolved with Confidentiality Agreements accompanied by financial settlements, also taking massive amounts of public funds out of the tax system without scrutiny,” he said.

“Of course most whistleblowers take the money, because if you don’t take the money they offer — taxpayer’s money — the ATO use that money to leverage the legal system, to crush the dissent.”

Mr Shamir said colleagues looking at the “devastating” consequences for

his family of him speaking out would have no motivation to disclose potential wrongdoing.



An Aladdin’s cave of riches waits to be tendered as evidence in court. *Photo: AAP*

Stephen Strelecky, another former tax worker, said silencing dissent was the “modus operandi,” claiming tactics for keeping public servants quiet have included levelling false complaints against outspoken employees and referring them for psychiatric assessment.

“It’s more than pervasive, it’s actually as official as you can possibly get without it being stated,” said Mr Strelecky, who won a compensation case and later an apology from the tax office over its management’s botched handling of anti-Semitic bullying by colleagues.

“That’s what they do, that’s in their DNA. They are paranoid about bad publicity.”

Steve Davies, a former tax official who has helped some 20 whistleblowers since leaving the agency in 2011 because, as he puts it, the “dysfunctional culture” warned that the ATO’s “obsession with reputation” was a recipe for corruption.

“Because of their risk aversion, their threshold for being seen as a threat is low to the point where it verges on paranoid,” Mr Davies said. “And that’s not good to have in an organisation, like the ATO, which affects the lives of every single Australian.”

“I know of cases where people have endured this for, would you believe, anywhere between five and 10 years,” Mr Davies added, “and they end up with their lives destroyed.”

## Australian whistleblowers are persecuted rather than praised

Paul Gregoire and Ugur Nedim  
Sydney Criminal Lawyers  
26 May 2017

CHELSEA MANNING was released from US military prison last week, after serving seven years of a 35 year prison sentence for espionage convictions relating to the classified documents she disclosed to WikiLeaks. Former US president Barack Obama commuted her sentence on his last day in office.

One of the world's most famous whistleblowers, Ms Manning leaked more than 700,000 classified Iraq and Afghanistan war logs and diplomatic cables in 2010. She also leaked a video of a US helicopter crew killing at least nine men, including two Iraqi journalists, who worked for Reuters news agency.

In recent decades, Australia has had its fair share of whistleblowers as well. Independent MP Andrew Wilkie blew the whistle on the government's flawed intelligence case for the 2003 Iraqi war.

He made it known that our government was well-aware that Iraq did not have weapons of mass destruction and posed little threat to the west, yet sent our troops to fight in Iraq based on that claim.

In August 2015, a 7-Eleven employee spoke out about the systemic wage fraud that the convenience store giant was carrying out. The whistleblower exposed a system where employees were regularly paid half the award rate, and were threatened with deportation if they complained.

Alleged police whistleblower Rick Flori has been pursued by the Queensland Police Service for years. The former police sergeant with 25 years of service was suspended and charged with misconduct in public office — an offence which carries a maximum penalty of 7 years' imprisonment — for allegedly leaking footage of several of his fellow officers bashing a man in the police station car park in 2012. While the brave former officer has vowed to fight till the very end, several years of prosecution has taken a heavy toll on him and his family.

Brian Hood exposed that bribes were being paid by Reserve Bank subsidiaries, Note Printing Australia (NPA) and Securrency in 2007. The former company secretary of NPA, Mr Hood was subsequently made redundant after revealing the kickback operation to senior management.



Brian Hood

**The harsh payment for speaking out**  
Mr Hood's story is common when it comes to whistleblowers in this country. The whistleblowing system requires individuals to initially report allegations internally. This often leads to management concealing corrupt practices, and devise strategies to get rid of the employee who's spoken out.

The 7-Eleven whistleblower said that "internal whistleblowing systems are generally a first line of defence for a company to filter out snitches." Former whistleblowers consistently express the need for greater protections for those who expose corruption.

Other common negative outcomes for those who speak out are threats by work colleagues, demotion and loss of work. Brian Hood found this out after he blew the whistle.

### A flawed system

Jeff Morris' family left him after he spoke out. The Commonwealth Bank financial planning whistleblower initially sent an anonymous fax to the Australian Security and Investments Commission (ASIC) about the fraud he was exposing. But it wasn't until he

fronted up in person that ASIC made a move on his claims.

ASIC is Australia's corporate, markets and financial services regulator. The commission's website provides guidelines for whistleblowers in the corporate sector.

It says that a whistleblower must be a current employee of the company they're exposing. They must provide the information to management, an authorised personnel member, or to ASIC itself. An informant cannot be anonymous, despite the consequences. They must establish reasonable grounds for suspecting the alleged conduct, and their disclosure must be made in "good faith."

There is little doubt that the requirement to disclose identity and have reasonable grounds act as a deterrent to employees coming forward, while the requirement to be a current employee ensures former workers cannot blow the whistle — even if they were dismissed after threatening to expose the truth.

The Corporations Act 2001 governs corporate whistleblowing in this country. The law provides that information leaked by a whistleblower is a "protected disclosure." It also protects the individual who speaks out from civil or criminal litigation, and guards against victimisation.

