

WB

AUGUST/SEPTEMBER 1995

WHISTLEBLOWERS AUSTRALIA INCORPORATED

PO Box M44, Marrickville South, NSW 2204

"All it needs for evil to prosper is for people of goodwill to do nothing." Edmund Burke

The Whistle

Newsletter of Whistleblowers Australia Inc.

Letter from the outgoing NSW President

HI EVERYONE

What a year it has been!

Whistleblowing seems to have found its way solidly into people's dictionaries. Almost every day the media reports on whistleblowers exposing something rotten.

I must report that it is with some element of sadness that at the last general meeting I stepped down as President of the NSW Branch, transferring this task to Jim Regan, a relatively new but very energetic member of the WBA.

Elections were held for all NSW Branch committee members and most positions have been filled for the following year. Given that all committee members are volunteering their spare time to maintain an active organisation, and that most are still dealing with their own complicated cases, I am proud of them all for the Branch's achievements during the last year.

The activities during this time were summarised at the meeting as follows:

- The Branch has a new venue thanks to a supportive church Minister.
- A regular newsletter, *The Whistle* has started and is achieving a fair amount of attention.
- A number of social activities have been arranged and have been fun for all who attended.
- WBs have attended and supported each other in court (which had unexpected publicity in the *Telegraph Mirror*).
- The WBA now has a telephone number in the White Pages which is attracting new members and other contacts.
- Nearly all members have been contacted by phone to keep in touch.
- Workshops have started to develop which have helped to focus our objectives and have given feedback to the Committee.
- We helped to trigger the Royal Commission into the police, an action which has been justified judging by recent media coverage.
- We have supported a few members who have gone public with their concerns.
- We heard about, and had contact with, more and more people writing whistleblowing books, theses, plays, poems and

songs (and we hope we may soon get a cartoonist as a member).

We have achieved a fair amount of publicity, mostly productive, via articles and advertising in the papers, on TV and radio, and by associating more closely with some other associations.

Initial investigation of the way we might use the Internet is underway. Interestingly the No Aircraft Noise party is using the Internet to mount a campaign for a class action. The possibilities are enormous!

We have changed the time of Committee meetings to the morning of the first Sunday of the month, i.e. on the same day as the Branch meeting, and this has saved members time and petrol (helping the environment too!).

We have started very successful regular meetings every Tuesday night.

At the Annual Branch meeting we managed to fill all necessary positions on the Committee with only a very small amount of coercion!

Last, but by no means least, I think we can confidently say that by the networking which has been started amongst members, many have been helped. Although we have not worked out a totally fool-proof way of blowing the whistle without suffering retribution, we have at least managed to stop a few members from making some fundamental errors and warned them about what to expect and be on guard for. Forewarned is forearmed!

When the year is summarised like that, I think I can stop feeling guilty about all the things I would have liked to have done but which for one reason or another just did not have time for.

I hope that WBs will continue to provide their support for other WBs who have court cases and other forms of inquiry coming up in the next few months. Dates and times can be obtained by calling me on 0412 972 900.

Thanks also to B. Hamilton for all the articles he has sent in.

See you at the next meeting.

Regards

BOB AMATO
(ex) NSW President

National news

National Annual General Meeting

The AGM was held in Sydney on 29 July and was attended by 55 people.

The opening address was given by Evan Whitton, an author and a journalist with Fairfax press who has for a long time reported on justice matters with an incisiveness that is very encouraging to people who despair of our current system of justice. He commenced with a brief and humorous account of his early days with the *Melbourne Truth*.

With regard to the Royal Commission into the NSW Police Service he praised Justice Woods' committed efforts to search out the truth but regretted that the Commission is still hampered by the adversarial system (which has a tendency obscure the truth). Mr Whitton is an advocate of the inquisitorial system, which is more likely to get at the truth.

With regard to the ICAC, Mr Whitton pointed out that it has a similar problems since it is staffed mainly by lawyers who are trained in following the strict legal Rules of Evidence which often act to obscure the truth. He suggested that the current Parliamentary Joint Committee into the Commission should recommend it considers the inquisitorial system. He also suggested that a panel of lay assessors should be involved to assist the ICAC with the interpretation of evidence. Furthermore, he urged the WBA to be active in bringing about these changes.

Evan left us with a quote from a former Truth editor: "My boy, we must never get tired!" He hopes WBs never do.

His address was very much appreciated and loudly applauded.

Office-bearers

Office-bearers for the ensuing year were elected and are as follows:

National President Jean Lennane
Senior Vice President Bill Toomer
Junior Vice President Isla McGregor
National Director Lesley Pinson
National Secretary Shane Carroll
National Treasurer Vince Neary
Legislation Coord. Greg McMahon
Internet Coordinator Brian Martin

The meeting broke up into workshop groups to discuss a variety of matters. It is perhaps significant that the largest was one which discussed the Internet. Communications are crucial (on a statewide, nationwide and worldwide basis) to our efforts in bringing about cultural change with regard to the exposure of corruption, maladministration and risks to public and environmental health and safety.

peal for justice for Barry Hart subsequent to the finding of the "Chelmsford Hospital" Royal Commission and the associated findings of the Ombudsman in relation the Psychologists Board of NSW; and (3) the condemnation of all authorities involved in the continuing the delays with regard to the Bill Toomer case. In each of these cases, the WBA also supports the WB in his appeal for compensation. (See "Major Cases of National Significance" elsewhere in this newsletter).

