

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

# The Whistle



MAY 1997

## NEWSLETTER OF WHISTLEBLOWERS AUSTRALIA INC

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### CONTRIBUTIONS PLEASE

Articles, letters, cartoons or illustrations dealing with any aspect of whistleblowing will be considered for publication. Address material to: The Editor, c/- Box U129, University of Wollongong, Wollongong NSW 2500, or by e-mail to [pcm@lawsocnsw.asn.au](mailto:pcm@lawsocnsw.asn.au).

Please submit written material on computer disk or typewritten and double-spaced.

All expressions of opinion are published on the basis that they are not to be regarded as expressing the official opinion of Whistleblowers Australia Inc. unless expressly stated.

## Whistleblower jailed Call for national action

The following letter was sent to the Federal Attorney General, Daryl Williams on 2 May 1997. Please write your own letter to local papers, local MPs etc. Mr Raymond Hoser's imprisonment should be of extreme concern to all whistleblowers.

Dear Mr Williams

Re: Imprisonment of anti-corruption campaigner Raymond Hoser

We write to express our concern regarding the imprisonment in Victoria on 24 April 1997 of Mr Raymond Hoser. Mr Hoser is an expert in Australian native wildlife with an international reputation. He has also campaigned against corruption for many years and is a member of Whistleblowers Australia Inc. (WBA).

Mr Hoser has written a number of books which document widespread corruption throughout Australia on many issues including the Victorian Police Service, Vic Roads and NSW National Parks and Wildlife Service (NPWS). He has on many occasions called for royal commissions into the Victorian Police and the NPWS. WBA has supported him in these endeavours.

It was an action brought against him by the Victorian Police Service, together with VicRoads, which resulted in his imprisonment on 24 April 1997.

No independent investigation has ever been held into Mr Hoser's allegations despite their referral to the Independent Commission Against Corruption in NSW and other investigating bodies. As far as the WBA is aware no person against whom he has made allegations of serious criminal activity has been called to account for their actions.

Instead Mr Hoser has been the subject of

well documented campaign of harassment and intimidation including - physical assaults, his livelihood being taken from him, his home being broken into and documents stolen. Attempts to silence him have included cancellation of his access to the Internet and (failed) attempts to ban his books.

There are many unanswered questions regarding the nature of, and the motivation behind, the action brought against Mr Hoser which have served to silence him and to discredit him. In particular, the charge against him appears frivolous when compared with the extensive allegations contained in his books.

We believe that there is sufficient evidence to warrant an independent judicial inquiry into the actions which have resulted in Mr Hoser's recent imprisonment.

WBA will also continue to support the call by Mr Hoser and others for royal commissions into both the Victorian Police Service and National Parks and Wildlife Service.

Finally, but most urgently, we have serious concerns about Mr Hoser's safety in the Victorian prison system. As the Attorney General, with responsibility for law, order and justice in Australia, we trust you will make every effort to ensure his safety whilst in custody.

We require your urgent attention and response to the above. □

## Talking about whistleblowing

A good way to raise awareness about whistleblowing is to give a talk. There are many opportunities for those who seek them out, including schools, service clubs, conferences and public meetings.

For those not used to public speaking, even the idea of giving a talk can be frightening. Yet it is a skill that most people can acquire, given patient application and practice. Here are some tips on how to proceed. First I'll describe the sort of material I put in a typical talk for a non-specialist audience and then go into some practical details about speaking.

An absolutely vital part of giving a good talk is knowing the material. You need to know what you want to say. It is possible to write an entire speech and read it, but this usually leads to a boring talk. My approach is to write down an outline and to make sure I know what I want to say under each point. Here's a possible outline of main topics. Under each topic go various points, as I'll describe later.

- Case studies
- Vince Neary
- David Obendorf
- Mick Skrijel
- Bill Toomer
- Methods of suppression
- Ways that dissent is inhibited
- Responses
- Whistleblowers Australia

I like to start with case studies because they grab the attention of the audience – they deal with real people and events. Then, having described some case studies, it's possible to go on to more general topics. The general points make more sense once people are familiar with some examples.

For each of the case studies, I gather some articles, read them thoroughly and then figure out how to summarise the story in a couple of minutes. Yes, that's all – two minutes for a case about which a book could be written! That's because a talk shouldn't be too long. Most people start losing concentration after 15 or 20 minutes. Usually I aim to speak no more than 30 minutes, leaving lots of time for questions and discussion. Also, I like to invite short questions along the way. This makes it more interesting for the audience.

I prefer to use transparencies and an overhead projector. This gives a visual dimension, making it easier for the audience to take in the information. It's also easier for me as speaker, since I use the overheads to structure the talk. Finally, overheads make it easier for the speaker since the audience looks at the screen rather than at the speaker.

So, for each case study I prepare an overhead or two. This means pulling out key events that will make some sense to the uninitiated. Then, in speaking, I

don't repeat what's on the screen but just whip through the basic plot, mentioning a few highlights. For example, in Vince Neary's case I point out the failure of the various official channels to deal with his complaints. I also say the full names for key acronyms such as DPIF and NCA. Here are some overheads that I have used for case studies.

### Vince Neary versus State Rail

- 1987. Complaints to people responsible about unsafe signalling practices and misappropriation of funds. Response: ignored or ostracised.
- 1989. Complaint to SRA chief executive. Result: SRA sets up task force; no problems found; report not revealed.
- February 1990. Complaint to local member. Response: referred to Minister of Transport who cites task force findings.
- May 1990. Complaint to Ombudsman. Response: declined to investigate.
- August 1990. Complaint to ICAC. Response: inquiry announced in February 1992, then cancelled.
- August 1990. Complaint to Auditor-General. Response: investigation, then no help.
- September 1990. Request through FOI for task force report. Response: obstructed by SRA, obtained 1994.
- January 1991. New complaint to SRA. Response: commissioned report vindicates Neary.
- 1991-1993. Demotion, referral to psychiatrists, attacked in Parliament, pay stopped, dismissed.
- October 1993. SRA recommends independent assessment into signalling practices.

### David Obendorf versus DPIF

#### Action:

Obendorf criticised cutbacks in disease control services for farmers

#### Responses:

- transferred to Hobart and demoted to non-lab position
- transferred back to Launceston to an office with no facilities
- rumours spread about his sexuality and health

### Mick Skrijel versus NCA

#### Action:

1978: Skrijel makes claims to police and politicians about drug trafficking in SA

#### Consequently:

- threats and beatings
- fishing vessel destroyed by fire
- attempted rape of daughter
- car destroyed by fire
- house partly destroyed by fire
- business lost due to boycott
- 1984: NCA investigation into allegations

tions

- 1985: NCA evidence leads to conviction of Skrijel in 1985 for growing marijuana and having an unlicensed firearm; Skrijel goes to prison
- 1986: sentence set aside on appeal
- 1993: federal government appoints David Quick QC to report
- 1994: Quick recommends royal commission into NCA
- Justice Minister Duncan Kerr instead refers matter to Victorian Deputy Ombudsman
- February 1996: Skrijel circulates leaflets in Kerr's electorate
- February 1996: Kerr threatens defamation actions against media; Kerr sends AFP to interview media and Skrijel Bill Toomer v shipping interests
- 1968-1972, Geelong: Toomer refuses bribes to ignore infestations of ships
- 19 May 1973, Fremantle: Toomer orders fumigation of a ship
- 24 May 1973: Toomer's order overturned by superiors
- 1973-1980: charges, demotions, transfers, voluntary retirement
- 1973-1993: 11 inquiries into the affair

Vince Neary's and Mick Skrijel's cases each take up two overheads. This may not be a good idea, since putting everything on one overhead lets people see the full picture. But it's important to make lettering large – the biggest complaints people have about overheads are that there's too much information and that they can't read them. On a computer, I use at least 24 point type.

After covering some case studies, I then present the following list:

### Some methods of suppression

- censorship of writing
- blocking of publications
- blocking of appointments
- blocking of promotions
- withdrawal of financial support
- forced job transfers
- reprimands
- denial of work opportunities
- legal actions
- ostracism and harassment
- dismissal
- blacklisting
- spreading of rumours

It's nice to pause at this point and just let people read the list. I don't need to comment except possibly to explain one or two methods with an example.

At this point, hopefully, people are getting the idea of whistleblowing and suppression. It's time to turn to some general considerations. The next overhead is:

Some ways that dissent is inhibited

- defamation law
- laws against free speech by employees
- reprisals against dissidents
- censorship

- acquiescence; self-censorship

Censorship is fairly self-explanatory and reprisals have already been illustrated, so I might comment on government secrecy laws and especially on the importance of self-censorship. I then point out that defamation law, reprisals and so forth are only used against some people – dissidents. I put the following information on the bottom of the same overhead but initially cover it up with a piece of paper. Then I reveal this information so everyone can see the contrast on the screen.

### Selective application of methods of suppression

- routine defamation, never prosecuted
- tactical leaks by politicians and top public servants
- favouritism, payoffs
- public relations (lying for the cause)

Each one of these four points is the obverse of the top four points in the overhead. For example, ordinary public servants are muzzled by secrecy provisions, but politicians routinely leak information for political purposes, and nothing is done to them at all. There's an obvious double standard.

Now it's time to turn from the problems to possible solutions. I present this overhead:

### Some responses

- play by the rules, keep a low profile
- be a whistleblower
- push for law reform
- change the government
- set up and join support groups
- run campaigns
- mobilise support
- use direct action

Typically I run through each point making a few brief comments. For example, I point to the first response and say "Playing by the rules and keeping a low profile certainly helps one avoid being attacked, but it doesn't address the problem of ongoing corruption." Then I point to the second response. "Being a whistleblower like Vince Neary or Bill Toomer exposes the problem but may only lead to reprisals without the problems being addressed." My preference is to outline strengths and weaknesses of each response rather than recommend a single response for all situations and all people.

This might be a good time to stop and invite questions. I keep track of the time and also watch members of the audience to check their level of interest. Question time is always more stimulating than more information from the speaker. Also, I can usually use a question to raise points I didn't get to cover in the talk.

Depending on the circumstances – especially when people are interested in how to respond on an individual level – I might use the following overhead, based on the valuable manual *Courage Without Martyrdom*.

### Advice for whistleblowers (adapted from *Courage without Martyrdom*)

- Before taking any action that may lead to attack, consult with family and close friends. You need their support.
- Before taking action, see if there is some way to achieve your goal by working within the system.
- Try to find out if there are other people, especially co-workers, who share your concerns.
- Behave fairly with other staff. They may also have encountered harassment from bosses and be able to testify on your behalf.
- Keep a detailed record of events. When something really important happens, write up a statement and sign it in front of a witness if possible.
- Make copies of all important documents that you can. Your case depends on them.
- Find honest supporters, including politicians, journalists and community organisations. Develop a plan for taking the initiative; don't just respond to actions by the other side.
- Obtain advice about taking legal action. Don't overstate your case.

I just let people read this, and only comment if someone asks a question.

If someone asks about whistleblower organisations or if it's suitable to promote Whistleblowers Australia, I use the following overhead:

- Whistleblowers Australia
- Support for whistleblowers
- contacts
- meetings
- leaflets, articles, newsletters
- conferences
- Campaigns
- free speech for employees
- defamation law
- Test cases
- Networking
- free speech and other organisations
- media
- legal practitioners

Finally, I might have some overheads in reserve in case someone raises a particular issue. For example, since I've taken a special interest in defamation, I prepared the following overhead, based on the defamation leaflet.

### Strategies for free speech in the face of defamation law

- Avoid defamation
- Say it to the person
- Keep a copy for posterity
- Call the bluff
- Defend yourself
- Use publicity
- Recommend law reform
- Campaign for law reform
- Speak out in campaigns

It's certainly not obligatory to have overheads like this. My main point is that a structure for the talk is vital. Some people do brilliantly just speaking. I started out with fewer overheads and gradually prepared more as I gave more talks. You're welcome to use or adapt these

points for your own overheads, but my recommendation is to write your own the way you'd like to give a talk. You don't need to start with case studies or cover the same topics I've outlined here. This is just an illustration. Do it the way you feel most comfortable with.

