

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

The Whistle



JANUARY 1996

NEWSLETTER OF WHISTLEBLOWERS AUSTRALIA INC

PO BOX M44, MARRICKVILLE SOUTH, NSW 2204

IN THIS ISSUE

From the National President	1
Contacts and meeting details	2
National Committee	2
Whistleblower may face departmental discipline	3
Letter to the editor	3
The politics of corruption	4
Research fellowships	4
The promise of the police royal commission	5
New South Wales news	5
Government plans to make stress claims harder	6
Managing through values	7
Crusading doctor whistles up own rewards	8
Whistleblower legislation in WA	8

CONTRIBUTIONS PLEASE

Articles, letters, cartoons or illustrations dealing with any aspect of whistleblowing will be welcomed. Address material to the editor, c/- PO Box M44, Marrickville South, NSW 2204. Please submit written material on computer disk or typewritten and double-spaced. Deadline is the 10th of the month for publication in the following month's *Whistle*.

FROM THE NATIONAL PRESIDENT

This will be my last communication as President, as I am stepping down to a Vice-president's position at the end of January, taking Bill Toomer's place, while Brian Martin will be taking my place. This will be until the next AGM in July, when all positions will again be declared vacant, and office-bearers will be elected at that meeting.

Many thanks to Bill Toomer for his work as Vice-president over the past three years, and to Brian for taking over as President, where he will continue getting us on the Internet, as well as his other duties. I am retiring after nearly three years in the position, both for a rest, and because it's time to get in some fresh blood and new ideas.

This newsletter also welcomes a new editor, Patrick Macalister, who will no doubt become a familiar voice on the phone to state representatives as he reminds them to get their material in on time. If anyone else has items they want to write for the newsletter, please do so. Patrick needs them either in electronic form, or in good clear type, so he can scan them in. Thanks to Leslie Pinson, whose mammoth efforts have got the newsletter to its present stage, as a national publication we can be proud of.

WBA is in a far stronger and better position now than I think any of us expected it could be when Bill and I became founder members of the Board of WBA in July 1991.

Whistleblowing is now firmly on the political and legal agenda; there is increasing public awareness of its importance, and what the old 'anti-dobbing' culture really meant in terms of wasted public resources, plane and train crashes and other disasters, corruption and organized crime. Over the last twelve months we have started to see a small but slowly increasing number of politicians really trying to help individual whistleblowers, and even on occasion sticking their own necks out to do so; and have seen two Federal ministers intervene to stop their departments victimizing a whistleblower. We have also seen a small but increasing number of whistleblowers walk away from the wreckage of their careers with some sort of settlement - grossly inadequate in nearly all cases, but nevertheless a lot more than they could have expected even a couple of years ago.

In NSW the Police Royal Commission is continuing to toss grenades among the corrupt in the NSW Police Service, impinging frequently also on other law enforcement agencies. Its activities have been and I am sure will continue to be, enormously helpful, not just with police corruption, but by making it clear to the public that whistleblowers' stories, however far-fetched, are no more outrageous than what has been shown - on live video and audiotape - to be true. We →

owe all this to now-retired NSW Independent MP John Hatton, who worked tirelessly – and essentially alone – for many years to bring it about.

It has also led to a recent first for us – a request by the NSW Police for WBA to be represented on their Internal Witness Advisory Council, a new body to oversee their police whistleblower scheme and support unit. (Both of which have been spectacularly unsuccessful up till now.) The first meeting was on 4 January, which I attended with police WB Kimbal Cook, together with representatives from ICAC, NSW Ombudsman, and St James Ethics Centre. It went surprisingly well, though it remains to be seen whether any expressed good intentions get translated into action. The next meeting is on 28 February. The Royal Commission is to hand down an interim report on the handling of complaints against police at the end of January.

There are some potentially very exciting developments under way in Tasmania, guided by our other Vice-president, Isla McGregor: a complaint to the international Human Rights Commission about the breaches of human rights in a whistleblowing case, and a complaint to the International Labor Organization on his union's failure to support him. Both complaints will of course be test cases for other whistleblowers, and since the bodies complained to are international, i.e. not local mates of the corrupt in the organization, there is at least some chance of success.