Law Council Charter of Rights

At a recent WB Branch meeting in Victoria a document, *Law Council Charter of Rights*, was distributed. Neither the NSW Branch nor the WBA National Committee have yet reviewed this charter nor made comment on it. Any member who is interested can obtain a copy from Mr Stuart Fowler, President, Law Council of Australia, GPO Box 1989, Canberra, ACT 2601.

to whom any comments or submissions should also be addressed.

The issue of whether Australia gets a Bill of Rights is relevant to WBs, although opinions on this, or on any proposed contents, will differ immensely. It is perhaps appropriate to note here that the situation for WBs in the USA is in some ways well ahead of the situation in Australia and the UK. In the US, legislation protecting WBs has been in place for many years and WBs can even get financially rewarded for their efforts. The fact that the rights of USA citizens are enshrined in a Bill of Rights may have some relevance to this. In Australia, numerous pieces of legislation must be reviewed for individuals to determine exactly what their rights and entitlements are. □

CHANGE OF ADDRESS

Please note our change of address to: **PO Box M44, Marrickville South, NSW 2204**

Meetings and contact people.
See the information sheet enclosed.
We suggest you stick it on your fridge!

Three of the most serious whistleblowing issues in Australia were raised for discussion and motions were passed expressing in each case: support for the WB; demands for Government action; and a request for the National Committee to make a press release to these effects.

These issues were:

- (1) the campaign for a Royal Commission into the National Crime Authority (NCA) in connection with the Mick Skrijel case;
- (2) condemnation of the Legal Aid Commission and other Authorities over the ap-

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About 'The Whistle'

I apologise for not getting an issue out during July. This was due to pressure from other WBA work and also from developments in my own case. Many thanks to Richard Blake; without his assistance, this edition would never have left my computer!

The Whistle may continue to be produced every two months depending on time, resources and funding. In any event, please do not rely on receiving a September issue for a reminder about meetings. If in any doubt about meetings, contact the appropriate person on the enclosed information sheet.

Until now The Whistle has been produced by and for the NSW Branch. The WBA intends that The Whistle will now become a national production. We have also recently been contacted by Freedom to Care in the UK who also produce and organ called the Whistle. Its editor has suggested the possibility of an international edition becoming a reality one day. □

LESLEY PINSON
Editor

News from the States

New South Wales

Meetings

Funding was discussed at the General Meeting on 2 July, including the pros and cons of receiving money from the Government.

The General Meeting of 6 August was not well-attended, and was held on an informal basis.

The Sharing and Caring Meetings have been well attended, averaging about ten people over the last two months despite the cold weather.

At the next Monthly Branch Meeting (1.30 p.m. on Sunday, 3 September) there will be a talk by David Lewis from the UK, a Visiting Fellow at the Faculty of Law, University of Wollongong. David is working on a report on current law with regard to whistleblowing in Australia.

The next Social Activity is lunch at Sizzlers at Mosman on Sunday, 17 September. This was a great success a few months ago. Please be there at 12.30.

Royal Commission into the NSW Police

Current extensive disclosures at the Commission are justifying the demands of John Hutton, the Ombudsman, and WBA for the Commission

and achieving significant retreats from those who strenuously opposed it, including the NSW Police Commissioner.

The WBA has received an invitation from the Royal Commission to lodge a submission in relation to a special interim report to be delivered by 31 January 1996. The report will be strictly confined to the procedures of the appropriate bodies for the investigation of Police misconduct or corruption and dealing with complaints in relation to such bodies. Individuals could also make such submissions, which should be lodged with the Royal Commission by Friday, 17 November 1995. It is expected that they might be used in evidence.

Any WB with any ideas or material relevant to the above is welcome to send them to National President Jean Lennane care of our PO Box or to phone her on 02 810 2511.

State Rail Authority of NSW

State Rail corruption and safety issues have again become the focus of attention. WBA National Treasurer Vince Neary has been publicly exposing safety risks, malpractice in signaling matters and large scale corruption since the early 1990s, for which he was dismissed. On 11 August 1995, he achieved a settlement with the SRA which gives him some financial compensation for the extreme victimisation he has suffered. The WBA is pleased that Vince has received some acknowledgment for his immense efforts to make the railways safer and less corrupt, though this may have been far short of what he deserved and was claiming.

However, there has still been no action taken against either those responsible for the problems Vince reported or against those who victimised him for reporting them in the public interest. Vince has also not been reinstated and his career prospects are minimal — railway signaling engineers are not exactly in high demand outside of State Rail!