Getting on top of the subject matter is an important part of giving a talk, but for many people the most challenging thing is actually standing up and speaking to an audience. The best way to overcome fear of speaking is to practise and start small. It's useful to practise a talk alone in a room, speaking full volume, perhaps in front of a mirror. Use a clock to keep time, and prepare 5-minute segments. If you still feel nervous, do it again and again until it seems boring. Another useful technique is to record yourself and listen to your talk. (Audio tape is valuable; videotape is even more helpful.) Played back, your voice will seem strange at first, but once you get used to it you can concentrate on your expression.

When you feel ready, invite a friend to hear your talk. If you decide to use overheads, practise with them too, so you aren't fiddling to find the right one and figuring out which way is up. Once you feel comfortable giving your talk to a friend, recruit a few more friends and give the talk with 3 to 6 people. As you do these practice runs, you'll soon find which things you need to learn – maybe more about some aspect of Mick Skrijel's case, or perhaps about the current state of whistleblower legislation in Australia.

If the friends you invite to hear you are honest, they'll give you some helpful feedback. Ask them, "What did I do well?" Then ask, "What should I do to improve?" They might say speak louder, speak more slowly, put more excitement in your voice, maintain eye contact with the audience, eliminate "ums" and "ahs," give a better introduction, and so forth. Even experienced speakers have much to learn, and the best way is to get feedback from listeners.

When you're starting out, I recommend joining an experienced speaker and just doing part of a talk. The experienced person will be there to back you up if you need help and to answer any questions you don't feel comfortable with.

Follow-up is vital. I take along leaflets, copies of *The Whistle* and sometimes books. The talk can be just a way to get people interested enough to read about the issues. It can also be helpful during the talk to show a copy of a report or book relevant to the case. If you want to get more sophisticated, you can produce slides or show extracts from videos. Always make sure beforehand the equipment is working properly.

The speaker gets most of the glory, but the organiser of the talk can be just as important. Often it involves many phone calls, skills in persuasion and sometimes a major effort to arrange publicity. I'm always grateful to those who

do these vital tasks. I have some idea what it's about, since sometimes I arrange talks for others.

Beforehand, I ask the organiser of the talk about the audience. Who are they? How many are there likely to be? What are their interests? What do they already know about the topic? What type and length of talk are they expecting? What do they want to know? The answers to these questions help me plan what I want to say. If it's a small audience (a dozen or less), I might invite people to introduce themselves and tell about any special interests they have in the topic.

Before a talk, I try to read through summaries of the cases. For example, I carry in my speaking folder the one-page Bulletin article about David Obendorf's case, and scan it beforehand, along with something similar about each of the other cases I plan to highlight. It's nice to have some of the details fresh in the mind. Then I glance through the over-heads so that the structure of the talk is clear in my mind.

The talk is about to start. I'm as ready as I'll ever be. Let's hope it goes well. If just one person in the audience picks up an important point about whistleblowing, it may make a big difference in someone's life at some stage in the future. It's worth doing. So let's proceed! □

BRIAN MARTIN  
NATIONAL PRESIDENT

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## Whistleblowers face blast of hostility

By Colin Macilwain. (*Nature* 385, 20.2.97)

[Seattle]

Whistleblowers who alert authorities to alleged instances of scientific misconduct are facing an increasingly hostile environment in which colleagues, research administrators and even investigators called in to examine their claims are closing ranks against them, the annual meeting of the American Association for the Advancement of Science was told last week.

Despite laws that are supposed to protect them, whistleblowers often find themselves subjected to suspicion and investigation, according to Joan Sieber, a psychology professor at California State University. They are statistically likely to lose not only their job, professional friends and status, but even their home and spouse.

According to Robert Sprague, who himself blew the whistle in a celebrated case involving abuses of psychopharmacological research on disabled people, "the scientific community is moving toward suspicion of the whistleblower" It sees them as seeking to benefit, financially or otherwise, from their actions,

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## Blight a ready reminder

By Maralyn Parker (Daily Telegraph 26.2.97)

The activities of T9, whose identity is protected by State laws, will remain a blight on the history of public education in NSW, hopefully, for as long as it exists – to remind us to be vigilant.

He will pay in whatever way is legally possible, and whatever that is it will not be enough for the children and parents whose lives he has infected. But what of the people who allowed him to continue to prey on our children? I must join the hordes of cynical teachers who have been calling in with their stories about bureaucrat survivors. Already it is being predicted the people in authority who knew about T9's activities will survive. Why?

Because the education bureaucrats' club has a history of protecting its high-ranking officers despite activities that in the wider community would be considered odious at least and lost them their jobs, or at worst, had them looking at being prosecuted.

One high ranking education official was found to be incompetent, unjust and unreasonable in the conduct of his job by an ombudsman report a few years ago. It was recommended that independent advice should be sought as to whether there was a case to prosecute him under disciplinary provisions of the Public Service Act.

He is still in his high-ranking highly paid, public sector job with wide-ranging responsibilities in a field of education

that affects every child who goes to school in our State. The cynicism is understandable.

The Department of School Education's Teachers Code of Ethics illustrates the culture of which I am speaking. It is an epistle dedicated to the survival of the bureaucrats.

It is full of how teachers must be loyal and watch over the interests – no, not of their students, that's there in only a small part – but of the NSW Department of School education and (you've got it) the government policies of the day.

The department is mentioned 16 times in the six-page document, the director-general or his offsideers are mentioned seven times and students? Only four times.

Principals are told they must only speak publicly if they are saying something that "is positive and supportive of their colleagues and school community" and if what they say "promotes public education and enhances the image of the department". And what will happen to them if they do not?

The implication is that their careers will suffer if they lose their jobs.

And that is how it works – a principal or (horrors) an ordinary teacher speaks out of place and they fear horrible, instant retribution.

A bureaucrat protects a paedophile for years and still collects his public sector executive salary. □

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although this is seldom the case, Sprague says.

Dan Greenberg, editor of the newsletter *Science and Government Report*, told the meeting that "the scientific establishment doesn't take misconduct seriously, except insofar as it needs to act to placate the political community" Greenberg said that now that Representative John Dingell (Democrat, Michigan), who protected whistleblowers and, as chairman of the House Investigations and Oversight Committee, pursued many well-known cases of alleged misconduct, is in the minority and stripped of his power, scientific leaders "just want to push the whole thing away".

In view of the potential dangers outlined by Sieber, would-be whistleblowers are offered a six-point plan on "how to keep your job" by C. K. Gunsalus, an attorney and administrator at the University of Illinois at Champaign-Urbana. Gunsalus was a member of the Ryan Commission, which last year produced a highly controversial report on scientific misconduct.

Gunsalus suggests that prospective whistleblowers should first show their information to someone they can trust who is in 'at least as senior a position' as the subject of the complaint. If possible,

they should do this twice, and listen carefully to the responses.

They should then assess what their actual goals (to have a paper amended, for example), figure out exactly where the relevant documentation will be found, seek allies if possible, and find out the right person to take the allegation to. Only then should they decide whether to proceed. Gunsalus describes the general response of scientists to misconduct charges as a "visceral" reaction.

"We don't like tell-tales, and we don't like our dirty linen to be laundered in public," she says. She also points out that the total number of grievances and lawsuits brought to university administrators by faculty has shot up threefold in recent years. "Something is going on that has made everything [at the universities] much more contentious" she says.

The recommendations of the Ryan Commission are being considered by Donna Shalala, the health secretary, who has referred some of the more contentious ones to the White House. Shalala is expected to revise the process for dealing with misconduct in health research this year, in response to Ryan and to the well-publicised collapse of several high-profile cases at the Office of Research Integrity, which handles such cases in her department. □

## Update on the Campaign to Amend the International Labour Organisation (ILO) Convention 111

In mid 1996 Geoff Dannock and I met with Matthew Reynolds, Tasmanian State Secretary of the PSU Group (Federal Public Sector Union) of the Community and Public Sector Union. We drafted an amendment to their policy on public interest disclosures. On the 1st March, 1997 the National Executive of the PSU Group endorsed the following:

**"PUBLIC INTEREST DISCLOSURE AND DISSENT POLICY**

National Executive reaffirms its support for the findings of the Senate Select Committee into Public Interest Whistleblowing and:

- endorses the Committee's view that Public Interest 'whistleblowing is a legitimate form of action in a democracy'.
- retains the view that public sector employees have an obligation to act upon knowledge of corruption, maladministration and fraud; and a right to privately or publicly dissent from government policy and practices,
- believes the rights of members who are affected by allegation or investigation arising from public interest disclosures should be protected, and
- confirms that the rights of members to participate in properly determined union industrial action and activity should also be protected.

National Executive directs the Joint National Secretary to:

- begin discussions with the HREOC [Human Rights and Equal Opportunity Commission] and the ACTU to support an amendment of the ILO Convention 111, Convention concerning Discrimination in Respect of Employment and Occupation, Article 1.1(a) by the inclusion of 'public interest disclosure' and 'freedom of speech in workplaces' consistent with the International Covenant on Civil and Political Rights, Article 19; and
- provide appropriate guidelines, advice and training to workplace delegates in the handling of disclosure and dissent cases."

This policy provides a good model for other unions to follow. Avon Lovell, Industrial Advocate for the Electrical Division of the Communications, Electrical and Plumbing Union and WBA's Western Australia contact, will be developing policy on whistleblowing to take through their state branch to their federal executive.

Union officials and delegates from the AMWU and the CFMEU have also expressed interest in developing policy. Geoff Hunt from Freedom to Care (FtC) – a UK whistleblowing group – is finalising the ILO amendment which was drafted by John Hendy QC, President of the UK's Employment Rights Institute

(and a patron of FtC). The final amendment will be available in time for publication of the next Whistle.

At the end of May I will be having a meeting in Melbourne with Bill Mansfield, the ACTU's delegate to the ILO.

### **Whistleblower protection legislation in Tasmania – not yet!**

On the 30th April, Tasmanian Shadow Attorney General Mrs Judy Jackson presented the ALP's Public Interest Disclosure Bill 1997 in the State Parliament. Mrs Jackson needs to be congratulated for her strong commitment to introducing whistleblower protection legislation. The Government supported a Green move to have the bill withdrawn for redrafting.

The ALP's first whistleblower protection legislation (1995) was a much stronger bill and it is unfortunate that the 1997 bill does not include establishment of an independent Public Interest Disclosure Agency (PIDA). It would appear that the ALP's driving motive in presenting what is clearly an inferior bill is a compromise with the Government because of the perceived cost of establishing a PIDA. (Can you believe this – in a state where most politicians recently voted themselves a 40 per cent pay increase.) Additionally, as this would be the first whistleblower protection legislation enacted in Tasmania, many politicians consider that legislation needs to be minimally supported until it has been "needs tested". It is clear from Hansard that there is strong tripartite (Liberal-Labor-Green) support for whistleblower protection laws. On reading the debate it is also clear that all parties concerned need to better inform themselves on legislative developments and recommendations in other states and federally. Tasmanian politicians have yet to realise that this issue is not one that can be passed on to the relevant member. If political parties are sincere about protecting conscientious employees then they will have to 'start off' by placing this issue on their "we must speak to each other list". The Tasmanian Government could then have the opportunity to produce what could be a 'clever' model for national whistleblower protection laws.

In the meantime Tasmanian whistleblowers will continue to suffer and the public purse will continue to be depleted by the millions of dollars to fight them. WBA has made appointments for a delegation to speak with representatives of all political parties.

### **Tasmanian branch of WBA calls for**

### **royal commission into police**

WBA and Stan Hanuszewicz, former police ballistics officer with Tasmania Police, have called for a royal commission into the alleged cover-up over the shooting of Joe Gilewicz. A member of the Tasmania Police's Special Operations Group shot Mr Gilewicz at his home during a siege in 1991. Stan was forced to pay legal expenses that Legal Aid had promised to fund to the tune of \$4000. No other members of Tasmania Police who gave evidence in the case had to pay their own legal costs.

The seriousness of these allegations have cast a cloud over the integrity of Tasmania Police for several years. Over the years there have been several 'internal investigations' into allegations of police misconduct in Tasmania. Last year, WBA and Stan put out a press release in relation to video footage of an alleged police assault. We supported calls for an independent inquiry but added that any inquiry would be a waste of time without whistleblower protection laws. Interestingly, the Police Association has not made any public comment to date on the ALP's Whistleblower Protection Bill. Stan's case, possibly more than any other Whistleblower case in Tasmania, should put the Government on notice that Tasmania will require legislation with real investigatory teeth from the start.