However, many who come forward find that the system actually discourages people from speaking out. And when they do take that step, it creates considerable stress in their lives.

### The parliamentary inquiry

A parliamentary inquiry into whistleblower protection in the corporate, public and not-for-profits sectors is currently underway. Submissions closed last month, and the Joint Parliamentary Committee on Corporations and Financial Services has conducted public hearings in Queensland, Victoria and the ACT.

Whistleblowers Australia president Cynthia Kardell outlined in her organisation's submission to the inquiry that instead of internal disclosure being the first step for a whistleblower, the legislation should be amended so they have the option of approaching the media, politicians or another third party from the outset.

She argues the law and internal policies should protect and encourage, or even reward, people who come forward.

Ms Kardell recommends that a public interest disclosure agency (PIDA) be established “to publicly promote, protect and support whistleblowers and whistleblowing across all sectors.” The body could “seek injunctive relief for whistleblowers, prosecute claims of reprisal” and penalise management for failing to support whistleblowers.

She also suggests that a false claims division be set up within the PIDA to register and monitor fraudulent claims, and resolve claims for compensation under false circumstances.

### Supporting those who speak out

Whistleblowers Australia was founded back in 1991. They’re a voluntary organisation supporting and mentoring individuals who are willing to speak out about corruption. They also campaign for legislative reform of whistleblowing laws.

They’re the “oldest support group internationally and unique in what they do,” says Ms Kardell. According to her, all jurisdictions in Australia have “provided legislative protections in the form of legal defence, but they’ve been a failure,” as they don’t apply until after an individual has spoken out.

A 2016 Senate Economics Reference Committee whistleblowing report outlined that while Australia had “some of the most robust public sector whistleblower laws in the OECD,” private sector laws lag behind other countries.

### Push them until they crumble

Ms Kardell told Sydney Criminal Lawyers that those in charge of businesses are well versed in how to deal with employees who blow the whistle on corrupt practices. She said that employers realise a whistleblower will “keep on trying to progress the issue,” and so employers keep the pressure on them.

This leads to a situation where a whistleblower becomes “open to accusations of being a crank, irrational, even deranged,” she explained.

“Sustained pressure” is the tactic that management uses in corporate settings when dealing with whistle-

blowers, who they realise will “eventually wilt.” And this will provide “the trigger for termination,” Kardell stated.

They just spend “all their energy crafting a different story,” as to why the individual had to leave the company, she added.

### Further reforms on the horizon

The parliamentary inquiry will be tabling its report on June 30.

It is hoped that its recommendations will lead to protections that will guard against management cover-ups and bullying, as well as a process that provides different avenues for individuals to divulge corrupt practices.

This could then lead to a situation where corporations are no longer able to manipulate and fabricate the facts surrounding allegations in an attempt, as Ms Kardell puts it, “to bury the alleged wrongdoing along with the whistleblower to avoid losing control and reputational blowback.”

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## Gambia: whistleblowers should be protected

Alieu Sagnia

Jollof Media Network, 10 June 2017



Alieu Sagnia

WHISTLEBLOWERS should be protected and the archaic laws should be expunged from our statutory books. I also believe that whistleblowers should be encouraged and protected, not arrested and detained; and certainly not under any law like the colonial-era Official Secrets Act.

I recall as Jammeh became more and more paranoid, he got the Justice minister Fafa Mbai to institute civil service-wide taking of the oath of

secrecy. Somehow, I was among the lucky few they forgot to make take the oath. Indeed, it is one of the laws we journalists have identified for repeal under any comprehensive review of what we call draconian laws which hinder our work.

It provides for “spying” which charge Jammeh had used against an Amnesty International team which came to Banjul, and held a training workshop I and several others like Sam Sarr of Foroyaa attended. As part of their visit, I came to learn, they went upcountry to research and were arrested held briefly for “spying” then expelled from the country!



Bubacarr Badjie

So, the Official Secrets Act should be expunged from our statute books as they could use it in the manner you described to stifle Edward Snowden-type whistleblowing and investigative journalism of the sort which unearths and exposes corruption, mismanagement, maladministration etc. Now about the case of SIS (former NIA) legal officer Badjie, we can say from what we learned that it is a case of whistleblowing — which should be encouraged in the New Gambia.

In fact, there should be a law to encourage and protect those who want to whistle-blow on the institution or company they work for, whether in the public or private sector. I am aware that this is being given thought to in some states — please find out where and let’s share the information. In any case, what Badjie has revealed should give us all great cause for concern.

His allegations should be investigated by the Barrow government, and he should be receiving state protection not detained — and I hope it’s not the

SIS doing the detaining as we all agreed that the new outfit should cease to have the abusive powers of arrest, detention and torture it wielded under Jammeh. If Badjie is accused of any crime, it should be a police matter; and certainly, he must not be charged under the Official Secrets Act as that should not happen in *our* New Gambia.

Aliue Sagnia was a former director of Information of The Gambia.

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## Whistleblowers deserve legal protection, not intimidation

Editorial, *Asahi Shimbun*, 17 June 2017

Debate is raging on whether an education ministry official breached confidentiality by tipping off the media about a document that sparked a political scandal concerning the Kake Educational Institution.