Vince has been one of the State's

foremost WBs for many years, and WBA thanks him sincerely for giving a lead to many others, also for his work as Treasurer on the National

At the NSW Branch General Meeting on 2 July, a new eight-person Committee was elected:

President	Jim Regan 016 288 920
Secretary	Richard Blake 02 558 8445
Treasurer & Special Projects	Stan Karpinski 063 856 222
Newsletter Editor	Lesley Pinson 02 365 1723
Media Liaison	Fiona McLeod 02 985 7804
Fundraising	Stephanie Priestly
Social Organiser	Bob Amato 0412 972 900
Non-portfolio	Ross Sullivan 02 527 3324

Committee.

The day after the settlement, Transport Minister Brian Langton also announced that a Public Inquiry by the NSW Auditor-General was to be conducted into mismanagement, safety, fraud, corruption and harassment in the SRA. Both employees and members of the general public have been invited to make submissions. The new Minister does seem to be taking a positive reformist attitude to his portfolio, despite some strong opposition to this from the SRA. Because of this, and because the fraud and safety problems do in fact overlap, WBA is cautiously optimistic that the outrageous SRA situation is now on the way to being cleaned up.

Victoria

Meetings

The Branch has been holding meetings every two weeks; the most recent

was attended by up to 35 people, including members from Law Watch. At a Parliamentary Committee meeting in mid July, Mick Skrijel spent over an hour presenting the case for a Royal Commission into the NCA. Mr Peter Clelland, the Chairman of the Committee, advised a journalist from the *Herald Sun* that there would not be a Royal Commission into the NCA although there might be the possibility of Mr Skrijel receiving compensation. One of the reasons stated was that Mr Quick's inquiry has already cost over \$250,000.

The Department of Criminology at Melbourne University is proposing to hold a whistleblowing conference within the next year.

Raymond Hoser's book *The Hoser Files* appears to have been suppressed given the lack of media attention in Victoria.

One of the exemptions claimed by public sector authorities so as to not release information to the public is that the documents are subject to legal professional privilege. Mr Skrijel has informed the WBA of a Victorian precedent in which it was held that the public interest outweighs legal privilege.

A horrifying backward step was reported in the *Melbourne Age* on 9 June 1995. Apparently a new code of conduct will force Victoria's public servants to follow their superiors' instructions, even if they believe them to be unethical! This appears to give almost a free rein to abuses of power, is totally unethical and immoral and is not in the public interest. It will help to entrench the "Groupthink mentality" (see last issue) which leads to corruption, will provide further excuses for public servants not to take responsibility for their own actions, and, it could be argued, amounts to a gross abuse of human rights.

What is more, if the ethics involved were themselves part of the code of conduct and therefore enshrined in law, it would mean that disobeying an unlawful order would be unlawful, thereby making the Nuremberg Defence valid and undermining one of the basic principles of enlightened civilisation.

The State Public Services Federation has heavily criticised the proposed new code, suggesting a code of ethics would be more suitable than a code of conduct and that the Victorian Government should implement whistleblower legislation. A spokeswoman for the Federation, accused the Government of double standards, saying that a code of conduct covering the behaviour of MPs was needed.

On the other hand an article in *The*

Age on 6 August 1995 indicated a positive move from the Victorian Police. Senior police have issued new formal orders to try to protect WBs from being harassed. Police involved in victimisation will face dismissal, criminal charges or both. Anyone attempting to make internal sources change their evidence before a trial could find themselves charged with perverting the course of justice. Police have been told that they are obliged to come forward and report suspected criminal activities by fellow members.

(Since coercion of witness is defined as perverting the course of justice in the Crimes Act, I wonder why it has taken so long for the police to incorporate the concept in their internal rules. Ed.)

Queensland

The Whistleblowers Action Group (WAG) in Queensland is a separate Association from the WBA. A separate WBA Branch has not been formed and is not proposed since WAG has similar aims and we remain in close contact with WAG.

Freedom of information

The Queensland Government has recently proposed amendments to that State's Freedom of Information Act which will make Cabinet discussions, submissions and anything else that may be remotely associated with cabinet, absolutely confidential. *(Whatever happened to openness and accountability? Ed.)*

Western Australia

Commission on Government

The WA Commission on Government (COG) has completed a Discussion Paper on Specified Matters 11 and 13 in Schedule 1 of the COG Act 1994 as follows:

11. The legislative and other measures that should be taken:

- (a) to facilitate the making and the investigation of whistleblowing complaints;
- (b) to establish appropriate and effective protections for whistleblowers; and
- (c) to accommodate any necessary protection for those against whom allegations are made.

13. The appropriate role, powers and functions of the Official Corruption Commission for the prevention and exposure of impropriety or corruption within the public sector with consideration given to the respective roles of other agencies and legislation.

The WBA has received a request welcoming any submissions that individuals and the WBA may wish to make on the Discussion Paper. A copy of the Discussion Paper can be obtained from, and submissions should be sent to: The Chairperson, Commission on Government, Level 6, 32 St Georges Terrace, Perth, WA 6000, by 3 October 1995. Phone Elizabeth Gauci on 09 222 0544 for further information.