### **The 1996 Article 19 awards for service to free speech**

During Human Rights Week in December last year the Tasmanian Branch of WBA held the first of their Awards for Service to Free Speech. The theme of the 1996 Awards was "Free Speech – A Foundation for Human Rights".

The function was well attended and we were pleased that the Shadow Attorney General, Mrs Judy Jackson, was able to attend. Avon Lovell was over from Perth and presented copies of his now 'freely available' books to the recipients of the awards. Many people who had not met Avon before would like to have heard more from him – they will get an opportunity later this year. Rick Snell from the Law Faculty at the University of Tasmania gave a very interesting introduction on the historical and cultural perspectives of our 'close-knit' Tasmanian community.

It was a great way to celebrate the courage and perseverance required by so many conscientious employees in Tasmania. We were sorry that a few others were unable to be with us on the day but

hope they will make it this year.

Many thanks must go to Lyn Francis, Geoff Dannock and Josie O'Callaghan for all their efforts and congratulations to award winners Dave Dannals, Stan Hanuszewicz, Trish Mobb, David Obendorf, Julian Punch and Terri Roberts.

### Tasmanian State Service Act review

WBA made a submission to the Review of the Tasmanian State Service Act (TSSA). The Review seems to have been perfectly timed with the introduction of the ALP's Whistleblower Protection Bill. (The ALP's Bill provides exemptions from those archaic sections

of the State Service (Secrecy) Act Section 54.1 and 54.2.)

WBA's submission outlined the various international conventions that the TSSA contravenes as well as the inconsistency with the concept of open and accountable government. The current tenor of the Act is draconian and it sits ill with the concept that all citizens should have the right to participate in public affairs.

In addition to contesting Sections 54.1 (h) & (i) on secrecy we also submitted that the Transfer provision Section 42.8 should have appeal rights. (The ALP's Whistleblower Bill also provides exemptions for this section). Whistle-

blowers and dissenters in the State Public Sector are well aware of the fact that "there is more than one way to harass or get rid of you".

### Tasmanian whistleblower conference

Preliminary Notice for WBA Conference in Hobart

Title: "Speaking Out on Information Control"

Date: 20 September 1997, 9.00 – 5.30.

Speakers from Interstate:

Wendy Bacon

Avon Lovell – others to be confirmed. Tasmanian Speakers to be confirmed. □

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## Fishing for the truth

By Max Wallace (*Alternative Law Journal* 1.2.97)

### Franz Kafka would not be surprised at the lingering saga of Mick Skrijel.

The Federal Parliament's Joint Committee (PJC) on the National Crime Authority (NCA) advertised nationally on 24 February 1997 for submissions about its evaluation of the operations of the NCA.

Press reports in February (for example, Sun-Herald, 23 February 1997) noted a secret report (the Harrison report) into the Australian Federal Police (AFP) will be given to the Attorney-General shortly which will apparently disclose corruption on the part of AFP officers involved in drug law enforcement.

At the end of 1996 the Australian Law Reform Commission (ALRC) issued its report 'Integrity: But Not by Trust Alone' dealing with AFP and NCA complaints and disciplinary mechanisms. The ALRC recommended the creation of a new agency to investigate and manage complaints against the AFP and NCA.

The PJC is fully aware of a case that both makes a mockery of the Australian justice system and stands as a case study of why the new agency is needed.

### Some background

The story began in 1978 and according to the then Senator Peter Baume, in a speech to the senate on 21 May 1990, the tale was as follows:

Mr Skrijel alleges, first, that he witnessed a fellow fisherman in South Australia picking up drugs which had been dropped at sea off a passing ship. Mr Skrijel saw them picked up and put on a fishing boat which then landed at Southend, the port from which it was operating. He was informed by his deckhand, who knew what was going on, that the package contained heroin. We understand that there was a distribution network extending from Southend to Adelaide. We understand that there was an organised drug

importing operation, operating from Southend in which drugs were picked up by fishermen. The first allegation is that when Mr Skrijel made this known to the appropriate authorities nothing was done about it. The trauma the Skrijel family has experienced is on a par with the Chamberlain case; the stonewalling they have experienced recalls the similar fact experiences of the Milgates as outlined in Brian Milgate's *The Cochin Connection*:<sup>1</sup> the injustice involved has echoes of Timothy Anderson's experiences.

In his Senate speech, Senator Baume also referred to the then Premier of South Australia, Mr Corcoran's 1980 direction that Skrijel's allegations be investigated by South Australian police. One of the investigating officers was Detective Sergeant Barry Moyses who was subsequently gaoled in 1987 for his involvement in drug distribution while he was in charge of the anti-drug phone-in Operation Noah in 1986. He was gaoled for 27 years.<sup>2</sup>

The investigating officers' report which apparently reflected information provided by Moyses was summarised in a letter of 11 February 1981 from the next Premier of South Australia, David Tonkin, to the then Prime Minister, Malcolm Fraser. In it, with what we can now see as biting irony, Mr Tonkin said that 'it was doubted Mr Skrijel was in possession of relevant information concerning drug trafficking of which the local police and the Drug Squad were not already aware' (emphasis added).

Skrijel has also alleged that his family was intimidated and suffered harassment, bashings, the sinking of his boat and the burning of one of his houses.

Skrijel also claims that he was framed by the NCA in order to shut him up. He was convicted in the County Court at Ballarat on 1 April 1987 and sentenced to two years gaol for cultivation of

cannabis, an explosives offence and being in possession of an unlicensed pistol. He appealed against the conviction and his appeal was upheld after he had served five and a half months. The conviction was set aside and a retrial ordered by the Full Bench of the Supreme Court of Victoria on 6 May 1988. The Victorian DPP no-billed the case. As Senator Baume noted, this was 'a neat way' of ensuring that there is no further court appearance on this matter in this case'.

An instructive letter to Senator Baume of 30 December 1985 written by the then head of the NCA, Mr Justice Stewart, before Skrijel's trial said: The Authority recently completed its inquiries into Mr Skrijel's allegations. There were 22 such allegations, of which the Authority investigated 20. It found all of them to be without substance ... For your information, Mr Skrijel was arrested on 15 October 1985 and charged with various offences relating to drugs, firearms and explosives.

The final sentence of the letter mentioning the charges against Skrijel which were then not proven may well have had the effect of destroying Skrijel's credibility in Senator Baume's eyes before his trial. This was a curious approach from Justice Stewart who said in an interview with the Age (14 December 1984) just after taking up his position with the NCA: 'Our people are trained lawyers. They know what justice is. I was a member of the Council for Civil Liberties for many years.'

### The Government's response

In a reply to an article by Richard Ackland that appeared in the Financial Review on 24 November 1995, the then Minister for Justice, Duncan Kerr, in that newspaper on 5 December 1995 added another brick to the wall of denial

that has characterised the Federal Government's response to the Mick Skrijel saga.

Kerr's letter demonstrated an unwillingness on the part of his Government to make the NCA accountable to Parliament, an issue that has subsequently surfaced in another context: the recent final report of the ALRC on complaints about the AFP and NCA.

The Ackland article 'Fisherman caught in a net of violence', was one of the few to have appeared in the media about Skrijel's case, outside the popular or provincial press. This is in itself remarkable as Skrijel's troubles began in 1978. Two statements about his case, including the extensive overview by Senator Baume, drew no cries of alarm from the media.

Kerr's unwillingness to call a royal commission into Skrijel's case flies in the face of advice received from a South Australian QC, David Quick, who was appointed by the then Federal Attorney-General and the then Minister for Justice. Ackland pointed out that Mr Quick's brief was to act as 'an independent consultant to advise the Attorney-General and the Minister for Justice on 'all aspects of the NCA's dealing with Mr Mehmed Skrijel and his family'.

Duncan Kerr's 1995 referral of the Skrijel case to the Victorian Deputy Ombudsman continues a pattern of misguided decisions. His decision appears to be based on the technicality that the officers who seem to be at the heart of Skrijel's complaints were seconded to the NCA from the Victorian police making this a State rather than a Federal matter. This is no more than a thimble and pea trick generated by legal positivism.

In his 1995 Financial Review article Ackland pointed out that Quick QC's findings and recommendations do not make pretty reading for our national crime-busting body. In fact, there was so much damning stuff about the NCA that a second volume of the report was presented confidentially to the ministers ... Although the Deputy Ombudsman can investigate the Victorian police, he has Buckley's chance of investigating the NCA. Ackland's comments contrast markedly with two recent events concerning the NCA. The first is the ALRC's report which recommended the establishment of a National Integrity and Investigations Commission (NIIC) to 'investigate or supervise the investigation of complaints of corruption in relation to the AFP and the NCA'. The earlier draft report of the ALRC was critically reviewed in the Canberra Times by Rod Campbell (26 July 1996). The article featured criticisms of the ALRC's Paper from the Ombudsman. Oddly, Campbell argued that 'the report does not suggest that corruption within the AFP and NCA is such that a national anti-corruption body is imperative'. But the whole thesis of the Draft Report was to argue the need for an NIIC with extensive powers. At p.21 the Report says: The current ad hoc arrangements for com-

plaints against the NCA is grossly deficient in that it lacks any publicly known or recognised process and any consistent external security. The system does little if anything to create public confidence in the accountability or integrity of the NCA.

Also, as if to respond to Campbell's 26 July assertion, on 5 August 1996 the Federal Government announced an inquiry into AFP corruption! The inquiry was to be headed by Sydney barrister, Ian Harrison.

The Draft Report also claimed that the ALRC 'has not received any advice from any organisation or an *individual* in an informed position to comment that the AFP or the NCA have problems with corruption and misconduct anything like that experienced elsewhere in Australia' (emphasis added).

### Scrutiny of the NCA and AFP

As far as the Draft Report was concerned it did not cut much ice to demonstrate outside Federal Parliament about alleged corruption in the NCA; have your case aired in the Parliament; be arrested by the NCA and serve a term in prison; on release have the conviction quashed after an appeal; have a QC appointed by the Federal Minister for Justice to investigate your claims and recommend a royal commission; and after the Minister refused a royal commission to go to Hobart during the Federal election campaign and hand out pamphlets in the Minister's electorate.

According to another article by Richard Ackland in the Financial Review (9 February 1996) a worker on Mr Kerr's campaign team warned an ABC announcer about interviewing Skrijel and the program was cancelled. An AFP officer then visited the announcer and she was asked about her impressions of Mr Skrijel and his reaction to being told the interview had been cancelled. The police officer also wanted to know Skrijel's whereabouts in Hobart, which she did not have. She was asked by the AFP officer to get in touch with the whistleblower organisation, ask them to contact Skrijel and invite him back to the studio on the pretence that another interview would be scheduled. It was suggested that she string Skrijel along and find out his address in Hobart, so that the copper could go and interview him about his pamphlet.

Why did these events occur?<sup>3</sup>

Why did the ALRC give no consideration to the view of the PJC on the NCA when it said that the PJC had 'received complaints from individuals about the NCA but the PJC commented that it lacked the time and resources to investigate the more complex complaints' (ALRC Draft Report, p.22)?

Is it quite satisfactory that allegations can be disregarded by the PJC because there is not enough time and resources to investigate them? Is it the role of the PJC to carry out investigations?

With respect to the Harrison inquiry

one AFP officer, Alan Taciak, claimed he could name 78 corrupt Federal Police.

Allegations were made by other former AFP officers in the Canberra Times of 7 August 1996, one of whom claimed that if the inquiry was 'upgraded to a royal commission . . . people like me [alleging corruption] will come forward in droves'; and another, former chief inspector Ray Cooper, who in the same issue repeated similar allegations and described AFP Commissioner Mick Palmer as 'well-intentioned but naive'.

As far as the current Attorney-General, Darryl Williams, was concerned most of Mr Taciak's allegations were 'based only on hearsay or conjecture'. Responding to a Canberra Times editorial arguing that Mr Harrison should have wider powers for his inquiry, Mr Williams initially played down the need for such an inquiry in much the same way his predecessor played down the need for a royal commission into Skrijel's case.<sup>4</sup>

Two months later, the current Attorney-General decided to broaden the terms of reference to 'review and report on associated practices and procedures used by the AFP which may be deficient or may have contributed to or facilitated the existence of corrupt practices'.<sup>5</sup>

But this still ignored the editorial's comment that leads from the Harrison inquiry 'will open up fresh trails' that would require more time, resources and power to pursue.