The document contains a passage referring to the “intent of the prime minister,” indicating the ministry came under political pressure to quickly approve the institution’s plan to open a veterinary medicine faculty.

Some contend the official who disclosed details of the document violated the confidentiality of nonpublic government information. Others maintain he should be protected as a public-interest whistleblower.

The debate was triggered by the remarks of Hiroyuki Yoshiie, a vice education minister, at the Diet.



Hiroyuki Yoshiie

Japan’s public-interest whistleblower protection law is designed to protect insiders who have exposed certain types of legal violations. The law applies only to whistleblowing on 460 specific violations and sets strict conditions for disclosing insider information about such violations to the media and other outsiders.

Referring to the law, Yoshiie said, “It is necessary to make clear which of these specific violations the disclosed information (about the document) was related to.”

Yoshiie, a Lower House member of the ruling Liberal Democratic Party, then said that “in general terms,” the act of leaking information about “the process of administrative operations that is not in the public domain” to an outsider without permission could represent a violation of the National Public Service Law unless the information in question is about a legal offense.

We need to recall the Diet deliberations on the whistleblower protection bill in 2004.



Heizo Takenaka

Heizo Takenaka, then the minister in charge of the legislation, said the bill was designed to “encourage potential whistleblowers seeking justice” instead of deterring such actions.

Regarding the exposure of facts that are not related to violations covered by the bill for protection, Takenaka said the whistleblower would be protected depending on how the act served the public interest.

This point was codified in a supplementary resolution that was passed along with the bill.

The government has been consistently reluctant to disclose information concerning the Kake faculty plan scandal.

And after a short, perfunctory investigation, the education ministry kept claiming the existence of the document had not been confirmed.

Under these circumstances, some education ministry officials have confirmed that the document exists.

Given the process leading to the whistleblowing legislation and its original aim, the education ministry’s whistleblower should be protected.

The ministry’s fresh inquiry has found more than a dozen documents with the same or strikingly similar contents to the one that blew the lid off the scandal.

In the news conference to announce the findings, education minister Hirokazu Matsuno said, rightly, that the official’s status would be “protected in line with the spirit of the law.”

In contrast, Yoshiie’s remarks, even though he spoke “in general terms,” risked deterring potential whistleblowing and undermining the public-interest whistleblowing system.

The education ministry and the government should start paying serious attention to dissenting views and criticisms rather than trying to silence potential whistleblowers.

The public-interest whistleblowing system does, in fact, have quite a few shortcomings.

Late last year, a panel of experts set up by the Consumer Affairs Agency published a report on steps that should be taken to bolster the system. The panel’s proposals included widening the scope of insiders protected by the law to include retired employees and easing the conditions for the legal protection of whistleblowers.

The Diet should act swiftly to revise the law while continuing debate on issues raised by the panel, such as the widening of the scope of violations covered by the law.

Ten or so years after the whistleblower protection law came into force, it is still necessary to improve the system and ensure that it will establish itself firmly in society.

# Why I'm launching TrumpiLeaks ... a letter from Michael Moore

The power and the importance of  
whistleblowing is part of the  
American tradition and as old as the  
republic itself.

Huffington Post, 6 June 2017



Friends,

I need one of you to help me. It might get dangerous. It may get us in trouble. But we're running out of time. We must act. It's our patriotic duty.

From the time you opened this letter to the time you get to the bottom of it, there's a decent chance that our president will have violated the constitution, obstructed justice, lied to the American people, encouraged or supported acts of violence, or committed some horrible mistake that would've ended any other politician's career (or sent you or I to jail). And just like all the times he's done so in the past, he will get away with it.

Donald Trump thinks he's above the law. He acts like he's above the law. He's *stated* that he's above the law. And by firing Sally Yates, Preet Bharara and James Comey (3 federal officials with *some* authority to hold him accountable) he's taken the first few steps to make it official.

And yet, we keep hearing the same reaction to President Trump that we heard with candidate Trump after every new revelation or screw up — "He's toast!" "He can't survive this!" "He's finished!"

Make no mistake — Donald J. Trump has *no* intention of leaving the White House until January 20, 2025. How old will you be in 2025? That's how long he plans to be your president. How much damage will have been done to the country and the world by then?

And that is why we must act.

As I've said since the election, we need a four-front strategy to end this

carnage:

1. Mass citizen action
2. Take him to court nonstop
3. *You* run for office
4. An army of satire

I'm doing everything that I can, publicly and privately, to aid this effort and I know that you are, too. And while quietly working on my new movie, I came across an old video that inspired me to write you today to ask for help.

In this video, a former congressman is passionately testifying about the importance of whistleblowers and need to protect the First Amendment. He stated:

Enshrined in the First Amendment of the Constitution, we all know, are these words: Congress shall make no law abridging the freedom of speech, or of the press. The freedom of speech and the press form the bedrock of our democracy by ensuring the free flow of information to the public. Although Thomas Jefferson warned that, "Our liberty cannot be guarded but by the freedom of the press, nor that limited without danger of losing it," today this freedom is under attack.