Comment on the existing legislation

Tasmania

Human Rights

Isla McGregor has drawn our attention to possible avenues of appeal through International Human Rights Conventions, International Labour Organisation (ILO) 111, although this avenue is only available once all domestic remedies have been exhausted.

As reported in the Sydney Morning Herald on 19 July, The Aboriginal and Torres Strait Islanders' Social Justice Commission are about to use the international Human Rights forum. They would use the same process as the Tasmanian homosexual Mr Nick Toonen to get a UN ruling. Australia has responsibilities under the International Covenant on Civil and Political Rights, under which an individual can complain to the UN Human Rights Committee if their Government has violated the Covenant.

Under the Human Rights and Equal Opportunity Commission Act 1986 a person cannot be discriminated against because of his political opinion. Few, if any, complaints have been pursued on this basis. Isla is proposing to commence an International Campaign to include Public Interest Disclosures under ILO 111.

David Obendorf case

WB David Obendorf, a veterinary pathologist who revealed a decline in the monitoring of disease in animal livestock, recently

in NSW and SA, and on the effectiveness, or otherwise, of the ICAC in NSW and the CJC in Queensland would be most useful to this Commission. The Commission is well aware of many WB stories and is focused on ensuring that it is successful in achieving such change as is necessary to ensure that the problems experienced by WBs to date does not continue into the future. Positive recommendations for changes which focus on a solution to the problem will be welcomed by the Commission.

Ian Vigar Case

A row has erupted over the WA Government's admitted practice of maintaining secret files on Government employees which the employee is not allowed to access. WB Ian Vigar, an Inspector with the Agriculture Department discovered by accident that a Government file, which criticises him severely as a troublemaker or worse, is being maintained. Mr Vigar made a report of illegal movements of sheep with foot rot in the Geraldton area some years ago which was the subject of a long running police investigation and of substantial cover-up. This was reported in the (WA) Sunday Times of 13 August, in an article which states it has sighted documents which show discrepancies, errors etc. within the Agriculture Department in regard to the sheep movements.

Mr. Vigar's State MP, Kim Chance, has raised the matter in Parliament, has been pursuing the Government over

gained support in his case from fellow employees of the Department of Primary Industry and Fisheries. At least 50 staff signed a petition which expressed their concerns about the way in which the Department had taken disciplinary action against Mr Obendorf after he had blown the whistle. This greatly improved Mr Obendorf's position and of course all employees should be concerned at adverse and unethical treatment of a WB by their employer. This treatment could be meted out to any employee if employers continue to get away with it.

State Public Service Act

The following was a petition circulated in Tasmania:

"To the Tasmanian Public Service Association Council.

We, the undersigned Tasmanian public servants are dissatisfied with the current restrictions on our right to free speech, imposed by the State Services Act 1984. Section 54(1)(h) and (i) makes it an offence for us to communicate to anyone any information affecting our general position or duties. We bring to your attention that this contravenes Article 19 of the International Covenant on Civil and Political Rights, to which Australia is a signatory.

"We therefore demand that you do all in your power to alter section 54 to ensure our right to free speech."

Sadly nothing ever came of this petition due to fear by employees of being blacklisted. (Which speaks for itself? Ed.) □

this issue for a long time, and has been very supportive of Mr Vigar (who has been on stress leave for well over a year). Mr Chance has supported Ian's assertions that the file must have been created to smear and discredit him and that he has a right not only to know what records are kept on file about him but to also be given the opportunity to respond to his accusers. Mr Chance has stated that "in any other than a totalitarian state this practice is unthinkable. The Government's policy leaves it open for Government Departments to keep a secret record of an employee's union, political, financial or personal activities. Not only is the file's content kept secret but its very existence is unknown to the employee. Thousands of such files could exist without employees being aware of it" □

Letters and contributions

We would like to hear news and views from other WBs and Branches, and welcome contributions to The Whistle. Copies are sent to WB Committee members in each State and Territory with the hope that each will keep us informed about what is going on in their neck of the woods.

Publishing deadline is the 15th of the month prior to publication. We have a backlog of correspondence which will be published as time and space permit. Bear with us, we don't have unlimited time and resources. □

Major cases of national significance

The Mick Skrijel case

The story in brief: Mick Skrijel is a South Australian cray fisherman who reported heroin being dropped from coastal shipping in 1978. In the years since he has been subjected to extreme victimisation, including a boycott of his business, assaults on his family, the burning down of his house, and being imprisoned for six months (shortly after the matter was referred to the NCA) on evidence suspected to have been fabricated.

Despite investigations by the SA Police and the NCA, no convictions have been made in connection with either the original crimes reported or any of these atrocities. The Federal Government commissioned an inquiry by Mr David Quick QC who recently recommended a Royal Commission into the NCA. This was refused in favour of an investigation by the Victorian Police Ombudsman, who, as far as we know, has no power to investigate the NCA!

WBA deplores this cop-out.