The Canberra Times published an instructive letter from Jennifer Saunders, a solicitor in the ACT Legal Aid Office, on 22 August 1996. She pointed out the Harrison inquiry is: necessarily a secret inquiry-s.87 of the Complaints (Australian Federal Police) Act says that any inquiry carried out pursuant to the Act must be kept secret. although the Minister (in this case) or the Commissioner can allow part or all of the inquiry to be made public if it is in the interests of the AFP or other parties (including the public) to do so. They may well decide that it is not.

Confirming Ms Saunders' prediction, a Sun-Herald report of 23 February 1997 said Mr Harrison's report will argue that any corruption in the AFP is a thing of the past.

Apparently there are no 'fresh trails' to pursue. The Sun-Herald concluded: 'A sanitised version of the Harrison report will be tabled in Federal Parliament but the full inquiry will remain suppressed'.

On 30 November 1995 Senator Calvert (Liberal, Tasmania) tabled a letter from Skrijel circulated to all Members of Parliament demolishing Duncan Kerr's decision to pass the issue of his case to the Victorian Deputy Ombudsman. If the general thrust of this letter and Ackland's analysis of this issue are right, then the serious questions that could be asked of the NCA will not be asked. In Rod Campbell's Canberra Times review of the ALRC's draft paper on the need for a corruption investigato-

ry body oversighting the AFP and NCA, he independently arrives at the same conclusion as Ackland and Skrijel's letter tabled in Parliament that 'the Ombudsman's office is primarily a complaints-handling body, not a corruption fighter'.

### How should Skrijel's allegations be aired?

The need for a broad-ranging royal commission dealing with all these issues could be argued by confirmed allegations of corruption in the Victorian police (The Age, 16 January 1996); the experiences of the Victorian police whistleblower, Karl Konrad; the collapse of the NCA case against John Elliott where 'trained lawyers' managed to spend \$20 million of public money with the case being derailed because the NCA used its powers in a 'regrettably casual fashion' (ALRC Report, para. 5.68); Elliott's claims of political interference; the earlier resignation of a certain highly placed NCA officer; and the findings of the Wood Royal Commission in NSW which contrast with a 1992 NCA inquiry into whether Barry Moise was alone in his drug distribution activities in SA. That inquiry found no evidence to support allegations that he was not alone. In the light of the Wood Royal Commission this seems counter-intuitive to say the least. Clearly the corruption phenomena unravelled in NSW occur on a similar scale elsewhere and deserve the same sort of inquiry that the NSW Government is undertaking. The longer successive federal governments decline to confront these issues and call for one-off inquiries that lack true inquisitive powers, the longer we will have more of the same. What it seems to come down to is: you either have something approximating the rule of law in all sections of Australia's law enforcement agencies or you don't. In its final report, the ALRC devoted six paragraphs to the Skrijel matter [paras 5.39-5.44] and concluded in para 5.44: If the Commission's proposed NIIC had then been operating there would have been no need to engage Mr Quick to conduct an inquiry or then to arrange for the Victorian Deputy Ombudsman to investigate any matters. The NIIC would have investigated from the outset with the full range of powers available to it that Mr Quick did not have. As matters stand in the Skrijel case, the report of the Victorian Deputy Ombudsman was due some time towards the end of 1996. Inevitably it is late. If form is anything to go by, it will not deal with the hard questions. One wonders how it could be otherwise when 'the office has only 13 staff handling a vast range of complaints-nowhere near the investigative resources the Quick report said would be required'.<sup>6</sup>

Some of the hard questions were outlined by Senator Baume in his 1990 speech to the Parliament:

■ Why were Skrijel's allegations of maritime and other drug smuggling never

followed up?

■ What were the circumstances surrounding the sinking of Skrijel's boat and the burning of his home?

■ The NCA has consistently denied Skrijel's allegations have any foundation, yet Skrijel alleges they hold six tapes supplied in good faith that contain vital information which have never been returned to him: why?

■ What were the allegations that Justice Stewart referred to that Skrijel had made and why were they all rejected by the NCA?

■ What of Ackland's claim that 'there was so much damning stuff about the NCA [in the Quick report] that a second report was presented confidentially to the ministers'?

■ Subsequent to his conviction being set aside, Skrijel's wife's car was mysteriously destroyed by fire in Melbourne, his house was broken into on 3 November 1995 and a bullet was left by his fax: will the Deputy Ombudsman investigate this?

The ALRC recommendation for a National Integrity and Investigations Committee to oversight the AFP and NCA is very supportable provided it receives adequate funding. Unfortunately for the Skrijel family it will be a decade late when and if it happens. The ultimate indignity for the Skrijel family would be a recommendation of millions of dollars compensation for John Elliott by the internal departmental inquiry called by the Minister while they continue to get nothing following the inquiries into their case. The contrasting speed with which the Minister called the internal inquiry would seem to indicate that there is every likelihood of this happening.

It is likely that the internal inquiry

### Hearings into the NCA

*The Parliamentary Joint Committee on the National Crime Authority is conducting and inquiry into the NCA. For details contact the Secretary Parliamentary Joint Committee on the NCA at Parliament House Canberra on 06 277 3556. Public hearings are being held Brisbane 21 May, Sydney 22 and 23 May, Canberra 26 May.*

will, with dignified hyperbole, express its distress at what happened to Mr Elliott and solemnly recommend millions of dollars compensation.

There is no doubt Mr Elliott has been to purgatory but he has not been to hell and gaol like Skrijel. Meanwhile the Skrijel family will be left to languish as instructive examples to other citizens who may be tempted to take the law at face value that outcomes are a function of considerations other than legal ones.

As the ALRC observed with some understatement about the Skrijel case in its final report at para 5.43: This case continues to attract media attention and the media coverage suggests that it continues to cast some doubt within the community about the integrity of the NCA.

### Conclusion

A final qualification concerning the establishment of the NIIC is that it could be used by governments as a sponge to absorb allegations of NCA/AFP corruption to leave its political masters free of responsibility when a matter arises.

This is covered to some extent by the ALRC Final Report's suggested 'staggered exits' for staff (ALRC Report para 6.24). Submissions that no staff from the AFP, NCA or Ombudsman's Office be contracted are sound.

One could imagine a politician saying to a dissatisfied Mr Skrijel 'look, the NIIC has looked at your matter and found no cause for concern. Nothing more can be done.'

The recommendation in the Final Report that 'The NIIC should be required to report to the Attorney-General any complaint of misconduct against it or its officers' falls down when a complainant also complains against the Attorney General, as was the case, as we have seen, with Skrijel.

A better course of action would seem to be a report to the Prime Minister as he is not in any way involved in the day to day activities of these agencies. It would undermine the credibility of the NIIC from the start if its role could be characterised as one of 'Pontius Pilate'. The Parliament should naturally be the place to report such matters but the ALRC Report notes how the PJC expressed the view that it wanted no role in supervising the NIIC (para 6.80). Given this, the Prime Minister seems the only destination for such a report.

In 1985 Roger Lewis noted: It is interesting that a downturn in the world economy has coincided with increasing heroin consumption on a global scale. It will be even more interesting to see if their use peaks, stabilises or declines if there is an economic upswing in the 1990s.<sup>7</sup>

On 14 October 1996, Attorney-General Williams proudly announced to Parliament that the AFP, the NCA, Australian Customs and Victorian Police had just seized 23.7 kilograms of high grade heroin imported in wooden wall hangings which arrived in two crates by air from Thailand. A sum of \$870,000 had also been seized. It would appear that heroin use has not peaked, stabilised or declined. It would seem that there is so much of the stuff around that criminal groups are prepared to be quite brazen in their attempts to smuggle it into the country.

That is what Skrijel was drawing to our attention. One could form the view that the reason there will be no royal commission into his allegations is that the Government knows full well the immense scale of heroin and other drug importation; realises that a royal commission could open up Pandora's box of other allegations from other Skrijels; these allegations in turn would put demands on already under-resourced investigatory bodies whose own honesty has been questioned; there would need



to be an infinite regress of inquiries. It follows that cases like Skrijel's have to be hosed down. The scale of the problem has to be particularised because it is intractable. Decriminalisation of drugs is unthinkable in the absence of a similar move from the United States. I would argue. Even the modest suggestion of a 'heroin trial' in the ACT, where addicts would be treated as people with a medical problem and given small controlled doses, was too much.

The likely conclusion is that governments and their relevant agencies are engaged in casuistry to conceal what presents as an intractable social problem which is at the same time a political problem that does not generate sufficient votes and which has diplomatic dimensions. It does not follow that politicians are 'corrupt' when they back away from allegations such as Skrijel's. They are overwhelmed. They are faced with a problem that defies their collective expertise and demands the sort of time and attention they do not have.

But doing next to nothing leaves police and agency corruption free to grow. Like it or not, this is the issue they have to deal with. □

*Max Wallace is a tutor in Continuing Education at the Australian National University.*

#### REFERENCES

1. Milgate, Brian, *The Cochin Connection*, Chatto & Windus, London, 1987.
2. *The Australian* 24 August 1988.
3. In another context the former Minister for Justice, Mr Kerr, has said: "Attorneys General and Ministers for Justice do not have power to give directions with respect to police investigations. Might I say that confidence in the administration of justice requires that judgments with respect to decisions to prosecute in a particular case and specific police inquiries not be subject to political instructions, the more so when matters have obvious political significance Hansard, 14 October 1996, p. 5177. This contrasts with Ackland's question concerning the actions of Kerr's office in Hobart when Skrijel was handing out pamphlets about his case critical of the Minister prior to the last Federal election: "But why should a Minister be so sensitive as to involve the Federal Police in the free expression of issues by a concerned citizen participating in the democratic process of an election campaign? This is an even more interesting question." *Financial Review*, 9 February 1996.
4. "Police inquiry should be wider", *Canberra Times*, 5 August 1996; "Broader inquiry terms not justified", *Canberra Times*, 12 August 1996.
5. "Go-ahead for inquiry into ACT police", *Canberra Times*, 17 October 1996.
6. "Justice for rich, says cleared man", *The Age*, 1 September 1996, p.5.
7. Lewis, R.. "Serious Business - The Global Heroin Economy" in *Big Deal: The Politics of the Illicit Drugs Business*, Pluto Press, London, 1985. □

## Heard the one about the person who always told the truth?

By Peter Quiddington (*Sydney Morning Herald* 18.2.91)

[Washington]

What is being called a revolution in science is under way, based on the curious recognition that humans are superior to other forms of life in one critical way - they are the best liars.

More importantly, humans are the only species capable of continuously lying to themselves. The 1986 space shuttle disaster and the war with Iraq involve such sustained lies, say US scientists.

A group which organised what it claims is the first symposium on the Evolution of Deception has stirred some of the liveliest debate heard at this year's American Association for the Advancement of Science (AAAS) meeting.

Against a backdrop of a nation at war and recent cuts to the science budget, the meeting has been unusually quiet, but the Symposium on Deception drew a large crowd from many disciplines to the auditorium of the Washington Sheraton.

The speakers, including biologists, and anthropologists, a psychologist and a philosopher, systematically exposed the many forms of lies, deceit and falsehood perpetrated by just about every form of life on earth; from microbes to monkeys. They argued that lying was a fundamental evolutionary adaptation for survival.

Humans, however, took the cake for being the only species "capable of sustained self-deception".

Pathogens used a barrage of strategies to enter into living cells, including camouflage, mimicry and distraction. Insects were also well practiced in deception, with some moths able to display the vicious face of a cat on their backs to deter prey. Birds and fish were also fabulous fibbers, but some of the best lies were told by the higher primates; chimps and apes had the ability to comprehend what others were seeing.

What separated humans from apes was the ability to sustain self-deception by creating 'imaginary worlds', a process which had begun with the invention of burial rites, cave painting and the creation of artefacts.

Professor Robert Trivers, a biologist at the University of California said that humans routinely practised moderate self-deception and that high levels of deception tended to occur as you moved up through hierarchy.

He said the Challenger disaster was a case in point. Problems with the shuttle had been ignored.