The young congressman went on to decry the harassment, legal threats and even jailing of American journalists. He continued:

Compelling reporters to testify, and in particular, compelling reporters to reveal the identity of confidential sources, intrudes on the newsgathering process and hurts the public. Without the assurance of confidentiality, many whistleblowers will simply refuse to come forward, and reporters will be unable to provide the American public with the information they need to make decisions as an informed electorate. But with all this focus on newsgathering, it is important that we state clearly: Protecting a journalist's right to keep a news source confidential is not about protecting reporters; it is about protecting the public's right to know.

Indeed, the power and the importance of whistleblowing is part of the American tradition and as old as the

republic itself. On July 30, 1778, the Continental Congress voted unanimously for the first whistleblower legislation in the U.S: "Resolved, That it is the duty of all persons in the service of the United States, as well as all other the inhabitants thereof, to give the earliest information to Congress or other proper authority of any misconduct, frauds or misdemeanors committed by any officers or persons in the service of these states, which may come to their knowledge."

This legislation came in response to the first known act of whistleblowing in our country's history, when in 1777, 10 revolutionary sailors decided to blow the whistle on a powerful naval officer who participated in the torture of captured British soldiers.

The sailors paid a price. They were sued and jailed for their courageous actions. But in the end, our Founding Fathers agreed that the sailors were doing their patriotic duty by reporting this crime. They made sure their legal fees were covered, protected them from retaliation and unanimously passed the 1778 whistleblower protection law.

Since then, courageous American men and women have put their careers, their freedom and even their lives on the line to report government and corporate wrongdoing. From Karen Silkwood (nuclear safety), Sherron Watkins (Enron) and Jeffrey Wigand (tobacco) in corporate America to Daniel Ellsberg, Chelsea Manning and Edward Snowden revealing government lies, the American whistleblowing tradition remains strong, despite constant attempts to intimidate and stifle these truth tellers.

And this is where I need one of you to help me.

Today, I'm launching TrumpiLeaks, a site that will enable courageous whistleblowers to privately communicate with me and my team. Patriotic Americans in government, law enforcement or the private sector with knowledge of crimes, breaches of public trust and misconduct committed by Donald J. Trump and his associates are needed to blow the whistle in the name of protecting the United States of America from tyranny.

We've put together several tools you can use to securely send information and documents as well as

photographs, video and/or audio recordings. While no form of digital communication is 100 percent secure, the tools we're using at TrumpiLeaks provide the most secure technology possible to protect your anonymity (and if you don't require anonymity, you can just email me here).

I know this is risky. I know we may get in trouble. But too much is at stake to play it safe. And along with the Founding Fathers, I've got your back.

As for the former congressman quoted above, he's moved on to bigger and better things. His name is Michael Richard Pence, the Vice President of the United States. Who knows, he might even back you up on this, too ...

Yours,  
Michael Moore



<https://michaelmoore.com/TrumpiLeaks>

## Donald Trump's war on journalism has begun.

### But journalists are not his main target

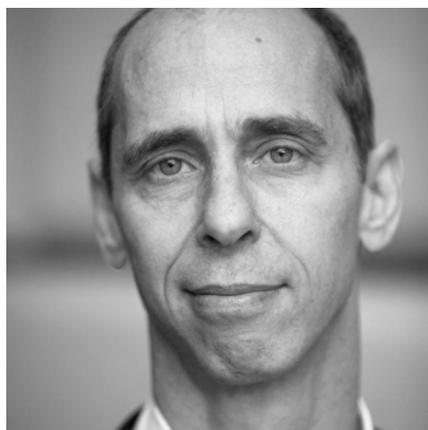
Peter Maass

*The Intercept*, 28 May 2017

WARS ARE RARELY announced in advance, but President Trump provided an abundance of warning about his intention to wage an assault on journalism. During the election campaign, he called journalists an "enemy of the people" and described media organizations he didn't like as "fake news." You can pretty much draw a direct line between his words and the actions we've seen lately — which include journalists physically prevented from asking questions of officials, arrested when trying to do so, and in a now-famous example from Montana, body-slammed to the ground by a Republican candidate who didn't want to discuss his party's position on

healthcare.

This is most likely a prelude. From virtually the moment Trump took the oath of office, a deluge of irritating leaks has poured forth about, for instance, his private complaints against senior aides and his late night habits when he is upstairs at the White House without a tweet-blocking retinue of aides. Matters of crucial substance have also been leaked, such as his own disclosure of highly classified information to Russia's foreign minister, and his obstruction-of-justice-worthy request to James Comey that the FBI restrain its investigation of Michael Flynn. Just a few days ago, there was another leak that wasn't even Trump-centric, disclosing information about the British investigation into the suicide bombing in Manchester.



Peter Maass

"These leaks have been going on for a long time, and my administration will get to the bottom of this," Trump warned in a statement on Thursday. "The leaks of sensitive information pose a grave threat to our national security. I am asking the Department of Justice and other relevant agencies to launch a complete review of this matter, and if appropriate, the culprit should be prosecuted to the fullest extent of the law."