The following comment made by Mr Quick QC in his report, in reference to one of Mr Skrijel's claims (that he has suffered the loss of the right of a citizen to have the authorities pursue the perpetrators of crimes directly affecting him) gives food for thought:

"...the points which Mr Skrijel now makes have obvious merit. There is a loss to a citizen who does not have the police properly investigate criminal activity against him/her. Not only is there loss in the sense of failure to bring offenders 'to book' with consequent retribution, but there is also the loss of an opportunity to receive compensation under a criminal injuries compensation scheme. The evidence which the criminal investigation might have turned up might also have been useful in pursuing civil claims arising from criminal conduct. In this respect the loss, at most, is loss of a chance of receiving material which might have been useful and which might have led to receipt of compensation."

This is a concept which could be considered by those who consider that internal, ICAC, or other investigations have not been properly conducted into their concerns after they blew the whistle.

The Barry Hart case

With this edition of *The Whistle* we enclose a copy of *Meditation*, the quarterly newsletter of the Medical Consumers' Association, in which the case of Barry Hart, a victim of the Chelmsford Hospital scandal, is outlined in detail. There have been alarm-

or abuse. Mr Hart's case is a classic example of the abuse of power exercised by the medical profession and of how the legal system has compounded the problem. Generally an individual with a complaint against a medical practitioner will find themselves doing battle against both the medical profession and a large insurance company with unlimited re-

Letter from MCA to Minister for Justice

The Honourable Duncan Kerr
Federal Minister of Justice
Parliament House
Canberra Act 2600

Dear Sir,

Our Committee is concerned by two sets of reports in the mass media about the performance of your office:

- (1) The Barry Hart case in NSW, which is of direct and massive concern to all medical consumers in NSW and is the one on which we have much data via the local media and court process.
- (2) The Victorian case involving drug trafficking, fabrication of evidence, violence etc. and the NCA. (We understand from the ABC that others including Law Watch have expressed concern over this matter).

These apparently very different cases have much in common at a governmental and administrative level in that:

- (1) Your office has failed to intervene to protect or help a victim;
- (2) The victim has been seriously damaged and placed at further risk, almost certainly due to being seen as capable of exposing corruption in high places; and
- (3) Your office clearly is using a 'bottom line' financial basis for not taking any action.

MCA also has some preliminary data on another recent medical case in Australia where a worker who represented a financial threat (via Worker's Compensation) to government agencies as a result of accidental serious physical injury, was prevented from getting needed medical care over a period of some months. Then, when he told the insurer that he would go public at hearings over the matter unless a reasonable arrangement was made quickly, he was arrested, together with a member of his family, by police acting on an order signed by a psychiatrist. The worker and his family member were then both held in different mental hospitals for a period of some days in order to prevent their attendance at regional human rights hearings.

The common government policy position running through all of these cases is that justice as a policy concept in Australia today is now fully subservient to financial considerations.

I am asked to convey the outrage the MCA Committee felt as you misrepresented Barry Hart's situation and financial facts in interview with Paul Barry of *The Times* (ATN Ch 7, telecast on 2nd July.)

It is hoped that you will feel a need and see a public interest dimension in making a meaningful reply to this letter

Yours faithfully
Andrew Allen
Hon Secretary of the MCA

ing reports recently in the media of problems in health services, problems with the Registration Board of psychologists, abuses by health care professionals and of how the system seems to protect those guilty of error, negligence

sources. To get compensation, an individual not only has to prove suffering and loss, they must first prove negligence.

The NSW Branch supports the MCA's and Mr Hart's battle for justice.

In the box on the previous page is a letter which the MCA has written to the Federal Minister for Justice, Mr Duncan Kerr, which members and readers might find of use to lobby local and Federal MPs and the media in this campaign.

Mr Hart's case got to the NSW Court of Appeal on 21 August 1995 and the judges have reserved their decision. The Court found that since the \$15 million Royal Commission into Deep Sleep Therapy had different rules of evidence, its findings were not admissible evidence in the Court of Appeal!

The WBA wonders what the implications of this are for the evidence which is currently being presented to the Royal Commission into the NSW Police. (It appears quite extraordinary that Mr Hart has been unable to obtain legal aid for his appeal action in his attempts to ensure that the truth is exposed, while Carmen Lawrence seems to have had no problem getting the public to fund her attempts to prevent the truth from being exposed. Ed.)

The Hilton Bombing

There has been recent coverage in the NSW media indicating many reasons for the WBA to support the call by the Leader of the Opposition for a joint NSW and Federal Government inquiry to be held into the "Hilton Bombing mystery(s)".

Despite many such calls before, and even calls by the NSW Government, for such an inquiry, the Federal Government resisted one. Since, among the unanswered questions, there are questions regarding the involvement of government security agencies and of the defence forces, nothing other than a Federal inquiry will have the power to determine the answers. In the meantime Mr Carr has opened the files for public inspection.

Senate Select Committee

Senator Jocelyn Newman issued the following press release on 23 July 1995 which received media attention in Tasmania, but unfortunately in no other

State:

"Almost a year after a landmark report on whistleblowing was tabled in Parliament there is no sign of a Government response.

"Senator Newman was the Chairman of the Senate Select Committee on Public Interest Whistleblowing which produced the bipartisan report entitled *In the Public Interest* in August last year.