"The fact is NASA had deceived everyone about what the launch was about," he said. "THIS WAS NOT ABOUT THE NEED FOR DEFENCE.

"This was purely a PR exercise which had to be undertaken before the school holidays so that the transmissions from the teacher on board could go into every classroom across America".

The Iraq War was a case of denial followed by overreaction.

The US had supported Iraq for 10 years and before the invasion of Kuwait had said that it had no treaty arrangements to safeguard Kuwait's border. Then the US turned around and sent massive force to get Iraq out of Kuwait.

The reason was that the US felt partly responsible for creating a situation, but tried to deny this by overreacting in its response, he said.

Professor Richard Snyder, a psychologist from the University of Kansas, showed how people most commonly practice self-deception as a way of creating a "positive self theory". The way President Reagan responded to the overwhelming evidence of the Iran Contra affair was the same as everyone would respond, he said. That was to first come up with an excuse, which in this case was: "I didn't know about it".

The second common response was to make it look not so bad. And finally the healthy way to deal with this was to acknowledge that a lesson had been learnt and that it was time to go forward, which was exactly what the former President did.

Professor Loyal Rue, a philosopher of religion at Luther College in Iowa, said that self-

deception was not a bad thing. In fact human culture depended for survival upon people "ingesting a Noble Lie".

This was a collection of commonly held stories and myths used to bring together the individual's moral values with the known universe. Lies as in nature and in culture were life support systems.

He said humanity desperately needed a new Noble Lie based on the most rigorous science. The cosmology of Christianity and other religions become bold-face lies. □

**"Humans, however, took the cake for being the only species 'capable of sustained self-deception'."**

**Sam Day**

Sam Day 70, of Madison Wisconsin, is a writer, peace activist, political organiser, and occasional prison inmate who speaks and acts on the cause of human rights, nuclear disarmament, and safe energy.

The former editor of *The Bulletin of the Atomic Scientist* (1974-77) and managing editor of *The Progressive* (1978-80), Day has combined reporting with activism in a career that has frequently landed him in court for challenging US nuclear weapons policies.

In August, 1995, he was released from the Oxford Federal Prison Camp at Oxford, Wisconsin, after completing a six-month sentence for distributing peace literature without permission at Offutt Air Force Base near Omaha, Nebraska, headquarters of the US Strategic Command, which controls the targeting and launching of US long range nuclear weapons.

Earlier, he had served six months in 1989 for entering a nuclear missile launch site in Missouri, four months in 1991 for entering Fort McCoy, Wisconsin, to protest the Persian Gulf War, and six weeks in 1993 for pulling up survey stakes at the construction site of an Air Force communications tower near Medford, Wisconsin.

In 1979 Sam Day was a defendant in an historic First Amendment case in which the US Department of Energy tried unsuccessfully to prevent publication of a Progressive magazine article debunking secrecy in the US nuclear weapons program. The article, "The H-Bomb Secret: How We Got It; Why We're Telling It" was published by *The Progressive* after a six-month court battle that attracted international attention.

Sam Day began his journalism career in 1949 as a copy boy on *The Washington (DC) Evening Star*. He worked for *The Associated Press* and for newspapers in Idaho, where he won awards for reporting and editing.

In 1982, on assignment for *The Progressive*, he travelled to South Africa and became the first journalist to document that country's secret development of nuclear weapons, a "scoop" confirmed 11 years later by the last of South Africa's white dominated governments.

Day has worked since the early 1980's with Nukewatch, a Madison based public interest group which tracks the production, transportation, and deployment of nuclear weapons and nuclear waste.

Day lost most of his eyesight in 1991 from a stroke to the optic nerve while jailed during the Persian Gulf War but has remained active as a writer, speaker, and organizer. In 1992 he received the Martin Luther King, Jr Peace Award of the US Fellowship of Reconciliation.

Sam Day is also coordinator of the US Campaign to Free Mordechai Vanunu, a former nuclear technician serving 18 years in solitary confinement in an Israeli prison for telling a British newspaper about Israel's secret nuclear weapons program.

Mr Day will be in Australia for 2 weeks speaking at various venues - INCLUDING AT THE NSW BRANCH MEETING ON SUNDAY 1 JUNE AT 2.30 P.M. - to promote the campaign for Vanunu's release. (See box right.) On 6 June Sam will speak at "Politics in the Pub" Harold Park Hotel, Glebe from 6.00 p.m. □

**An Australian campaign to free Mordechai Vanunu**

Mordechai Vanunu has been kept in solitary imprisonment in Ashkelon Prison in Israel for ten years. Vanunu's case is relevant to anyone who believes that whistleblowers deserve support when they are victimised. Ten years ago Vanunu revealed to the world that the Dimona site in Israel was not a shoe factory but a nuclear weapons installation. Having worked there as a nuclear technician for nine years, his conscience dictated that he reveal the truth.

After visiting Australia and then London, where he told his story to a British tabloid newspaper, he was drugged and captured in Italy by Israeli agents. At a secret trial, he was charged with 'treason' and 'espionage' and sentenced to 18 years in prison.

Amnesty has called for Mordechai's immediate and unconditional release "as redress for the persistent and past violations of human rights to which he has been subjected". The European Parliament has also repeatedly called for his release.

When Professor Joseph Rotblat received the Noble Peace Prize in Oslo in 1995, he called for an end to Vanunu's suffering, declaring that "It should be the duty of scientists to expose government misinformation about research".

"Whistleblowing" he said, "should become part of the scientist's ethos.

Vanunu himself has said: "I have sacrificed my freedom and risked my life in order to expose the danger of nuclear weapons which threaten this whole region. I have acted on behalf of all citizens and all of humanity".

There are active campaigns to free Mordechai in Israel, England, the USA, Norway, Canada and Italy. Last October a conference was organised in Tel Aviv to show the depth of international support. It was attended by Professor Rotblat and Daniel Ellsberg, who blew the whistle on Watergate. After the conference, Israeli President, Ezer Weizman, told Rotblat that Mordechai had not been in solitary long enough.

Obviously any nuclear knowledge that Vanunu had is now completely out of date and should not be used as a barrier to his release.

In June the Co-ordinator of the US Campaign to Free Mordechai Vanunu, Sam Day will be visiting Australia (see item at left). If the public is reminded of who Mordechai Vanunu is beforehand, this will make Sam Day's visit much more worthwhile. □

**Workcover inquiry won in South Australia**

**Now becoming a national issue**

After months of campaigning Ms Mathilda Bawden spokeswoman for the WORKCOVER Whistleblowers Support Group in South Australia and National Secretary of W.B.A. Inc and others have achieved the announcement of a South Australian Parliamentary Inquiry into WORKCOVER in South Australia. The inquiry will be carried out by the S.A. Parliamentary Committee on Occupational Safety, Rehabilitation and compensation

The Committee Membership con-

sists of S.A. Industrial Affairs Minister Mr Brown, Mr Elliott, the Australian Democrats State Leader, the Deputy Opposition leader Mr Clarke, Liberal M.P. David Wade, Liberal MLC Mr Robert Lawson and ALP M.L.C. Mr Ron Roberts..

The A.L.P. State Executive has endorsed calls by the WORKCOVER Whistleblowers Support Action Group for a full investigation into the WORKCOVER Corporation in S.A. The move is also supported by the Australian Democrats. □

**INQUIRY INTO WORKERS COMPENSATION SYSTEM IN NSW  
CALL FOR SUBMISSIONS**

The Attorney General and Minister for Industrial Relations, The Hon. J.W. Shaw, O.C. M.G. has established an inquiry into the Workers Compensation System in NSW, WorkCover, to be undertaken by Mr Richard Grellman, FCA.

The inquiry will identify the cost pressures in the scheme and focuses on (1) rehabilitation and (2) early return to work measures with a view to reducing premiums.

**Terms of Reference**

- Review and critically analyse all recent reports and submissions previously prepared by various working parties and associations with the aim of consolidating the recommendations into a package of proposed reforms;
- Identify the main areas of concern of the participants so that the focus of reforms can be identified;
- Identify the current inequities in the System so that it operates more fairly;
- Examine the obligations of employers, employees and other interested parties and the role they play in injury prevention and early return to work and to make recommendations to encourage the parties to take greater responsibility for injury prevention and early return to work; and
- Identify incentives for employers who actively promote and implement safe work practices to reduce workplace injury, taking account of work already undertaken by WorkCover in this area.

Interested parties are invited to make submissions in writing on all or any of the Terms of Reference listed above to the Inquiry by 30 April 1997.

Submissions will be on the public record and should be addressed to:

Inquiry into Workers Compensation System in NSW

Locked Bag 35, Darlinghurst NSW 2010

Phone (02) 9266 8539; fax (02) 9266 8202; e-mail: kpmg@kpmg.com.au

## Exxon repays years of loyalty at Ulan with \$32,000 pay cut

Dennis Beddall put his total trust in his employer, Exxon, when he negotiated an individual agreement with them at the Ulan underground mine a few years ago. Exxon repaid Dennis's loyalty, commitment and remarkable contribution to the company by informing him a couple of months ago that his wages was to be cut by \$23,500 this year and a further \$8,500 the following year.

"I was stunned. I couldn't believe it. Not only had the company savagely slashed my wages without any consultation with me, but they breached a clear confidentiality agreement we had reached".

On August 29, a bitterly disillusioned Dennis resigned from the company and agreed to talk to *Common Cause* so that his experience can serve as a lesson to others in our industry.

Dennis Beddall began work in the coal industry about 17 years ago as a fitter at the Brimstone No 1 mine in the Southern District's Burragorang Valley. He was a member of the Mine Mechanics union which later amalgamated with the Miners federation to form the United Mineworkers Federation of Australia (UMFA).

Dennis moved to the Western District in 1981 from Brimstone where he got a start at the Clarence colliery. In 1983 he moved to Ulan underground as a fitter. Within 18 months he was a leading hand and shortly after he was further promoted to shift engineer. Throughout his mining career Dennis worked dogwatch.

When Exxon took over the mine from White Industries they offered the shift engineers and under-manager packages on individual agreements.

"There was a group of 16 of us and we were each summoned in for discussions with management about the package." Dennis told *Common Cause*.

"All negotiations and settlement were to be treated in the strictest of confidence and we were all told not to discuss it with any other person".

Dennis was happy with his package. "They asked me what I thought I was worth and I put forward a proposal. They knocked the first on back but we reached agreement soon after without too much hassle". □

### Exxon international award

Dennis is basically an old-fashioned hands-on creative worker. He loved his job and put his skills to good use for the company instigating the design of a pan picker for the longwall.

"It used to take us between 4-6 shifts to move the armoured face conveyor (AFC) off the face using 4-5 diesels. I had an idea that I discussed with some of the others and I took it to a local engineering workshop Roberts Engineering, in Mudgee.

"As a result, we designed a pan picker that allowed us to remove the AFC in about five hours using just one diesel."

The pan picker design has been patented by Roberts Engineering and is now used extensively throughout the international coal industry saving Exxon and other coal owners a fortune.

Dennis is also credited with another innovation that has increased efficiency and safety.

He redesigned the diesel driver alternator to add a two speed gear box and ceramic clutch arrangement that boosted power by 50 per cent while reducing CO and NOx levels.

Dennis's efforts and those of his workmates were counted for nothing. Nor did the fact that his internationally recognised innovations continue to save the company a fortune.

Exxon was prepared to dispense with his creative hands-on flair and told him that as well as slashing his wages he was to be put on day shift on the belts and diesels.

Despite his best efforts to negotiate to hold the company to its side of the bargain with him, Dennis failed and when he asked for a VRS that too was denied him.

"I bargained in good faith with Exxon and I more than kept my side of the deal. I hope that my experience can at least sound a warning to anyone in the coal industry tempted to enter into individual agreements with companies", he warned.

"In the end you are just a resource to be used and discarded as the company sees fit".

Victimisation???

While Dennis Beddall is reluctant to speculate on his massive fall from grace with Exxon, *Common Cause* is prepared to allow or readers to make what they wish of this. □

### How Exxon treated Pauline Byfield at Ulan

American industrial tycoon Henry Ford used to hire thugs to beat his workers up when they threatened strike action or became involved in a union. "You might win, you might win justice. We'll get you in the end" sounds like old Henry speaking to one of his workers in the 1930s when anti-unionism in America was at its most rampant. But it's actually 1993 in Australia, at Ulan Coal, and it is US multinational Exxon's general manager of the mine, supported by the company's financial controller, threatening Pauline Byfield, a staff worker.