Trump is known for his post-thinking bluster but here he means what he suggests about indictments. Of course he's using national security as a fig leaf to obscure his principal concern about the damage to his own image, which is being shredded. He is taking advantage of the unfortunate groundwork laid by his predecessor, Barack Obama, who oversaw an unprecedented crackdown on the press by

deploying the draconian Espionage Act against leakers. Far worse is almost certainly coming from Trump. One of the recent leaks that embarrassed him revealed, ironically, his demand to Comey that the FBI put journalists in jail if they refuse to disclose their sources.



Director of Oval Office Operations Keith Schiller escorts reporters out of the Oval Office of the White House in Washington, Tuesday, May 16, 2017, during President Donald Trump's meeting with Turkish President Recep Tayyip Erdogan. Photo: Evan Vucci/AP

Journalists are not the real target of Trump's war on journalism, however. We are the highly-visible collateral damage, the broken glasses on the bruised body of free expression. The true targets — the people whom the Trump administration most wants to punish and silence — are the government officials who provide us with the news for our stories. The First Amendment protects journalists but not their sources; there is no constitutional right to tell journalists the truth.

These people, our sources, are incredibly vulnerable, lacking in most cases the financial and legal resources that are available to most journalists. When journalists are threatened by the government, there is a ready-made community to defend them, including advocacy groups that will rise to their aid, and a social network of colleagues who will stand by their side. A government official who leaks to a journalist has almost none of that. Instead of gaining the support of co-workers when punishment is threatened, the likeliest outcome is ostracism, because everyone else fears for their job. If you are a journalist and the government goes after you, the odds are quite good that your employer will strongly support you, but a government leaker faces the opposite predicament — their employer is the one attacking them.

Financial ruin usually comes next. I have written about several of the most

notable Espionage Act prosecutions in recent years, including the case of Stephen Kim, a State Department diplomat accused of disclosing classified information to a journalist. (The information about North Korea, according to a State Department official quoted in court documents, was “a nothing burger.”) Facing the possibility of more than a decade in prison if he was convicted by a jury, Kim agreed to a plea deal and a sentence of 13 months. The case drained his finances as well as his relatives’, and he often considered killing himself. “Everything was just a blur,” he told me. “I compare it to losing all five senses at the same time. You don’t see anything, you don’t smell anything, you don’t hear anything. Nothing. That’s the only way I can describe it.”



Stephen Kim, a former State Department expert on North Korea, leaves federal court in Washington on April 2, 2014 after a judge sentenced him to 13 months in prison for passing classified information to a journalist. Photo: Cliff Owen/AP

Here’s a bit of what I wrote about his ordeal:

After devoting more than a decade of his life to preventing North Korea from building a nuclear arsenal, he was now accused of *helping* Pyongyang. How could he live with the stain of what his government accused him of doing? *Espionage*. What could he say to his young son? To his elderly parents? “Every single day, I thought about killing myself,” Kim said. He went online to find out how many sleeping pills or Tylenol he would need to swallow to end his life. He considered jumping in front of a train, because that would be quick. He made plans for letting people know he had committed suicide, deciding that he would send a note to a friend and explain that it should be opened on a certain day; inside he would place his house and

car keys. “It’s a ruthless calculus — you don’t think like a normal person,” Kim told me. “I’m not proud of it, but I’m not ashamed of it, either. Why should I be? Have you gone through what I have?”

Outcomes vary, but none are enviable. Edward Snowden, who leaked a trove of documents from the National Security Agency, has been able to avoid prison by gaining political refuge in Russia. He fled because if you are indicted under the Espionage Act, as he was, you are not allowed to present a public-interest defense — meaning, you are not allowed to justify the crime of leaking by arguing it was done to disclose to the public even greater crimes the government was committing. Chelsea Manning, who as an Army soldier leaked thousands of documents that disclosed U.S. war crimes, was sentenced to 35 years in prison, though she is now free after serving seven years and receiving a pardon from Obama as he left office.

Today’s leakers can expect no mercy from the incensed Trump administration, which is stacked, no surprise, with a murderers’ row of First Amendment antagonists, leading off with Trump. Next to him, there is Attorney General Jeff Sessions, who said, when asked in March if there would be indictments, “We’ve never seen this kind of leaking. It’s almost as if people think they have a right to violate the law, and this has got to end, and probably it will take some convictions to put an end to it.”



Rod Rosenstein

His number two at the Department of Justice, Rod Rosenstein, was the driving force behind the prosecution last year of Gen. James Cartwright, who pleaded guilty to lying to the FBI about leaking to reporters (Cartwright was later pardoned by Obama and did not go to prison). In a sentencing memo, Rosenstein painted a stark picture, writing that “the need for deterrence is strong. Every day across the United States government, individuals are entrusted with highly sensitive classified information. They must understand that disclosing such information to persons not authorized to receive it has severe consequences.”



James Cartwright

For Trump, who himself has disclosed a surprising amount of sensitive intelligence, the national security argument is window dressing. The leaks he truly despises are the ones that embarrass him personally. This points to a key problem of leak crackdowns: a large amount of information is classified mainly because it would embarrass the government if made public. Senior officials routinely exaggerate the national security repercussions and brush aside the benefits to our society. But even former Defense Secretary Robert Gates has acknowledged, for instance, that the consequences of Manning’s leak were “fairly modest.”