"The Minister for Justice, Mr Kerr, promised a comprehensive Government response to the report by February 1995. The deadline has long since passed, but there is no indication from the Minister of Justice when a response will be provided.

"Senator Newman said the government

ferred until February 1995, a deadline which was not met. The WBA has lately been told it is now expected to report by the end of August 1995 but we are not holding our breath!

With a Federal election looming in the not too distant future, the progress of this Committee is of great interest. Members of the WBA might like to consider sounding out potential political candidates in their electorates about their attitudes towards the findings and recommendations of the Committee and the protection of WBs in general.

The Federal Labor Government is yet to show any formal commitment to

Legal and tactical points

Where are the Unions?

Isla McGregor recently issued a press release in Tasmania entitled *Whistleblowers Australia Rep Accuses Union of Hypocrisy from which the following has been extracted:*

"WBA Tasmanian Rep calls on the State division of the GPSU to take a more pro-active role in opposing government policy changes which adversely affect the public interest or services provided for the public good.

"[In two Tasmanian cases where public servants have spoken out in the public interest] the union has been conspicuous by its silence despite the seriousness of the issues concerned.

"In relation to the 50 employees who signed a petition expressing concern at the victimisation of David Obendorf - this was an extraordinary measure for employees to take as by doing so they ran the risk of being placed on a black list.

"If the union does not perceive its role as a commentator on the public interest related outcomes of Government restructuring policies, then it should give vigorous support to implementation of Whistleblower Protection Legislation. Until such time, the Union can only be suspected of blatant hypocrisy!"

The WBA is not aware of any case where a WB has received the full support of their union. We wonder whose side they are really on? It seems that the career path for union officials in the Public Sector means that they cannot get

too seriously off side with management.

Legal support for WBs giving evidence at Royal Commissions and major Commonwealth inquiries

According to guidelines on Financial Assistance for Legal Costs before Royal Commissions and Inquiries - General Information, issued by the Office of Legal and Family Services, Attorney-General's Department: "These guidelines apply to Commonwealth Royal Commissions and major Commonwealth Inquiries where the Attorney-General has ministerial responsibility for the subject matter of the Commission or the Inquiry, and also where, in a specific instance, the Government has determined that the Attorney-General will be responsible for the provision of financial assistance. In such cases financial assistance for the legal costs and related expenses of persons appearing before the Commission or Inquiry will be considered where:

1. the applicant's personal interests could be exposed to prejudice, as a result of appearing before the Commission or Inquiry;
2. the applicant is a central figure in the proceedings and thus is likely to be involved to a major degree in those proceedings; or
3. cross-examination of the applicant is likely to assist the Commission or Inquiry." □

had been unacceptably slow in responding to the report's important recommendations which included the creation of a Public Interest Disclosures Agency and comprehensive legislation to cover whistleblowing.

"It's an important issue and one which the government should be treating seriously.

"It is time for Mr Kerr to come clean - when will we see a Government response or doesn't it care enough to bother?"

The Government was originally meant to deliver its findings by 30 November 1994, however this was delayed due to the Government's need to coordinate their response with the Gibbs Committee's recommendation on the disclosure of official information. The Government's response was initially de-

the protection of WBs. However some members of WBA have recently received written commitments from Deputy Opposition Leader Mr Peter Costello to the future establishment of protection measures. One WB has pointed out that there appears to be a real commitment to the establishment of a Commission of Audit to report back to a new Coalition Government elect within 90 days of the next Federal election, if the Coalition are elected. There seems to be no such commitment in the Government's recent Justice Statement.

Numerous WBs have given enormous input into this Committee with the expectation that this would achieve a result and a resolution. As usual they have seen no real result at all.

Moves towards an apolitical public service

An article in the *Weekend Australian* on 6 May 1995 stated: "the notion of an apolitical public service will be enshrined for the first time in Federal law under an Act which will replace the 'convoluted and outdated' *Public Service Act* with legislation that outlines the rights, duties and codes of conduct for bureaucrats."

(I saw a pig fly past my window when I read that. Ed.) □

News from overseas

United Kingdom

Whistleblowers legislation

In June 1995, whistleblowers legislation was tabled in Parliament. The legislation was drawn up with the help of The Freedom of Information Campaign and Public Concern at Work, a charity which has established a hot-line for people who want to complain in confidence against wrongdoing. A Labour MP was quoted as saying: "disasters such as Piper Alpha oil platform and the collapse of the BCCI bank clearly demonstrate the need for firms to encourage their employees to raise concerns before the worst happens". (*Guardian*, 28 June 1995, courtesy of Isla McGregor.) (I expect the Barings fiasco might have demonstrated this need as well. Where were the auditors? Ed.)

Cash-for questions

The two MPs at the centre of Britain's cash-for-questions scandal have been suspended from the House of Commons by a privileges committee comprising MPs from all parties. The Nolan Committee is expected to recommend next month that an independent body in future investigate allegations of misconduct, leaving MPs only to determine punishment. This is causing waves among many Tory MPs, who fear that Nolan will severely restrict their outside consultancies and access to private sector jobs on retirement. The Government is also to introduce strict laws against doctors who accept cash, gifts and other bribes from drug companies in exchange for prescribing their products. (*Guardian*, 21 April 1995, courtesy of Transparency International.)