Pauline had just won some justice before the Local Coal Authority which ordered her reinstatement after an unfair dismissal following an altercation Pauline had with one of the managers. The chairman, Len Patterson, said

Pauline had not been treated fairly by the company and this had contributed to her resentment against management.

Exxon's case wasn't helped when one of their witnesses was caught out on perjury, or by their accusation that the chairman was in cahoots with Pauline!

It's not surprising that after the not too bright action of making threats to Pauline in front of witnesses, that the person concerned is no longer general manager. After all, Exxon likes to put on a face of caring for its staff. This, no doubt, forced the general manager to say, on being faced with finding work for the reinstated Pauline, that "We've got to be seen to be abiding by the decision and doing the right thing".

Underneath the facade Pauline was placed in virtual isolation in what is called the Transit Lounge and given no work for days. That was followed by a period of work overload - data entering, filing, enveloping - she was expected to do 3-hours work in half-an-hour.

What led to Pauline, an employee of 11 years at Ulan, being given the treatment by this powerful US multinational?

About 8-years ago Pauline offended the anti-union sensitivities of the company by taking up with United Mine Workers delegate Bob Caine. Management brought Pauline in for "reappraisal", which amounted to interrogation, and even accused her of passing on confidential information to Bob. They then asked her to work on Bob to get him to change direction as he had "lost the plot".

She refused.

This led to a long period of discrimination and harassment including being passed over for promotion, being kept under surveillance and having her phone monitored.

Twice she was 'sent down the road' on a "decision-making leave". The first time in December 1992 after returning a dress (in protest of the ill-treatment by the company) bought by the company in connection with a charity quest. Along with it was a protest letter from Pauline to the human resources manager which the company said was derogatory. They "would not tolerate such lack of respect for representatives of management," management screeched in its 'decision-making' letter.

The second 'decision-making' leave was when Pauline was absent, even though she had a doctor's certificate. The strain was beginning to show in her physical condition, aggravated by the failure of the company to comply with the Australian Standards of Ergonomics and failure to educate employees in Workplace Safety Procedures on Ergonomics.

The 'decision-making' periods are supposed to make staff more committed to company policy. In Pauline's case they just put more fire in the belly.

# Alston sighs for his own victim

By Margo Kingston (Sydney Morning Herald 15.4.97)

*The Coalition's policies on media ownership are seriously damaging to the public interest.*

Richard Alston, the Communications Minister, is emerging as Australia's foremost dada politician. All politicians find ways, on occasions to explain away views that have become inconvenient, but Alston has taken the "nothing matters" approach a staircase further. In his proclamations on media ownership policy, he mash-potatoes logic even within a speech, contradicting himself and his party's philosophies with a twinkle in his eye.

Take last week's speech at Sydney's Communications Law Centre, his latest justification for his intention to abandon the cross-media ownership rules and ban competition for the Fairfax prize from foreigners, thus handing Australia's premier newspaper group to Kerry Packer.

Alston in Opposition stressed the desperate need for new media players and pledged to reverse Labor's record "of putting political allegiances and pay-backs before the national interest". There will be up to 36 new TV channels available soon, through digitalisation, and Alston's policy was to "allow new entrants". Last time around, in the Menzies era, the Government simply gave away channel licences (read money making drum machines) to existing media players, including the Packer dynasty. This time, auctions seemed the go - allowing possible new entrants and making multi-millions for a cash-strapped government.

But now Alston wants to give new channels to the existing players again. Thus Kerry Packer is deliberately shielded from competition and the need to actually pay for a valuable new asset. "It is almost a romantic notion to wish for brand-new players," Alston said last week. It's shameless and he doesn't even deign to appear uncomfortable as he sighs for the death of something he has killed.

Alston said Paul Keating's "attempt to defy the commercial laws of gravity" by trying to find a new player through pay TV licences "sank without a trace". The audience was shocked - he had actually seen fit, for the purposes of his argument, to forget the existence of the new player, Australis Media, which runs Galaxy pay TV.

Cross-ownership laws stop Packer, Australia's most powerful man, owning Australia's two most influential commercial media groups, Network Nine and Fairfax. Last week, Alston said the media were "a crucial watchdog ... a fundamental pillar of democracy".

Only the ABC and Fairfax have scrutinised Packer's vast business interests. With Packer as Fairfax owner forget scrutiny of his Sydney casino (Alston sees "no problem" with the casino owner owning a huge slice of the quality media, but does not explain why), forget scrutiny of his TV networks (and bring The Guide into his magazine group to help him promote his TV shows).

And who will document his political influence, already so strong that he can buy one of Labor's top powerbrokers, Graham Richardson, as his Labor lobbyist and one of the Liberals' most powerful, Michael Kroger as his man in the Liberal Party. His power is such that this prostitution of political discussion rates almost no comment and politicians in both main parties are extremely loath to criticise him in any way.

His apparent mortgage on Fairfax has meant that a few media people have shut up too, refusing to sign a bland Media Alliance letter to the Government supporting diversity of media ownership for fear of upsetting Packer.

Freedom of speech means nothing if no-one is game to exercise it. So surely keeping Packer from dominating Australian media is vital in the interests of the media's role as a crucial watchdog and pillar of democracy.

No way. With Alston ready to lay to rest diversity of power in the media after Labor laid the groundwork he so critiqued at the time, he just dips into his bag of tricks and finds two more sparklers.

The first: "Diversity of ownership will not necessarily guarantee diversity of opinion". Well Richard just like a multi-party democracy won't necessarily guarantee diversity of political opinion, but it's a very good start.

Enter the ABC. The ABC he says, will ensure "that commercial media does not run dead on stories which could harm the interests of proprietors". Now that's romance. Without filip of ABC stories, they die anyway, let alone with the powerful new weapon Alston will put in Packer's hands to destroy the ABC's credibility. Network Nine already happily investigates the ABC for flaws while leaving its boss alone.

But for Alston to elevate the ABC as the watchdog to ensure the media as a whole are not corrupted by his decision to concentrate power in Packer's hands he must by definition give them much more resources. No again - the government has slashed it funding, with more to come, despite the Coalition's appointee ABC chairman, Don McDonald warning that already current affairs programs will have to be wound down.

And if we believe Alston's own Cabinet submission last year, in fact he wants to destroy the ABC's independence, not

(Continued from page 11)

"Look", she told *Common Cause*, "if you don't stand up to these multinationals they'll just run over you. If enough of us small people take a stand perhaps others will do the same".

Exxon went as far as applying for an exemption from Clause 24 of the Supervision and Administration Award which would have allowed the company to place Pauline out of seniority classification and sack her but intervention by CFMEU general president John Maitland put a stop to that.

She has been off work since October 1995 and is now fighting for long term lost time workers compensation. The Company's Injury Illness Management Procedures is a continuing facade of caring for an employee. They have made no attempt to enquire into Pauline's health and well-being, i.e: no follow up since October 1995, highlighting that the 'Care Bears' are on paper only.

Pauline's physical condition continued to deteriorate with loss of hair, bleeding from the breasts/ears and legs, severe pains to back and neck, agoraphobia - a complete physical breakdown.

The company doctor said her body had had enough. If she returned to Ulan it could kill her.

Old Henry Ford would be dancing in his grave. □

enhance it. He said then that he wanted to review the ABC's charter to "influence future ABC functions and activities more directly".

Finally, there is foreign ownership. The Coalition had no problems with foreign ownership when Conrad Black sought to take over Fairfax. John Hussein and Richard Alston stressed that competition through diversity of ownership was the key to healthy media. But back then, Kerry Packer (then in partnership with Black) agreed, saying restrictions were absurd.

Now Packer plays the preserving "national identity and pride" card and now the Government says yes to that, if only for media.

Indeed, "it is almost a romantic notion to wish for brand new players". But if only Alston dared wish, he might find a way to at least to give Packer a run for his money on Fairfax.

Alston cannot be seriously trying to sell his sophistries as considered policy in the public interest. It's all shadow-boxing, and by the time his critics realise they haven't been hit, he has danced round the ring to throw another air punch. Richard Alston's cynicism is as breathtaking as Mal Colston's avarice, but its result will much more substantially damage the public interest than petty pilfering of the public purse. □

*Margot Kingston is the Herald's Canberra chief of staff.*

## Betty backs the Whistle-blowers

By Paul Routledge, Political Correspondent (The Independent 16.3.97)

The Speaker of the British House of Commons, Betty Boothroyd, has overruled government moves to stamp out "whistle-blowing" among civil servants.

In a ruling that could have profound repercussions for the public services and private industry, she laid down that employees must have an unfettered right to raise "public or personal" issues with their MP.

Her decision, which followed threats of disciplinary action – including dismissal – to civil servants opposing cut-backs in social security offices, was yesterday welcomed by civil libertarians and the trade unions.

The issue was raised in the Commons by Denis MacShane, Labour MP for Rotherham, who told the Speaker that constituents concerned about the closure of the local Benefits Agency office had come to his surgery. "I was astonished when they gave me a top-level circular threatening disciplinary action or dismissal if they contacted MPs about it"

The circular, from Paul Murphy, personnel and communications director of the agency, spoke of "spate of Press articles" based on internal DSS documents or containing quotes from civil servants expressing dissatisfaction with Benefits Agency policies. "Similar problems have arisen recently as a result of staff seeking

to enlist support for their case ... .. by writing to politicians, pressure groups and other influential institutions", the circular said.

It described these approaches as "misguided", and added: "There should be no doubting the seriousness with which the Agency views this kind of unauthorised activity nor the high risk of disciplinary action it carries."

**"... employees must have an unfettered right to raise 'public or personal' issues with their MP."**

Mr Murphy quoted advice from the agency's chief executive, Peter Mathison, warning such actions would render any officer open to disciplinary action "and may ... lead to dismissal".

Mr MacShane told the Commons: "I believe that Peter Mathison should be made to come to the bar of this House on his knees to apologise for that threat to the right of British citizens to contact their Members of Parliament."

The Speaker replied: "I confirm that

I am strongly of the view that constituents should not be prevented by their employer or anyone else ... from taking matters of public or private concern to their Member of Parliament. The House and all its members are here to represent the people, and we cannot do that properly if people's grievances and complaints are stifled."

Mr MacShane said yesterday: "This landmark ruling puts an end to the growing practice of employers seeking to intimidate their staff by threatening dismissal if they raise workplace problems outside the firm."

Jonathon Cooper, legal director of Liberty, the civil rights group said "We welcome Madam Speaker's ruling. In a democracy, it is vital that you have access to your MP and you are able to speak out."

The Government intends to cut back Benefit Agency offices by 25 per cent over the next three years, shedding several thousand jobs. Civil service unions are fighting the cuts. Chris Kirk, Benefits Agency secretary of the largest union, the CPSA, welcomed the ruling: "Our members should be able to raise the problems about their future with MPs and we will certainly do so."

Peter Lilley, Secretary of State for Social Security, has been asked to withdraw the circular and any others like it. □

## The rhythm of strife

By BILL de MARIA

The reported euthanased deaths of seven intellectually handicapped people at the Woodstock facility in Albury between 1992-1994 and a report on 29 January of two further deaths at a Sydney facility grimly follow a recent Four Corners focus on the institutional care controversy in Queensland, and the exposure of further stories of physical and sexual abuse of intellectually handicapped people at the government-run Challinor Centre in Ipswich.

One of our great sources of shame, and something that future Australians will know and judge us by is our complete failure to protect institutionalised people from grossly negligent care and atrocity. Yes atrocity. Australians continue to be harmed and die at the hands of "carers" in warehouses for the disabled and in psychiatric asylums ("hospitals", "homes", "centres", are euphemisms in this continuing context of violence).