Nonetheless, Trump’s war on journalism is moving ahead. The resistance to it should not be modest.

## Dangerously addictive painkiller prescribed for patients who shouldn't have received it, says whistleblower

Corky Siemaszko  
NBC News, 4 June 2017

IT'S CALLED SUBSYS and it's a painkiller 100 times more powerful than morphine that was approved by the FDA for cancer patients whose agony can't be relieved by other narcotics alone.

But despite the fact that what's known as "breakthrough cancer pain" is uncommon, Insys Therapeutics — the Arizona-based company that sells what can be a highly addictive drug, and nothing else — has sold almost a billion dollars worth of this medication in five years.

How Insys pulled this off is the subject of an investigative report on Sunday Night with Megyn Kelly. NBC's Senior Investigative Correspondent Cynthia McFadden spoke with a former employee who said she was part of a scheme to get the drug Subsys to patients who never should have had it.

"It was absolutely genius," Patty Nixon said of the alleged scheme. "It was wrong, but it was genius."



Patty Nixon

And Nixon would know. She's a former Insys sales rep turned whistleblower.

"What I did, I was instructed to do, I was trained to do," Nixon, who was fired by Insys after she says she felt guilty about lying on the job and stopped showing up for work. She told McFadden. "If I didn't do it, I was going to be in trouble."

The ingredient that gives Subsys so much kick is fentanyl, according to the company's website.

In addition to its strength, the other

element that sets Subsys apart from other painkillers is the way it's used — it's a spray that is absorbed underneath the tongue, the website states.

Nixon said her job was to make sure Subsys got into the hands of as many patients as possible.

"My job responsibilities were to contact insurance companies on behalf of the patients and the doctors to get the medication approved and paid for by their insurance company," she told NBC.

Subsys is not cheap. A 30-day supply costs anywhere from \$3,000 to \$30,000.

Nixon told NBC that her supervisor told her ways to trick the insurers into believing it was "medically necessary."



"I would say, 'Hi, this is Patty. I'm calling from Dr. Smith's office. I'm calling to request prior authorization for a medication called Subsys,'" she told McFadden. Nixon says she would also mention oncology records that didn't exist and provide insurance companies with specific diagnosis codes, whether or not the patients had those conditions.

Was that a lie? "Absolutely," Nixon replied. "It was a complete bold-faced lie."

Sarah Fuller was one of the patients who was prescribed Subsys even though she didn't have cancer.

In her case, it was chronic neck and back pain from two car accidents. And when her doctor prescribed Subsys, an Insys sales rep was sitting in the room with them, her father Dave Fuller told NBC News.

Within a month, Fuller's prescription was tripled. And 14 months after she started using the drug, she was found dead on a bathroom floor.

What killed her?

"Well, technically fentanyl," Fuller's still-grieving mother said. "But a drug company who couldn't care less about a human life. And, apparently, a

doctor who didn't either." Fuller's doctor has had her license temporarily suspended but denies responsibility for her death.

Sadly, Fuller is not alone.

FDA reports of adverse events, possible related complications, includes hundreds of deaths.

An attorney for Fuller's family who is suing, Richard Hallowell, said, "this is serious stuff that we're dealing with ... People need to finally be held accountable."

Nixon later testified before a federal grand jury that indicted the company's former CEO Michael Babich for fraud, conspiracy and racketeering. Five other former Insys executives have also been indicted for racketeering. All have pleaded not guilty.

Insys founder Dr. John Kapoor is not among the indicted. He is a billionaire who Forbes lists among the wealthiest Americans.

Prosecutors say the company paid hundreds of thousands of dollars to doctors in exchange for prescribing Subsys. Three top prescribers have already been convicted of taking bribes from Insys.



Sarah Fuller

For its part, Insys has denied any responsibility and insists it shouldn't be blamed for how doctors prescribe their products. The corporation is not facing criminal charges and is still selling Subsys — some \$240 million worth of Subsys just last year.

Meanwhile, Nixon says blowing the whistle on Insys has made her unable to find another job in her field. She said she continues to be racked with guilt over what she did as an Insys employee.

"I just wanna tell everybody out there who's been hurt, I am so sorry for any suffering or any pain — and for those families that visit their family members at the graveyard and for those family members that see their loved ones going through the pain of

addiction,” a weeping Nixon said, “I am sorry.”

In a statement, Insys said: “The charges against individuals, including our former employees, discussed in your news story relate to previously disclosed investigations and litigation. Insys continues to cooperate with all relevant authorities in its ongoing investigations, including our federal investigation which began in and around December 2013. We are committed to complying with laws and regulations that govern the promotion of our products and all other business practices. We continue to emphasize ethical behavior within our organization and pursue opportunities to illustrate that our company’s mission is to put patients first.”

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## Chelsea Manning’s persevering spirit shines in interview for ABC’s “Nightline”

Kevin Gosztola

*Common Dreams*, 17 June 2017



Chelsea Manning

WHETHER IN AN IMPERFECT or hostile setting, Chelsea Manning’s persevering spirit and humanity never fails to shine. That was certainly the case in her exclusive interview for “Nightline” on ABC.