The next AGM is going to take place within a two-day conference in Melbourne, *Beyond Whistleblowing: towards a culture of dissent*. Kim Sawyer has nobly taken on the overall responsibility for organizing it. It will be on the weekend of 29/30 June, and we expect will be attended by up to 200 people. This follows a successful seminar organized by the Department of Criminology at Melbourne University in November, and is another encouraging sign of the increasing respectability of whistleblowing as a topic in academic circles, and increasing attention to the whole issue of

ethics in business and elsewhere.

On the downside, however, the more knowledge we collect, the worse the corruption picture obviously is – exactly as predicted by Justice Athol Moffitt in his book *A Quarter to Midnight* in 1985. And the worse the general run of politicians, law enforcement agencies, and statutory protection bodies seem to be. With the Federal election coming up, so far it looks as though Mick Skrijel's bumper stickers can be recycled: "Support organized crime; vote Labor or Liberal". Justice Minister Duncan Kerr remains intransigently opposed to the Royal Commission that the Quick inquiry into Mick's case recommended, although the inquiry was set up by his department; and the Government's response to the recommendations of the Senate Select Committee into Public Interest Whistleblowing is grossly unsatisfactory, in that it rejects nearly all of them. Opposition Leader John Howard, who says he will be announcing his general policy on whistleblowing in time for the election (with all the others, presumably), has so far reviewed the Skrijel file, but has not made any decision on supporting a Royal Commission. Since Shadow Attorney General Amanda Vanstone, who comes from South Australia, has been very negative about Mick's case in the past, the decision – if and when made – is unlikely to be favourable.

WBA will be seeking further meetings with the Federal politicians before the election, and we are currently considering strategies for the election itself. We need ideas, so could people please think about it and phone Brian Martin.

We can all be very proud of what has been achieved so far, and the number of people able to spare time from their own cases to put their skills and energy into WBA to try to fix the bigger picture keeps growing all the time. So keep it rolling! and best wishes to all whistleblowers for a happy and successful 1996. □

JEAN LENNANE
JANUARY 1996

Contacts and meeting details

Australian Capital Territory

- Contact Shane Carroll 06 231 2498.

New South Wales

Sydney

- General meetings are held on the first Sunday of each month beginning at 1.30 p.m.
- Sharing and Caring meetings are held every Tuesday beginning at 7.00 p.m.
- Meetings are held at the Presbyterian Church Hall, Campbell St, Balmain.
- Social outings take place on the third Sunday of each month at 12.30 p.m. Next: 18 February at Sizzler's, James Ruse Drive, Rosehill. Following: 17 March at Sizzlers, Spit Road, Mosman. Call one of the contacts to make sure someone else is going.
- Secretary: Richard Blake, 02 559 1680. President: Jim Regan, 043 43 5028 (H), 016 288 920 (pager).

Wollongong

- Contact Brian Martin: 042 213 763.

Goulburn

- Contact Rob Cumming: 018 483 155.

Northern Territory

- Contact Phillip Nitschke 089 322 500.

Queensland

- General meetings are held on the second Tuesday of each month at St Paul's Anglican Church Hall, 554 Vulture St, East Brisbane, beginning at 7.30 p.m.
- Contact Col Dillon 07 3353 1040.

South Australia

- Contact Jack King 08 278 7853.

Tasmania

- Contact Isla McGregor 002 391 652.

Victoria

- General meetings are held every fortnight on Sundays at the Unitarian Church, 101 Grey St, East Melbourne, beginning at 2.00 p.m.
- Contact Kim Sawyer 03 9344 8061 or Keith Potter 03 9570 2371.

Western Australia

- Contact Ian Vigar 09 964 3419. □

National committee

- National President: Brian Martin. Phone 042 28 7860 (H), 042 21 3763 (w); fax 042 21 3452. E-mail b.martin@uow.edu.au
- Vice President: Jean Lennane. Phone 02 810 2511.
- Vice President: Isla McGregor. Phone 002 39 1652.
- National Director: Lesley Pinson. Phone 02 365 1723.
- National Secretary: Shane Carroll. Phone 06 231 2498, 018 62 3389.
- National Treasurer: Vince Neary. Phone 02 449 6370.
- Legislation Coordinator: Greg McMahon. Phone 07 378 7232.
- Conference Coordinator: Kim Sawyer. Phone 03 9344 8061 (W).

SIR:

We take extreme exception to the editorial in Saturday's *Herald-Sun* (6 January 1996) which was generally dismissive of recent publicity critical of the Victoria Police and stated, "No Victorian could reasonably dispute the view that our police force is the finest in the country."