From the deep sleep atrocities at Chelmsford Hospital in the 1970s to the current Woodstock allegations, an utterly pernicious pattern keeps on revealing itself. This pattern, this rhythm of strife,

is predictable, and, excuse the gloom, apparently unstoppable. This pattern appears to have seven elements to it:

- (1) Psychiatric harm and disable abuse continues for many years, perpetrated, or at least witnessed by staff, who in other parts of their contradictory-ridden lives are exemplary citizens .
- (2) Finally, some person, an employee of conscience, or the victim's friend or relative, braves the hostile work culture and makes a disclosure in the public interest. They usually start suffering through organisational recriminations almost immediately.
- (3) Previously indifferent administrations, no longer able to quell the growing tide of evidence of abuse are forced to set up official investigations.
- (4) Perpetrators and their defenders, particularly the lawyers they buy and the professional associations and unions that they belong to, immediately go into cover-up and counter- attack mode.
- (5) Most of these investigations are stacked against complainants and victims, and work backwards to clear the organisation and the culprits within it of

wrongdoing.

(6) Every so often a dedicated and un-intimidated investigator brings the truth out, exposes the atrocities, and recommends sensible and long overdue corrective action to government.

(7) The heat goes out of the issue at the same rate that dust gathers on the investigator's report and it's recommendations. End of story, until a new atrocity emerges and the cycle of violence, denial and token reform starts an over again.

These elements have made up all the known psychiatric atrocities and disabled abuses in Australia in the last 30 years. Take the Chelmsford Hospital example. Under the guise of cutting-edge psychiatry, a private hospital in a leafy upper-class suburb of Sydney was transformed into a living morgue, as hundreds of people were given deep-sleep therapy that had been banned in the USA twenty years before. It is hard to grasp the extent of the damage done to these peoples' lives. Numerous allega-

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## Suppression an art form practised by the powerful

*Suppression Stories* by Brian Martin. Fund for Intellectual Dissent, University of Wollongong. 171 pp, \$20 (\$12 for low-income earners). The book is available from Box 129, University of Wollongong, Wollongong, NSW 2500, or on the Internet at <http://www.uow.edu.au/arts/sts/bmartin/dissent/documents/>

*Norman Abjorensen is discomfited by a book born in Canberra and finds that freedom is significantly qualified.*

Suppression is a disturbing word in a society that considers itself open; it is the stuff of dictatorships.

Alas, dictatorships – or, at any rate, potential dictatorships – abound: they are to be found in universities, the bureaucracy, the media, the churches, the corporate sector; wherever power is exercised.

The art of suppression – and, indeed, it is a highly developed art form – is not always brutal in its application (although it can be and often is).

It can be applied with expert subtlety; a nod and a wink, an adverse report a quiet word dropped in a receptive ear.

Suppression is a weapon used by powerful, entrenched interests against those who dare to dissent or even question. It is by no means unknown in Canberra.

Brian Martin is probably the world's foremost expert on suppression, and it all began here.

Now, he has written a book about it; an uneasy, discomfiting, niggling sort of book that worms its way into your consciousness like the half-forgotten nightmare that suddenly comes back in full at midday.

This is the stuff of Kafka – but, sadly, it is not fiction. Suppression, he warns is everywhere.

None of us is as free as we like to think. So long as we live and work within the bounds of orthodoxy, we are in; but step outside the mainstream and the climate changes abruptly, the veneer falls away.

You have only to glance at the fate of whistle blowers and dissidents who are harassed, ostracised, intimidated, reprimanded, transferred, censored, gagged and dismissed. Our freedom is significantly qualified.

Marcuse, as long ago as 1964, observed in *One-Dimensional Man* that the organisation of industrial society tends towards the totalitarian, a term he expanded to include “a non-terroristic economic-technical coordination (of society) which operates through the manipulation of needs by vested interests”.

That, precisely, is the suppression addressed by Dr Martin.

The co-editor of the ground breaking *Intellectual Suppression* (1986), Martin has established himself as an international authority on suppression, all the more remarkable for its being done as a sideline to his paid work as a social scientist at

the University of Wollongong.

He has now detailed his work in the field with case studies that make grim reading: he has also written sound advice to those inclined to fight the system that suppresses.

In Canberra, and at the Australian National University in particular, Martin is revered as a hero by some, and regarded as an accursed troublemaker by others. Trouble he most certainly made.

Armed with a PhD in theoretical physics from Sydney University, he arrived in Canberra in 1976 after a year of unemployment, and was hired as a research assistant in the Centre for Resource and Environment Studies.

As a newcomer he was struck by the dominant orthodoxies that prevailed, relieved by only a few pockets of innovation which he sought out, notably the Human Sciences Program – an experimental multi-disciplinary program that delved into both the dynamics of society and the dynamics of the psyche.

“The Human Sciences Program was a threat to some traditional academics not so much for what it taught but because of what it was in organisational terms,” writes Martin. To the conventional mind, it trespassed on closely guarded territory.

The jealous guards hit back: Jeremy Evans, a senior lecturer in the program, was up for tenure in 1979, and the reappointments committee recommended against it, unusual at the time.

His crime? He had broken out of the traditional disciplinary background and championed interdisciplinary studies – environmental studies, very broadly interpreted – when universities were only just coming to terms with these issues, Martin writes.

There began a campaign, a good deal of which was conducted in the news pages and the letters page of this newspaper. Evans subsequently won.

It might have stood as an isolated case but for the intervention of John Hookey, who had taught in the Law Faculty at the ANU, pioneering the teaching of environmental and resource law in the early 1970's.

Hookey was an ardent supporter of Aboriginal land rights, and wrote a stinging critique of a prominent judge's decision in a land-rights matter and appeared as junior counsel in a High Court case on Papuan land rights.

For his troubles, Hookey came in one day to find a note on his desk from the Dean of Law advising him that he was unlikely to be recommended for tenure. Hookey then took another job, but when he read about Evans he had a feeling of déjà vu and contacted Evans.

“There were a number of similarities between Hookey and Evans. Each of them had undertaken innovative teaching in the environmental area. Each of them had a respectable research and teaching record. And each of them was threatened with denial of tenure,” Martin writes.

Pondering the similarities led Martin into further investigation in which he uncovered a larger picture of suppression of environment scholarship in Australia, extending into other universities and the CSIRO.

“What was behind all this?” he asks. “one factor was the hostility to environmentalism which, in the early 1970's, was seen as a dangerous practice to prevailing practices.” It was an intellectual environment in which Galileo would have felt at home.

But suppression, while readily apparent, is hard to prove. No administrator ever says to victim: “We dismissed you because you were exercising your academic freedom in a way we didn't like”. A justification is always found. In suppression cases, Martin says “Everyone is sincere – at last that has always been my working hypothesis”.

The experience at the ANU shaped a crusader, and Martin set about gathering an impressive dossier on suppression in numerous fields – pesticides, nuclear research, fluoridation and so on. A familiar pattern showed up in all of them: vested interests sensed a threat.

A pattern of suppression was replicated: there had to be vested interests and they had to have power that could be used against dissidents.

The threat of defamation is always present, and those under attack from dissidents are not slow to threaten legal action, as Martin has found.

Defamation law, he writes, merely undermines the search for truth and ... results in greater misrepresentation in the long run”.

The weapon of suppression can take many seemingly innocuous forms: one is the process of peer review for academic publishing and promotion. Although its rationale is quality control, the process can easily be used – and often is – to suppress dissent.

Just how widespread suppression is – and Martin is often asked – is difficult to establish, but it is much more prevalent than people realise. He suspects there is even suppression about the incidence of suppression.

May there always be trouble-makers with the diligence and persistence of Brian Martin. Our tenuous and fragile liberty depends on it. □

tions were met with numerous cover-ups. A Royal Commission, and a Supreme Court case never got within cooe of punishing the perpetrators. The process simply went into deep sleep itself, ready to be activated at the next atrocity. We did not have to wait too long for that. The worst psychiatric atrocity in Australia since colonial times was unfolding it's sick shape in Townsville at Ward 10B. The Carter Inquiry, established despite an enormous amount of official opposition, concluded that 65 Queenslander's who had been in Ward 10B "died in circumstances that justified close investigation". Well there was no "close" investigation, no charges laid, and worse, some of the key players went onto bigger and better things in their careers. To its everlasting discredit the Commonwealth Administrative Appeals Tribunal opened its arms to a senior psychiatrist adversely mentioned in the Carter Inquiry, and gave this man a no-questions asked position with high status and remuneration. The play of power when it comes to the cover-up of psychiatric atrocity and disable abuse has got to be seen to be believed. All that remains now are the sixty five headstones.

The chilling aspect of these atrocities is that card-carrying members of professional associations; the Royal Australian and New Zealand College of Psychiatrists, the Australian Psychological Society, the Queensland Nurses Union, the Australian Association of Social Workers, and others, hear and see evil Some even participated in it. Yet no one comes forward until the damage has been well and truly done.

The Carter Inquiry, an exemplary investigation, promoted a short period of community rage. The government of the day matched this with wild promises of reform. When Brian Burdekin came to Townsville as part of the Human Rights and Equal Opportunity Commission's national inquiry into mental health he received similar assurance. Carter reported in February 1991, yet a national audit done last December and January of the state's 75 mental health services found that none were meeting all the minimum standards established after Ward 10B, and 20 services had not put any of the minimum standards into place. This scandalous state of affairs mocks Carter's conclusion;

The primary lesson to be learned from the findings of this Commission of Inquiry is that what happened in Ward 10B must never be allowed to be repeated ... Some naive people also thought that it could never happen again. Little did they know that the Basil Stafford atrocity was just warming up. A whistleblower-stimulated Criminal Justice Commission inquiry by New South Wales judge Mr Justice Stewart generated 6000 pages of transcript and concluded that there were residential care officers at the centre who were in Stewart's

view " ... a disgrace to the human race". Among other crimes a 22 year old female with the mental age of a 5 year old and suffering from microcephaly was raped by her carer, became pregnant and gave birth to a baby also with microcephaly. All the elements that I have spoken about above came into play, aggressive union defences of perpetrators, obstructionist tactics by lawyers, hollow gestures of reform, and buck-passing. In a pre-emptive move the government closed the Basil Stafford Centre before Stewart reported and re-opened it sometime after the inquiry finished. Mr. Justice Stewart returned to Brisbane recently for a seminar at Griffith University where he expressed his complete disappointment at the lack of official response to his recommendations.

There is nothing peculiar about Queensland here. Psychiatric violence and disable abuse and neglect is, like the gum leaf and the kangaroo, part of Australia. In a report tabled in the Western Australian Parliament in September last year it was revealed that medical staff, including at least one doctor, had sexually abused teenage patients at the Hillview Psychiatric Hospital and had for over ten years plied them with drugs and alcohol. Then there was the Kew Cottage fires in Melbourne last year where handicapped people lost their lives amidst un-rebuttable allegations of neglect. A NSW Department of Community Services inquiry in March last year found that in the 12 months to September 1995 one hundred and sixty one cases of sexual and physical assault occurred at the intellectually handicapped centre on Peat Island in the Hawkesbury River just north of Sydney. No culprits, no corrective action; same old story.

This is the rhythm of strife. It will continue until radical changes are made to the investigative system. We need a national standing royal commission with coercive powers to investigate allegations of abuse, and to implement it's own recommendations. The police, or a Health Rights Commission, or an Ombudsman, can at times competently investigate abuse, but they do not have the mandate to implement findings. That is one of the big problems. Implementation often fans between departmental mandates and vanishes forever. The implementation process with respect to the recommendations of the Royal Commission into Aboriginal Deaths in Custody is a good model to follow here because the process was strong and utterly committed to reform.

Next we must make these investigation and implementation processes lawyer, union, and professional association-free zones. To often these processes are pushed around by money and derailed by judicial over-sensitivity to the rights of perpetrators. Investigations into allegations of abuse must be public from the outset. People must be named

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## WBA contacts and meeting details

### Australian Capital Territory

- ☐ Shane Carroll 06 231 2498.

### New South Wales

#### Central West (Forbes, Orange, etc)

- ☐ Dick Lodge (068) 51 1593.

#### Goulburn

- ☐ Rob Cumming: 018 483 155.

#### Sydney

All meetings at the Presbyterian Church Hall, 7A Campbell St, Balmain.

- ☐ General meetings are held on the first Sunday of each month beginning at 1.30 p.m., preceded by eats (e.g. sausage sizzle) at 12.30 p.m., and followed by coffee and bikkies etc.

- ☐ Sharing and Caring meetings are held every Tuesday beginning at 7.00 p.m.

- ☐ President: Cynthia Kardell, 9484 6895 or 9365 1223.