Journalists' sources

The European Court of Human Rights has begun hearing a case to de-

termine whether British law, under which journalists can be jailed for two years and fined unlimited amounts for failing to disclose sources for stories, contravenes the right to freedom of expression. If journalists can be compelled to reveal their sources, public interest investigations will be more difficult. (Article in the *Guardian*, 24 April 1995, courtesy of Transparency International.)

Conduct of MPs

In the UK, confusion, not corruption, is eroding standards in public life according to the first report of the Nolan Committee on standards in public life, set up last year as a result of public concern about the activities of MPs and appointed executive bodies. Significant reforms are targeted at the conduct of MPs and ministers, to define acceptable conduct more closely and to establish more effective procedures to identify and deal with misconduct. MPs should be banned from taking jobs with lobbying firms with multiple clients, paid interest should be more fully disclosed, a Parliamentary Commissioner for standards should be established, and consideration given to banning MPs from paid consultancy jobs. The Committee sets out seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. (*Guardian*, 12 May 1995, courtesy of Transparency International.) (Perhaps they might think about telling the Australian bureaucracy about these revolutionary concepts! Ed.)

United States

The Giraffe Project

There is an organisation called The Giraffe Project (people who stick their necks out). Commendations are

awarded to Giraffes, and are accepted as a compliment. Members are encouraged to spot other Giraffes and report sightings to the Project.

(The WBA hopes that all its members, and other readers of *The Whistle*, inform people of our Association. Although the WBA has not yet organised a commendations system, the idea is still on the table. Ed.)

Reward to British WB

British businessman Jeffrey Thistlewaite could earn up to \$15m in reward money on an alleged conspiracy to pad out bills for aircraft parts supplied to the Pentagon. Dowty Woodville, a subsidiary of a UK engineering firm, is accused of systematically overcharging the US Pentagon for parts.

The action is being taken under the "Whistleblower" Act, which allows the US government to take up claims of overcharging made by a former employee. Mr Thistlewaite has made allegations of overcharging that total more than \$20m.

If Dowty is found guilty, Thistlewaite would be entitled to a reward of 15 to 20 per cent of the damages of the final settlement, as set by the judge. (*Guardian*, 1 March 1995, courtesy of Transparency International.)

United Nations

The head of a United Nations watchdog on waste and mismanagement said the UN should cut staff by up to 15 per cent and perhaps slash two agencies to increase efficiency. Mr Karl Paschke, head of the Office of Internal Oversight Services, also said that UN staff who break the law should be prosecuted, instead of merely sacked, as has been the case until now. (*Guardian*, 22 March 1995, courtesy of Transparency International.) □

Other activities and organisations

National Conference on "Whistleblowing on the Mining Industry"

With the large number of mining industry WBs profiled in the last couple of years, Isla McGregor is hoping to organise a national conference of WBs with issues relevant to that industry later this year. The conference format currently proposed is: speakers in the morning and workshops in the afternoon – depending on whether the conference is held in one or two days. A plenary including resolutions would wind up the conference. Isla is keen to hear from anyone who is interested and can be contacted in Tasmania on 002 391 652.

Australian and New Zealand Conference on sexual exploitation by health professionals, psychotherapists and clergy

This is the first conference on this subject and is to be held on the 12-14 April 1996 at the Holme Building, University of Sydney. A number of very interesting guest speakers have already been arranged, although the organisers of the conference are still accepting papers and submissions. Further information can be obtained from CAHPACA, PO Box 674, Rozelle, NSW 2039.

Class actions

A group of WBs is currently discussing the possibility of taking class

actions against different organisations for damages to compensate for the loss and disadvantage caused to them in reprisal for their having exposed various forms of maladministration within those organisations, where the exposure was in the public interest. Much further work and research will be required to determine the viability of taking any such action.

ADB and HREOC

Another group of WBs is getting together to provide support and to discuss their concerns and any possible action which can be taken as a result of having taken matters to either the Anti-Discrimination Board or the Hu-

man Rights and Equal Opportunities Commission. Anyone who has concerns or comment to make on this matter should contact Marie Wharton on 042 963 764.

Other organisations which pursue similar objectives to the WBA, which members may be interested in contacting:

Network for Intellectual Dissent in Australia

IDiA is designed to bring together individuals who have experienced or are concerned about suppression of intellectual dissent. Details of contacts in the network are publicly available and can be obtained from Isla McGregor, 24 Summerleas Rd, Ferntree, Tasmania 7054,

phone 002 391 652.

IDiA has also been publishing *Media*

ATTENTION!

Barry O'Keefe, the ICAC Commissioner, will appear before the Parliamentary Joint Committee on 15 September. The meeting is open to the public and any WB who can attend is urged to do so. Contact Daniel Wright on 02 230 3055 for details. □

Watch, an annual newsletter covering interesting WB stories and related issues which has a circulation of at least 1000.