Such a sweeping statement is itself unreasonable in the face of overwhelming evidence to the contrary. While not disregarding the fine and difficult work done by many of this state's police members (for which they should be given due credit), the inarguable facts as reported in this paper and elsewhere include the following:

□ Victorian Police have shot and killed nearly as many people as all other police forces in Australia combined.

□ Victoria is by the admission of police themselves, now the illegal drugs capital of Australia.

□ King Street Melbourne, is now one of the most violent and dangerous places to go out in all of Australia. Assaults are a daily occurrence. In many parts of Melbourne, the streets are now unsafe. A police whistleblower, Karl Konrad, tells of entrenched corruption within his own police force and alleges widespread corruption involving smashing windows and other matters, involving over a hundred fellow officers. A recent inquiry (Operation Bart) uncovers a scam whereby corrupt police allegedly turn a blind eye to crimes by panel beaters and tow truck drivers in return for secret repairs to police cars smashed up when being improperly used, in order to prevent the officers being charged or disciplined. The state's road toll for the first time in some years is now on the rise. Six police in one car recently smashed the car outside Knox shopping centre on a Friday night, with the driver over the legal alcohol limit and another officer going to hospital and lying about how he'd got his injuries. Another police officer, (Terrence Olsen) kills a young push bike rider on New Year's day, by running him over when drink driving after a party and then attempting to hide his crime by self repairing his own car to hide the damage. He is then allowed to retire from the force on full benefits. Yet another police officer (Grant McPhie) kills himself after driving at least 163 km/h in an 80 km/h zone, while having a blood alcohol level over three times the legal limit.

An assistant commissioner (Brian Church) recently refuses to allow journalists from the ABC's *7.30 Report* to ask him questions at a press conference,

Whistleblower may face Dept discipline

BY JENNE MANNION (From *The Geraldton Guardian*, 8 December 1995.)

Agriculture WA is considering taking formal disciplinary action against one of its stock inspectors whom the Rural Action Movement claims "blew the whistle" on the 1991 Mid-West footrot outbreak.

Geraldton-based stock inspector Ian Vigar - who has been on stress related workers compensation since 1992 - yesterday received a letter from Agriculture WA denying him access to certain documents under the *Freedom of Information (FOI) Act*.

The letter stated an assessment of information in the documents was imminent and would determine whether or not formal disciplinary action should be instigated against Mr Vigar.

According to the letter, the decision had been delayed due to the conduct of police inquiries. It said Mr Vigar would be formally notified of the nature of the alleged breach if Agriculture WA decided to proceed with a formal investigation. Rural Action Movement (RAM) spokesman Rod Madden claimed the letter could be considered a "threat" and "persecution".

He vowed his organisation would fight "tooth and nail to ensure disciplinary action would not be taken against Mr Vigar.

"There will be hell to pay, without question," Mr Madden said. "As far as RAM is concerned, the information Mr Vigar has provided is absolutely essential to the investigation into the former Agriculture Department's handling of the outbreak."

Meanwhile State Transport Minister Eric Charlton, representing Primary Industry Minister Monty House, yesterday told State Parliament Mr Vigar had not been unfairly dealt with.

He was responding to a question from Mid-West Labor MLC Kim Chance who claimed Mr Vigar had displayed "rigorous and professional conduct in drawing attention to the existence of the outbreak".

But Mr Charlton denied Mr Vigar

because he is worried about potentially adverse criticism or exposure. A book the police have attempted to suppress *The Hoser Files*, details repeated cases of perjury, court fixing, bashings and other misconduct in the local police.

Police refuse to hand over investigations

was responsible for identifying footrot on a property at the centre of the 1991 outbreak.

He also told parliament a CIB stock squad police report into the footrot matter had "contained a number of errors and misrepresentations."

That report - recently released to the RAM under FOI - has placed renewed pressure on Agriculture WA over its investigation into the 1991 outbreak.

The report states the former department's lack of investigation into the footrot outbreak required further scrutiny. It alleges the conduct and attitude of several staff gave rise to concerns the outbreak could have been avoided, the extent of the outbreak contained and that an investigation into offences could have been successful if conducted at an earlier stage.

The 22-page police report also alleges people concerned with certain affected properties were aware of the existence of footrot on those properties - perhaps as early as 1989.

Charges were laid against a property manager but later dropped due to lack of evidence.