The United States Army whistleblower describes her military prison life at Fort Leavenworth as a daily fight for survival. She shares how it was profound and moving when she finally was able to hug her attorneys because her sentence was commuted by President Barack Obama.

“It made it real. It was a tactile feeling of reality,” Manning says. And she adds, “So the next day, I was surrounded by nature and beauty. People were beautiful because they weren’t wearing the same uniform as everyone else.”

Asked about attempting suicide at Leavenworth, Manning confronts the bleakness she endured as a transgender woman trying to be herself.

“It’s a very dark place. You’re like if I can’t be me, then who am I? You just want the pain to stop, the pain of not knowing who you are or why you are this way. You just want it to go away.”

It almost does not matter that the news program applies the same tired approach that most outlets have applied to her story throughout her case. Her conscientiousness transcends the format, which includes being pit against a former National Security Agency deputy director, in order to make the segment “fair” and “objective,” even though this person has no connection to her case whatsoever.

During the section of the interview about the information she released, Manning maintains her resolve. She mentions her superior officers saw the Apache helicopter attack that killed two Reuters journalists and a father of two children. They saw it as “just another incident.”

“We need more means of being able to safely and securely reveal government wrongdoing,” Manning declares.

This is when “Nightline” brings in former NSA deputy director Rick Ledgett. He argues Manning “didn’t go through any of the whistleblowing channels at the time, that she could have gone to the Judge Advocate General. She could have gone to her congressional representatives. They would have welcomed that.”

But had she gone through any “channels,” the information would have never been released to the public. She may have never been authorized to talk about her concerns about counterinsurgency warfare and diplomacy with concerned citizens, as she has done.

Almost certainly, going through channels would have raised red flags. A soldier who tells their superior officers this is information the public needs to know would be put under a microscope to ensure there were no security clearance violations. She might have lost her clearance over some petty offense.

She was struggling with mental health problems and did lose access to information prior to her arrest, so how

could she have the confidence to go to a superior with any of this when they would not even let her serve as an openly gay intelligence analyst, let alone a transgender woman?

Anchor Juju Chang asks Ledgett if there is anything to the idea that Manning honorably put her own liberty and military career on the line to expose this information.

“Does that sound extraordinarily arrogant to you? It does to me,” Ledgett replied.

The former NSA deputy director continued, “It’s to say that my judgment is better than that of everybody else, so I’m going to take this upon myself to make this decision with consequences that I couldn’t possibly understand, and I’m going to do it because it makes me feel like I’m doing the right thing. That’s the definition of arrogance.”

Such a statement exemplifies the institutional hostility to whistleblowers within most U.S. intelligence agencies.

Furthermore, what Ledgett articulates applies more to the very people who run US intelligence agencies and military branches. They make decisions on matters of life and death on a daily basis in the shadows and resist efforts for accountability and transparency. They definitely think their judgment is better than those who are able to provide oversight or expose their misconduct to the world. They have nothing but hubris when it comes to their actions.

Later in the exclusive, Chang mentions that files Manning disclosed were found on storage devices at Osama bin Laden’s compound. The inclusion of this detail amounts to pushing propaganda.

Military prosecutors introduced this as “evidence” to convict Manning of “aiding the enemy” or treason. It ultimately did not persuade the military judge, as Manning was acquitted of the charge. Bin Laden possessing the information is no different from saying bin Laden had *New York Times* articles with classified information related to the Afghanistan War. That would not make the *Times* guilty of a crime.

At least, Ledgett has the decency to state for the camera, “I think [Manning’s] paid her debt and needs a chance to start over again with a clean slate with a felony on her record.”

However, as attorneys for her appeal make clear, allowing her convictions under the Espionage Act to stand has implications.

“This case is really about what are the scope of the whistleblower protections for people who possess national security information,” attorney Vincent Ward states.

Attorney Nancy Hollander adds, “This is a fundamental issue of free speech in this country. If we don’t have free speech, we don’t have a democracy, and this gets right to the core of that.”

It is deeply moving to hear Manning talk about the letters from young transgender people. They recognized she needed “unconditional love.” They were “seeing in me what I was looking for when I was their age.”

She reads from one letter. “You are loved. You are an inspiration to so many of us. Witnessing your courage has given me the strength to come out as trans too.”

The tears well up in her eyes. Her vulnerability comes through, as she wrestles with what responsibility she has to these people who see her as an inspirational figure. She knows they are watching and tells them to be who they are. “Don’t do what I did and run away from it. Things are better.”

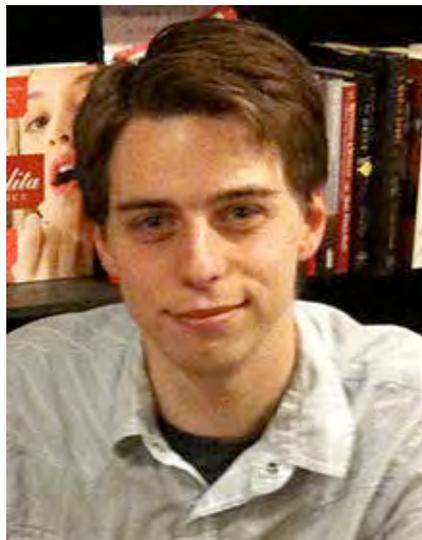
In the final moments of the interview, the lazy frame of understanding Manning as a hero or traitor surfaces once more. Chang says to Manning that she is willing to accept that some people see her as a traitor. Manning sounds a bit exasperated. “And you know, okay, you know, like I disagree.” It’s hard to believe she accepts that people hold this perception.