Anyone who has news clippings or articles on WB cases can send these to Isla for inclusion in the next issue. High quality copies are needed for this publication and if there are a large number of clippings and articles, *Media Watch* could be published on a quarterly basis.

The Free Speech Committee

Aims are to promote freedom of expression and information. Contact Dinah after hours on 02 389 4009.

Justice Action

This is a group who produce an interesting quarterly magazine called *Framed* and hold meetings on the first and third Wednesday of each month at 6.30 p.m., on 3rd Floor, 391 Sussex St, Sydney. □

Membership and funding

Renewals and donations

The WBA is presently completely dependent on the receipt of membership fees and donations for continued operation. (Various members are working on other ways to raise funds but finding time to discuss and implement them is difficult). We urge all members who have not yet sent in their renewal to do so as soon as possible. Fees should be sent to Vince Neary, National Treasurer, 27 Catalpa Crescent, Turrumurra, NSW 2074 (Tel 02 449 6370). Application Forms can also be obtained from Vince. New members should fill out as much of the form as possible and the Committee will ensure that proposals

are signed as necessary. Any donations made at the same time, or any other time, would be greatly appreciated. We are in great need of purchasing a copier and other equipment to save time and long-term costs.

Subscription for Newsletter

As advised above, WBA is greatly in need of funds to cover the Newsletter and other administration costs. Those persons who wish to continue receiving the Newsletter, but who do not wish to join the WBA as a member, are urged to pay a subscription fee; \$12 p.a. covers the costs of sending 12 monthly issues, and would be most appreciated. □

Interesting reading

The Centre for Independent Journalism at the University of Technology, Sydney is publishing two quarterly journals Snoop and Reportage.

Reportage aims to generate discussion on the nature and role of the media in contemporary Australia and features: media analysis; how some stories get reported; the public's struggle to get behind the news; dilemmas facing journalists; developments in the media industry and; reviews and updates.

Snoop is the Centre's investigative journalism magazine. Getting copies at news agencies can be difficult. Annual subscription fees are \$40 for individuals for both journals. Send to ACIJ Sales, PO Box 123, Broadway NSW 2007, or phone 02 330 2488. □

Queensland election result: the implications for WBS

The big news from Queensland is the results of the recent State election.

"Mr 74%", Mr Goss, is now "Mr 47%". His government holds an advantage of only one seat. That seat is held by a person under threat of being declared bankrupt, newspapers report. His win by a mere 16 votes is being contested by the Opposition before the courts. So still the election is not over and in any case the government is more vulnerable and may become more sensitive to the criticisms and concerns of ordinary citizens, including WBs.

The unexpected losses by the haughty whiz kids on the Wayne Goss team has sent them into a panic. Decisions now being made and attitudes being expressed by party officials may allow some openings for progress to be made by WBs in Queensland; for example:

□ The former Attorney-General, Dean Wells, has not been reelected to the ministry. Mr Wells as Attorney-General rejected the recommendation of the first Senate inquiry for an independent investigation into the nine unresolved WB cases in Queensland. This decision on the Senate recommendation may be reviewed.

□ The new Attorney-General, Matt Foley, is a former president of the Civil Liberties Council and the former chair-

man of the Parliamentary Electoral and Administrative Review Committee; he was not a member of cabinet when decisions were taken by cabinet to destroy the Heiner documents, the central disclosure by Kevin Lindeberg threatening cabinet with charges of official misconduct. Mr Foley may not have the same motivation to resist the questions raised by the Lindeberg disclosures.

□ Mr Goss has been criticised by party members in the aftermath of the election for failing to listen to ordinary people. To date Mr Goss has refused all requests by the Whistleblowers Action Group to meet with him — perhaps this will change.

□ Mr Peter Beattie, the only member of the government in Queensland to give evidence in the Senate inquiries on whistleblowing, has been made a minister. His portfolio, health, is one of the two areas of government administration giving rise to the greatest number of reprisals against WBs. Perhaps Mr Beattie will use the disclosures from WBs as an indicator about where in his administration investigations are required rather than as indicating where cover-up tactics must be applied.

□ Certain factions in the government feel disenfranchised by the selections made for the new Goss ministry. Any breaches in solidarity may lead to information being

leaked to the public on important cases.

There may however also be some disadvantages to WBs in the election outcome. For instance, there was an unknown WB in the previous Goss ministry who leaked an important cabinet submission on the Lindeberg and Harres cases to the Opposition. We can only hope that the whistleblowing minister was not lost among the five parliamentarians no longer in the ministry.

While the Goss losses were unexpected by the experts, the Whistleblowers Action Group fully expected the outcome. Our press releases predicting the price that Goss would pay for not heeding the messages of WBs, particularly in the areas of health and law and order, never made it into the daily press. The *Courier Mail*, Queensland's only daily newspaper, supported the reelection of Goss. Its fall in circulation has caused changes in its senior appointments and may cause changes in its editorial policies; we must hope that this will allow future coverage of serious allegations of corruption and maladministration made by Queensland WBs.

For all our hopes, however, never let us be naive. □

GREG McMAHON