The police report's release was followed by RAM's calls for an inquiry into the outbreak, which reportedly cost seven Mid-West farmers more than \$1 million in sheep losses.

"The police report says Agriculture WA should look further into the issue, but a separate report commissioned in 1993 by Mr House says there is no evidence of illegal activity," Mr Madden said.

"That report laid much of the blame on Mr Vigar and farmers of the Mid-West region," he said. He said Mr Vigar acted properly and Mr House should take notice of findings in the police report.

"If the Minister takes Agriculture WA's internal report as gospel and dismisses the police report then RAM will have serious misgivings about Mr House," he said. □

of police to an independent authority, insisting on the use of a Police Internal Investigations Section to do such work, even after the Queensland Fitzgerald report noted that such a complaints mechanism failed to work effectively. Police reject repeated calls from a wide

range of political and community groups for a royal commission, even though if they had nothing to hide, then they should have nothing to fear from such an inquiry. Furthermore they would be expected to welcome such an opportunity to show potential critics that all is well within the force if in fact no corruption existed. All this and more, indicates a police force that is not in control, either of

crime, road safety, community safety or even itself. While it is accepted that many officers are resolute and competent in their job, clearly such is not the case for all 10,000-odd officers in the Victorian force. Not only is it in the interests of the public for the Victoria Police to be cleaned up, but even more so it is in the interests of the police force and in particular the many honest hard-working members who run the risk of

being tarred with the same brush as the corrupt.

We believe that it is now time for the media to take a more active role in seeking reform of our police force and in essence stop becoming the mouthpiece for a police media unit that seems hell bent on resisting any form of scrutiny or reform. □

RAYMOND HOSER AND 15 OTHERS
DONCASTER, VICTORIA

The promise of the Police Royal Commission

BY TIM ANDERSON (First published in *Framed*, October 1995.)

The NSW Police Royal Commission has signalled that it will lift its sights from petty bribery at Kings Cross to more serious things. Commissioner Wood recently described: "manipulation of the criminal court process as the ultimate and potentially most cynical, arrogant and dangerous face of corruption that can exist".

He then promised that the Commission would devote time and resources to investigate various examples of the corruption of the court process (*SMH*, 4 August). If so, this is welcome news.

The Commission has signalled that it will investigate police fabrication: a practice veteran journalist Evan Whitton has called "noble cause corruption". This term reflects the good motives police attach to fabrication and criminal collusion - framing 'villains' is thought to be a 'noble' activity - but also underlines the difficulty of dealing

with the problem. Is a conservative judge capable of attacking the 'well motivated' activities of a powerful institution?

Last year Justice Action urged the Commission to investigate structural corruption "involving the training of NSW Police in techniques of dishonesty, fabrication and cover-ups to the courts". We mentioned a number of individual cases, but suggested the Commission stick to the wider issues, so as not to get lost in a morass of individual claims. (*Framed* 26)

Wood's announcement that he wants to seriously address criminal process corruption is encouraging, but it raises two questions. First, will Wood treat seriously the criminality of fabrication in court cases? Justice Action, representing as it does many victims of police frame-ups, does not simply want its 'pound of flesh'. We support the granting of amnesties to police, so that a fuller disclosure of criminal process corruption can occur in the life of the Commission. However it must be made clear that fabrication is amongst the most serious of crimes, and should normally attract serious penalties. Second, will Wood equally address fabrication and exoneration? Ian Temby at ICAC looked at the ways in which police had "fixed" court cases; but only where police had been paid to prevent a successful prosecution. Temby concerned himself with the acquittal of the guilty, but not the conviction of the innocent. Will Wood do the same?

An immediate issue arising out of the fabrications admitted by ex-Detective Trevor Haken is the fate of those still convicted, or still in jail, on admittedly fabricated evidence. Their numbers will grow as Sgt Kim Thompson and others give evidence at

the Commission. Both Justice Action and the NSW Council for Civil Liberties have written to Attorney General Jeff Shaw, demanding that all such connections be reviewed. This is an issue we will pursue, and a review of these convictions will be an important outcome of the Commission.

But what else should we expect? Former Liberal Government adviser Gary Sturgess, in a passionate and thoughtful article (*SMH*, 28 August), listed several possible ways to resolve the issues being thrown up by the Commission: seek to gain convictions, name police as corrupt, hand over material to a new institution and/or offer amnesties to police. Sturgess noted that transforming police culture will not be easy, and that any measures must impact both on community perceptions and police culture. The follow-up to the Commission:

"must include an admission on the part of the entire community that we have been kidding ourselves about what it is that the police do".