Overall, it is both heartening to hear Manning speak and bothersome because corporate media outlets like ABC News bear some of the responsibility for a public perception that Manning is a traitor.

This is the first time that any corporate broadcast news outlet took a moment to factor in Manning’s side. It has always been that the US government and politicians have these opinions of her case and so what do people who represent her or support her have to say? But now that she is out of prison that needle will slowly move in a direction where more and more citizens each year come to understand

her whistleblowing acts.

It may take a few decades, but like Pentagon Papers whistleblower Daniel Ellsberg, she will eventually find wide support among the population.



Kevin Gosztola is managing editor of *Shadowproof Press*. He also produces and co-hosts the weekly podcast *Unauthorized Disclosure*.

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## CIA chief says the “worship” of whistleblowers such as Edward Snowden has fueled the rise in US secret intelligence leaks

Associated Press  
*Daily Mail*, 25 June 2017

CIA DIRECTOR MIKE POMPEO says he thinks disclosure of America’s secret intelligence is on the rise, fueled partly by the “worship” of leakers like Edward Snowden.

“In some ways, I do think it’s accelerated,” Pompeo told MSNBC in an interview that aired Saturday.

“I think there is a phenomenon, the worship of Edward Snowden, and those who steal American secrets for the purpose of self-aggrandizement or money or for whatever their motivation may be, does seem to be on the increase.”

Pompeo said the United States needs to redouble its efforts to stem leaks of classified information.



Mike Pompeo

“It’s tough. You now have not only nation states trying to steal our stuff, but non-state, hostile intelligence services, well-funded — folks like WikiLeaks, out there trying to steal American secrets for the sole purpose of undermining the United States and democracy,” Pompeo said.

Besides Snowden, who leaked documents revealing extensive US government surveillance, WikiLeaks recently released nearly 8,000 documents that it says reveal secrets about the CIA’s cyberespionage tools for breaking into computers. WikiLeaks previously published 250,000 State Department cables and embarrassed the US military with hundreds of thousands of logs from Iraq and Afghanistan.

There are several other recent cases, including Chelsea Manning, the Army private formerly known as Bradley Manning. She was convicted in a 2013 court-martial of leaking more than 700,000 secret military and State Department documents to WikiLeaks while working as an intelligence analyst in Iraq. Manning said she leaked the documents to raise awareness about the war’s impact on innocent civilians.

Pompeo said the Trump administration is focused on stopping leaks of any kind from any agency and pursuing perpetrators. “I think we’ll have some successes both on the deterrence side — that is stopping them from happening — as well as on punishing those who we catch who have done it,” Pompeo said.

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## Conference and annual general meeting

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### Conference

Saturday 18 November 2017  
8.15am for 9am

### Speakers

Whistleblowers telling it their way

Richard Gates, on dealing with defamation  
Peter Smythe, on surviving SA's whistleblower laws  
Margaret Banas, on duelling with the ATO  
(others to be announced)

Anyone wanting to tell their story or what they learnt from it should contact Cynthia. You can plan on talking for 15–30 minutes depending on the content. Overhead projection, online connection, CD and DVD will be available.

### AGM

Sunday 19 November 2017  
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 \$40 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 @ \$35 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**

pay 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

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## Whistleblowers Australia contacts

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**Members of the national committee**  
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Thanks to Cynthia Kardell and Margaret Love for proofreading.

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## Payments for Oz whistleblowers?

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At the end of June, there were numerous media stories about the possibility of legislation to pay whistleblowers. Here's one example, from a story by Joanna Mather in the *Financial Review*, 22 June.

Private sector employers could be forced to pay compensation to whistleblowers if they suffer reprisals such as the loss of their job, under government plans to strengthen whistleblower laws.

Financial Services Minister Kelly O'Dwyer will tell a University of Melbourne seminar that a US bounty-style reward system as an incentive for whistleblowers is also under active consideration.

She will say she wants to better protect people such as Jeff Morris, who blew the whistle on misconduct within the Commonwealth Bank of Australia, but lost his job and his family in the process.

"How can it be that in today's day and age those people who blow the whistle on tax fraud, evasion or avoidance have no specific statutory protections," Ms O'Dwyer will say on what will be her first day back at work after maternity leave.

"Indeed, while the Australian Taxation Office receives and acts on disclosures, there are no express laws to protect people who make disclosures from reprisals or other ramifications, or which provide them with a right to compensation if they are victimised."

Ms O'Dwyer said the government would soon introduce legislation to remedy the existing law, which was "confusing, ineffective and has too many gaps compared with public sector protections and overseas regimes."

Don't hold your breath for the new law. And past experience suggests that, even if introduced, it will only reward a small percentage of whistleblowers.

## 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](mailto:feliksfrommarcoola@gmail.com)*