Addressing police culture however is a different matter, because: Trevor Haken is educating the general public but he hasn't told the police anything they didn't already know and little has been done to prepare the police service for this transformation of culture.

Our consistent argument on this issue has been that there must be admissions, at the highest levels of the police and (significantly) the judiciary, that the practices spoken of by Rogerson, Haken and Thompson were actively encouraged by those hierarchies. If there is no such high level *mea culpa* and if the extent of the problem is not admitted, we will see yet more Lauer-like attempts to dismiss corruption as isolated and marginal. □

Research fellowships

The New South Wales Police Service is currently seeking applicants for Byers Fellowships for research. One suggested topic is *Ethical dimensions of policing practice, management and education*. Submissions are required by 28 February 1996.

Contact Jean Lennane on 02 810 2511. □

New South Wales news

Activities and Administration

Attendance at meetings is picking up again after the festive season lull. See the chart elsewhere in "The Whistle" for forthcoming events and contact phone numbers.

We are looking for members to start and co-ordinate any of these sub-groups: (1) Police (2) State Rail (3) Health (4) Telecom (5) Western suburbs of Sydney (6) Daytime meetings. Also to help with various administrative jobs. Please contact Richard or Jim if interested.

Police

The Royal Commission is going well under strong leadership from Commissioner Wood with continued massive input from whistleblowers, both corrupt (rolling over) and non-corrupt. However, WBA is still concerned that many, mostly low-profile, people all over the state have tendered evidence and live in fear of reprisal, including of being murdered.

In a welcome new initiative, the Police Service has decided to set up a permanent Council, including representatives from outside bodies as well as itself, to monitor the work of the Internal Witness Support Unit. One of these bodies, in a first for Australia, is WBA.

The pilot meeting, at the invitation

of Assistant Commissioner Neil Taylor, was held on 4th January, and members Jean Lennane, National President and (Mr.) Kim Cook, a prominent police whistleblower, attended. It was chaired by Commissioner Tony Lauer (and later by Mr. Taylor as Mr. Lauer had to leave early).

Jean, Kim and the representatives of the other bodies were all pleased at the progress made. In particular, the Police personnel agreed about continuously supplying certain crucial data that the Council would need in order to do its job properly.

In a subsequent letter to the Assistant Commissioner, Jean reiterated her understanding about the supply of the said data. However, she also strongly made the point that, regardless of the work of the Council, the success of Internal Witnesses (whistleblowers) in having their complaints properly resolved and in avoiding victimisation ultimately depended on the attitude held towards them at the top, i.e. by the Commissioner himself.

As it happens, both Mr. Taylor and Mr. Lauer have since tendered their resignations. WBA is hoping that their successors will continue enthusiastically with the establishment of the Council.

State Rail

The inquiry by the Auditor-General, Mr. Harris instituted by the Minister, Mr. Langton, is continuing.

WBA wrote to the Minister in

December commending him for the inquiry. The letter pointed out the danger of a situation where many whistleblowers were being pushed out and corrupt elements were likely to be becoming more entrenched. It also pleaded for protection for whistleblowers, including those whose complaints were adjudged to be on "non-systemic" matters (and therefore not within the terms of reference), as these people would be equally liable to reprisals. Mr. Langton has replied asserting that the review "will both ensure that outstanding allegations are dealt with and effective procedures are put in place to prevent future problems" However, he has not responded to our concerns about protection at all, and this is worrying.

Workcover

The Government has passed legislation to tighten up on work-related stress claims. This is mainly to eliminate claims relating to technological change and other things which might be considered natural challenges, and the employee will now have to establish that the employer acted unreasonably in the circumstances. Whistleblowers generally have to do this anyway, so it should not make much difference; but time will tell whether, in the atmosphere of the changes, employers find ways to play even dirtier than before. Certainly, what has been a very hard game for us will continue to be so. □

The politics of corruption

BY TIM ANDERSON (First published in Framed, October 1995.)

Corruption is essentially a liberal concept, in that it portrays police misconduct, or antisocial use of power, as a departure from some perceived ideal or imagined normal standard. The radical view would be that police serve powerful interests and, so long as they are discreet, a blind eye will be turned to their enjoying some of the privileges of their delegated power. Similarly, a blind eye will be turned to their 'bending the rules', so as to better carry out their routine activities.

Bribery amongst corrupt police, brothel owners and drug dealers is old, recurring and familiar territory in Australian history. It is also a very limited vision of what constitutes "corruption". In 1882 the Royal Commission into the *Kelly Outbreak* produced a supplementary report which noted that certain Victorian police had been blackmailing sly grog shops, taking bribes from brothel owners and being the intimate

associates of persons of ill repute, to the scandal and demoralisation of the entire force.

Such activities might be called entrepreneurial or common corruption, to emphasise their essentially commercial and individualistic nature. This is mostly what we have seen in the current Royal Commission's Kings Cross hearings. If exposed, police hierarchies and governments have few problems in condemning these practices, and expelling those involved. This is the case even where such corruption is exposed at senior levels, as at Queensland's Fitzgerald Inquiry.

Attempts to tackle other serious abuses of police power have been more strenuously resisted. Significantly, the *Kelly Outbreak* Royal Commission did not investigate the late Ned Kelly's complaints that many of his friends had been "lagged innocent" (i.e. framed) by the Victorian Police. A century

later a Victorian inquiry ventured into this territory, but retreated with a bloody nose. Multiple and routine criminal acts committed by Victorian Police were heavily criticised at the 1976 Beach inquiry. However virtually all Barry Beach QC's recommendations were rejected by the Victorian government.

Beach had made recommendations to strengthen suspects' rights in police interrogations and identification parade, as well as calling for an independent complaints procedure. These followed his adverse findings against 55 police for a range of crimes including: conspiring to give false evidence, assault, harassment and intimidation, perjury and fabrication of evidence, failing to investigate complaints, suppression of evidence, and unlawful arrest. These activities might be called criminal process corruption, and are significant in that they typically involve numbers of police working together to lie to the courts and cover-up serious police criminality.

In October 1976, in a meeting at Melbourne's Festival Hall, two-thirds of the Victorian Police Force made several demands of the state government and initiated a work-to-rule campaign. None of the 55 police were successfully prosecuted. Further, the state government instituted an inquiry which overturned all of Beach's procedural recommendations. Such confrontations have encouraged state governments and official inquirers to sidestep criminal process corruption, and to focus on common corruption.

They have also conditioned the legal community's construction of 'corruption' as essentially entrepreneurial.

When Ian Temby was carrying out ICAC's Milloo Inquiry, into "the relationship between police and criminals", I met a well known criminal

lawyer and we spoke of a senior serving police officer. He had shot innocent people, verbalised them and loaded them up with drugs, I said. "Oh yes, they can do that; but he's not a quid man, is he?" the lawyer replied. □

"Bribery amongst corrupt police, brothel owners and drug dealers is old, recurring and familiar territory in Australian history."

Government plans to make stress claims harder

(Reprinted from *Our Voice* PSU Group report, number 7 Feb/Mar 1995.)

Late last year the Federal Government was considering an amendment to the *Commonwealth's Workers' Compensation Act* that would reduce the number of successful claims for work related stress. Quick action by the CPSU and other unions obliged the government to forego a decision and consult with relevant unions. The following is an edited extract of a recent ACTU bulletin on the issue:

The Assistant Minister for Industrial Relations, Gary Johns is proposing to change the definition of 'disease' in the *Safety, Rehabilitation and Compensation Act* to require that employment contributed to the employee's condition "in a significant degree" rather than the current requirement that it contribute to the condition "in a material degree".

The current test

The existing test is an objective one. It requires that the employee establish, generally by medical evidence, that their work or working environment clearly contributed to their illness.

The new test

The test being proposed is a subjective one. The extent to which the work or working environment of the employee was a significant contributing factor to factors external to work which in factor requires consideration of the

relative weight to be given to those factors as ought have caused the condition.

Some people might remember that when RSI cases first emerged, all sorts of reasons – from knitting and playing

"If we want to stop these changes... members of Parliament must be made aware of our views..."

sport to inadequate sex lives – were suggested as reasons for the condition rather than the concentrated and repetitive nature of the jobs people were doing.

What changing the test would do

□ Changing the test would encourage the sort of witch hunts that are designed to find another reason for the condition rather than the person's job. In stress claims, for example, it would allow an examination of possible causes of stress in the claimant's personal life and prior history.

□ A subjective, rather than objective, test makes the burden of proof on the

injured worker more onerous and encourages ComCare and the self insurers to use doctors whose subjective assessment is likely to go against the worker.

□ Finding other reasons for the condition enables employers to ignore the conditions at work which may have contributed to the claim. With RSI it was only after industrial action by unions that job redesign was recognised as the best way to combat RSI claims.

□ Employers are reluctant to look at things like job design, work load, work organisation or management practices if they can find some other cause for compensation claims.

What you can do

If we want to stop these changes from being introduced, members of Parliament must be made aware of our views and why we oppose the changes. Write to:

Gary Johns, Assistant Minister for Industrial Relations, Parliament House, Canberra, ACT 2600, or to other Ministers, your local federal member or Senators from your State.

The right of workers to adequate compensation, work related injuries and illnesses is under attack in many States. It is important that we stop the Federal Labor Government from joining that attack. □

Managing through values

In addressing the fundamental ethical question of how one ought to lead a good life and assessing how people choose to act, we refer to personal and societal value systems. Values act as the filter through which we view the world. The famous French writer, Anais Nin wrote: "We don't see things as they are, we see them as we are", in other words, we create our own realities.

By ATTRACTA LAGAN (Reprinted from *City Ethics*, newsletter of the St James Ethics Centre.)

Our values are shaped by many influences. Values researchers maintain that at any one time, we choose from three different sets of values in deciding how we might act. Our foundation values are those value sets that revolve around basic needs such as security, comfort and survival. Our focus values are where we place our energy on a day to day basis and include values centered around belonging, work and recognition, while our vision values refer to where we see ourselves in the future and include values such as actualization, justice and insight.

When we are stressed we 'downshift' and revert to foundation values and simply do what must be done to survive in that situation. When everything is running smoothly in our lives, and our focus values are being taken care of, we can turn our attention towards the future and allocate time to living those values that will move us closer to realising the ideal life we want for ourselves.

Coexisting value systems

Personal value systems coexist with corporate and often correlate more closely to an organisation's informal value system. The degree of disparity between a company's formal value system or espoused value system and its informal value system or values in use, which are reflected in its actions, will often indicate the degree of stress its members experience in their work situations. People unable to live their focus or vision values will instead be operating out of foundation values where values around survival will preclude the realisation of values such as responsibility, satisfaction or creativity. Such a values gap can also indicate the extent of dysfunctionality of the company's systems.

A recent world research study across five continents presented a picture of an

increasing gap between people's quest for personal growth and development and the degree to which they are able to live these values in their workplace. The major factors causing this values gap were seen to be the low priority management gave to developing its people's potential and the short term perspective that governed most business decisions.

In Australia, specific research tracking the shift in values over a wider

have progressed beyond a foundations values approach to work. They are no longer content with satisfying basic needs. Instead they wish to be engaged in meaningful employment with the opportunity to develop themselves and to be treated with respect.

People instinctively seek to satisfy their personal values first. As these values evolve and embrace more intrinsically rewarding experiences, organisations that do not take into account personal values, may increasingly find themselves out of step with what motivates and demotivates their workforces. There is evidence to suggest this is already happening.

A recent survey among the management of the top 300 Australian companies found that nearly 40 per cent of respondents "make decisions which conflict with their personal beliefs or values" Such a mismatch of values has implications on the level of stress under which these people work. The level of trust that exists within their organisations and the degrees of commitment that the company can expect from its employees is also compromise.

Codes of conduct, codes of ethics or organisational change programs that fail to consider the dimensions of values thwart their own effectiveness.

As Ricardo Semler maintains, the onus is on management to create an atmosphere of trust in the workplace because it has spent the last 150 years creating a culture of mistrust. The process of creating such trust could well begin with an understanding of exiting values and a recognition that people want to be treated as 'whole' people with their personal and professional lives no longer artificially separated.

Thinking about how we think i.e. how our values shape our perceptions may be the most challenging issue facing management today. □



occupational representation produced similar findings. Both research studies indicate that one of the major frustrations for employees today is their desire to be treated like adults whereas the majority of workplaces continue to be characterised by parent/child relationships between management and the workforce.

Beyond foundation values

Like the international research, the Australian findings indicate that people

Whistleblower protection in the west

(From the Commission on Government (WA) media release, 6 December 1995.)

“We paid due regard to the most recent changes made to the Official Corruption Commission legislation and the recommendations made by the WA Royal Commission, but we were guided chiefly by the submissions made directly to us,” said Mr Gregor.

“The role we propose for CIEPIC goes well beyond what the Royal Commission proposed and takes over the task of reviewing police internal investigations from the Ombudsman,” he said. “I attach information which compares the roles, powers and functions of CIEPIC with the body proposed by the WA Royal Commission.”

Mr Gregor said there is no body empowered to deal with allegations of improper conduct. “In a sense, corrupt and illegal conduct are easy to deal with, given sufficient evidence to lay charges. The matter is determined in court in the usual way. But improper conduct is hard to define, detect and expose. We have put forward our definition of improper conduct and the new body CIEPIC would be empowered to investigate allegations in confidence.”

The *Public Disclosures Act* would safeguard anyone making a public interest disclosure against detriment, a term which would be defined in detail. The categories of public interest disclosure are also defined.

To gain protection under the Act, those making disclosures must hold an honest belief that the matter merits disclosure. It would be an offence for anyone to take reprisals against a person making a public interest disclosure.

“We concur with the WA Royal Commission finding that there is considerable improper conduct in the public sector. Much of this has remained hidden because of the practice of allowing suspected or accused persons to resign and by the absence of protection for those making disclosures.

“There is therefore, the question of how much latent concern is out there in the system, which would be unleashed once a body like CIEPIC is in place to deal properly and confidentially with all disclosures,” said Mr Gregor.

“By its very nature, corruption is a secret crime. If the two parties involved keep their nerve and keep their silence, corruption can be very difficult to detect.

That is why whistleblowing potentially is such an important weapon

against corruption and improper conduct. Through public interest disclosures, such conduct can be detected early, based on slim evidence which, when properly and thoroughly investigated, enlarges to reveal the full story.”

A Public Interest Disclosures Advice Unit will operate in complete confidence. It will help people get their thoughts together and gain the mental clarity needed to decide whether to proceed with a public interest dis-

closure.

Any person making a false or deliberately misleading public interest disclosure would be guilty of an offence.

The *Industrial Relations Act* would be amended to establish a Public Sector Employment Tribunal to review disciplinary decisions, determine grievances and award compensation in cases where unlawful reprisals have been made against persons who made public interest disclosures. □

Crusading doctor whistles up own rewards

BY RORY CALLINAN (From *The Courier-Mail*, Brisbane.)

Whistleblower Brian Senewiratne has told how he was threatened with the sack for exposing flaws in Queensland's public hospital system.

The clinical associate professor at the University of Queensland made the claims this week after being named Queensland's Whistleblower of the Year.

Dr Senewiratne earlier this year revealed the shocking decline in services at Queensland's public hospitals.

He drew attention to obsolete medical equipment, long waiting lists, water leaking into surgeries, chaotic and overburdened emergency departments, and wards left vacant.

On one occasion he videotaped an abandoned emergency department and the chaos at another stretched department.

His expose on the eve of a state election was followed by a dramatic back flip by authorities and a massive funding injection into the failing hospital system.

On Tuesday, Dr Senewiratne told the Queensland Whistleblowers Action Group how the threat of “instant dismissal” had been hanging over him when he spoke out.

“I was summoned to the Regional Health Authority to be told that my behaviour was unacceptable,” he said.

“I politely responded that it was their problem. Pleas to tone down my activity became threats, the hospital administration pointed out that I could be sued for defamation.”

Dr Senewiratne said that as his whistleblowing gained momentum, “goodies dropped like manna from heaven”.

He said that 72 hours before he gave a speech highlighting problems at his hospital, the X-ray department was told that \$3.5 million was on the way for new equipment, and \$2.2 million to replace anaesthetic machines.

“Two hours before the meeting, I was specifically telephoned to he told that \$5.5 million had just been granted to build a new emergency department,” he said.

“We nearly had to send a truck to bring the loot home to the PAH (Princess Alexandra Hospital).

“The Premier even declared that the PAH was in fact falling apart and beyond repair and a new \$225 million hospital was to be built.

“Despite the goodies I went ahead with the address. The media, by now, were very interested.”

Dr Senewiratne said whistleblowers should not always expect success or achievement, they should just do their best to expose the problem.

He cited his previous experiences as a whistleblower exposing the sadistic ragging of new university students and the cover-up of evicted plantation workers starving to death in the streets of his native Sri Lanka.

“If there is a problem and it is being concealed, it should be exposed and that is all there is to it.” □