- ☐ NSW Committee e-mail address: 100254.1467@compuserve.com

#### Wollongong

- ☐ Brian Martin: 042 213 763.

### Northern Territory

- ☐ Phillip Nitschke 089 322 500.

#### Queensland

- ☐ General meetings of the Whistleblowers Action Group (which has strong links with WBA) are held on the first Tuesday of each month commencing at 7.30pm.

- ☐ Greg McMahon, (07) 3378 7232 a/h

### South Australia

- ☐ Jack King 08 8278 7853.

### Tasmania

- ☐ Meetings are held in Hobart the first Sunday of each month at 1.00 p.m.

- ☐ Isla McGregor 002 391 652.

### Victoria

- ☐ Meetings on the first Wednesday of each month at the Unitarian Church, 101 Grey St, East Melbourne, beginning at 7.30 p.m. Contact Peter McCartney, 018 171714.

- ☐ Mick Skrijel, 018 366 480. ☐

# Whistleblowers – obsessive individuals or heroes?

*Whistleblowers*, By Quentin Dempster, ABC Books, rrp \$16.95 (Also available from Whistleblowers, PO Box M44, Marrickville NSW 2204)

This is one of the many controversial questions that Quentin Dempster tackles rigorously in his authoritative study *Whistleblowers*, to be published by ABC Books on 9 May 1997.

Whistleblowers – those people who decide that enough is enough and that they must speak out. But what motivates them? What do they do to expose an issue? How do they deal with their employer? What are the results – for both employer and individual? And what does it show the rest of the community?

In *Whistleblowers*, Quentin Dempster has profiled ten Australians who have faced moral and ethical dilemmas and, through a variety of circumstance, have become whistleblowers. Their stories are a guide, a warning and an inspiration to those of us who might have to face similar dilemmas.

Quentin gives a background to the issues and the individuals involved. He shows the price that individuals have paid for their efforts – but also looks at how companies or institutions could react so, long term, the public interest may be better served.

*Whistleblowers* describes how some have fared through the conflict as well as the tactics and methods employed against them, to defend the right to have the truth of situation made public against sometimes overwhelmingly powerful forces. They have a unique place in our history. On many occasions they have been agents for change – even if they did not know it at the time. *Whistleblowers* cannot cover all those deserving cases but in recognising the few, Quentin hopes to acknowledge the existence of all other genuine whistleblowers.

## Summary of whistleblowers

**DR Robert Savory (NT)** – confronted BHP's manganese subsidiary on Groote Eylandt. He was not embraced by the company after his warnings of massive fuel leaks had been vindicated. His efforts eventually received only grudging acknowledgement. Savory was saved from hopelessness and unemployment by a government department in another jurisdiction after media exposure of his plight. As he said, it was hard to get a job after you had been sacked by the biggest company in Australia.

**Tim Visscher (WA)** – the second mate aboard the Griffin Ventur, is still with BHP Petroleum but in employment limbo. It is almost as if the company does not know what to do with him although, again, there has been acknowledgement of his safety concerns.

**Bill Bolitho (VIC)** – it remains doubtful if the former chairman of ANL will ever be offered another government board appointment after he publicly

exposed the wrecking of the value of the national shipping line by political and bureaucratic incompetence. He may not want one – but would any government offer?

**John Mc Lennan (QLD/NSW)** – the Westpac whistleblower remains in demand as a consultant for aggrieved bank customers. His experience and qualifications would equip him for a return to the inside of the banking system but he is certain not to be asked.

**Helen James (ACT)** – a senior official within the Civil Aviation Authority, has returned to academic work after she exposed a mentality of cover-up and damage control in a regulator whose primary duty was to guard the safety of the travelling public. After internal ostracism her ultimate act was to do the corporately unthinkable – go public. Instead of being acclaimed as a protector of public safety she was formally charged with disloyalty and, except for political intervention following publicity, would have been robbed of her accumulated work entitlements. Her prospects of returning to an operational role will only rest with the judgment of an enlightened employer.

**Elizabeth O'Brien (NSW)** – became an urban activist when she realized that authorities meant to oversee public health were not effectively doing so. Whilst the children of Australia were in grave danger of intellectual impairment through lead fallout she had to organise, infiltrate or confront the authorities in spite of the fact that they had access to all available scientific information. Her whistleblowing was met with patronising remarks about her emotive reaction concerning her own child and her alleged economic ignorance. She is rarely asked to speak to industry bodies to give her invaluable insights into the health risks of lead fallout.

**Alwyn Johnson (TAS)** – the senior Tasmanian banker has paid a high price for having alerted the State's political masters to a bank out of control. He has not been able to return to his field of expertise – a personal and industry tragedy when one considers that prudent judgment should be foremost in the minds of banking leaders, financiers and government.

**Jim Leggate (QLD)** – was eventually forced to accept a job outside mining where he had been an aggravated thorn in the side of a bureaucracy which refused to enforce its own legislation. Leggate's experience is indicative of the contempt which can be shown by a regulatory regime to laws enacted by Parliament. Only the Parliament could confront that contempt but its members

(Continued from page 15)

and made to account for themselves. No confidential reports should be made. Carter sent such a report to the government after his Ward 10B inquiry. We are entitled to know what was in that report. We are also entitled to know now exactly what the Health Rights Commission found at Baillic-Henderson Hospital in Toowoomba.

We should also consider sector penalties. If an investigation finds that a culture of violence exists in an agency which has a duty of care to emotionally troubled or handicapped people, then as well as punishing the perpetrators, management should be penalised. This could take the form of a fixed and reviewable cut to the chief executive's remuneration package and a fixed and reviewable punitive cut in the departmental budget. Such a cut would avoid sacking staff and reducing services.

In the meantime the NSW Department of Community Services and the NSW Police starts to turn their attention to the Woodstock Residential "Service" in Lavington, Albury. DOCS and the police have been the object of numerous allegations of corruption and incompetence for as long as I can remember. Why should we trust their interventions now? We should mark our diaries now to remind us to ask the question in 12 months time; "What Happened about Woodstock"?

As the DOCS and police inquiries proceed to their dust-collecting finality, new allegations will emerge. Where? That is uncertain. What is certain is that they will emerge. The rhythm of strife; how violent, how Australian. □

*Dr William de Maria is in the Department of Social Work and Social Policy at the University of Queensland.*

refused to stand by its enacted laws or to change them and instead opted for rhetorical and ultimately empty assurance.

**DR Phil Nitschke (NT)** – a young, irreverent medico, simply wanted to point out that nuclear preparedness had to be taken seriously. His insistence and activism divided the community, producing personal smear of his character and more serious consequences. Eventually he had to leave the hospital. If being a team player means that you have to keep your mouth shut and do what you are told rather than contributing to the team's efforts to solve problems, there was no place in such a team for Nitschke.

**Phil Vardy (NSW)** – suffered the fate of most whistleblowers – loss of the work he loved and crushing personal pressure as a consequence of accusations he felt morally obliged to make. Although he was vindicated by an aggravated process of exposure and inquiry which took years nothing will restore to him the loss of idealism, trust and hope in science's search for the truth. □



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**Chairs of State branches are also on the Committee.** □

## Ten ways to kill off an activist movement (From *The State Advocacy*, No. 27, Winter 1996)

Some guidelines to correct behaviour for those thinking of getting involved in the activist movement.

### 1. Panic

The world is coming to an end. If not today, then certainly by next week. Anybody who isn't running around like a chicken with its head cut off just isn't pulling their weight. Of course, there's no time for proper planning or democracy or things like that in times of crisis, so, for the sake of the planet, shut up and get to work.

### 2. Know your elders and betters

Look, we appreciate your ideas, but we've been doing this sort of thing for a long time. There are certain ways of doing things and that's just the way things are. When you've had a few years experience working in groups that never get anywhere, maybe we'll be prepared to listen to you, until then, just do as you're told.

### 3. Play it safe

Don't demand anything too radical. Remember, most of the population aren't nice, educated liberals like us. Don't alienate them by demanding anything that goes further than a Labour Party policy document. In fact, just to be on the safe side, ensure your demands are limited to keeping things the way they already are. That'll bring in public support for sure.

### 4. Fear the public

Most people out there are racist, sexist, right-wing rednecks. Don't trust anybody outside the movement. Remember everyone hates communist stirrers like us, so keep your head down. The best thing is to keep your activism confined to the university campus where you can be sure most people are middle class. Of course know your group exist, it also

means most of the population won't know your group exists, but, hey, you can't have everything.

### 5. Never, ever, let a group set out its political agenda clearly

Look, we all know why we are here, don't we? There's no need to waste time putting it down on paper, besides, we're all united on these issues and nobody's going to trample over anyone else are they? Heh, heh, heh ...

### 6. Talk a lot about consensus and democracy, but for heaven's sake, don't practice it

Never forget that you have everything figured out and other people are just trying to stuff things up. Avoid meetings, make decisions by yourself, or when it's just you and a few mates around. If meetings are inevitable, dominate them. Talk loudly and don't let other people get a word in. If criticised for this, look hurt and talk (at length) about how much these issues mean to you.

Offer to facilitate, then use the position to push your own views forward. If you look likely to lose a point, cut debate short by pointing out that time is getting on and move on to the next agenda item.

Leave the meeting early (promote your carefully contrived image as a martyr to the cause by mentioning that you have two other meetings to go to that night) and never help to clear up the coffee cups.

### 7. Criticise the group for everything it isn't doing

Continually point out the group's insensitivity to issues it isn't concerned with. Get people to work on every issue you can think of at the same time, while

continually predicting doom and gloom. Once everyone realises how hopeless everything is, they will, of course, redouble their efforts.

### 8. Appoint a paid coordinator (or two or three)

Ideally, this will result in one poorly paid person being expected to cope with the work previously done by a large group of volunteers, while at the same time wasting most of their time coping with the sort of useless people that wander into the offices of activist groups wanting to rave for hours about their paranoid conspiracy theories, make personal attacks on the coordinator for not having saved the world yet, or demanding help with some photocopying. In the longer term, a paid elite can create a rift between themselves and the volunteers expected to work for nothing.

### 9. Spend most of your time lobbying MPs

Even if parliament does decide to put a watered down version of your demands into law, you can be sure that the MPs concerned will grab all the credit and point to it as an example of our free and democratic system. Your groups support will vanish as everyone thinks the job has been done, even when the changes are mostly cosmetic. Regardless of whether you win or lose, none of the activists involved will feel any sense of empowerment, so not lasting changes in society will take place.

### 10. Make everyone else feel guilty

Any criticism directed at your policies can be countered by getting really upset. These people are out to destroy your movement – the movement that you have sweated blood to build out of nothing. Some don't even appreciate your dedication ... □

## Opposition seeks whistleblower costs

(The Adocate 23.04.97)

The Opposition wants to know how much the State Government spent to reach an out of court settlement with a whistleblower within the Department of Primary Industry and Fisheries.

The settlement, announced last week, brought to an end a four year saga for veterinary pathologist Dr David Obendorf, who had been on workers compensation for two and half years due to stress and ill-health.

Opposition justice spokeswoman Judy Jackson has placed on notice a question of how much it has cost the Government to settle the case.

Isla McGregor, of Whistleblowers Australia (Tasmania) said costs including legal and health fees, workers compensation and a redundancy package could total \$500,000 or more.

**"Why should public servants have to give up their citizenship rights?"**

In 1992 Dr Obendorf raised concerns about the breakdown of public veterinary services, saying governments were concerned more about generating money than providing disease monitoring in livestock.

He was removed from his post at the Launceston laboratory of the DPIF and with no explanation sent to Hobart and later ask to Launceston.

There his office contained no telephone, computer or filing cabinet, a chair with broken castors and a light with no bulb.

In 1995, 50 DPIF employees signed a letter condemning the disciplinary action taken by the department against Dr Obendorf.

Next week Mrs Jackson's Public Interest Disclosure Bill is to be debated in Parliament. She said huge amounts of money were being wasted in administration and maladministration in both the private and public sectors.

"People who come forward and expose these wastes are being affected in such a way they will never be the same again, people like Dr Obendorf and Trish Mobb, of King Island," Mrs Jackson said.

"Most people keep quiet because they fear the loss of their jobs".

Dr Obendorf said yesterday the past four years had been about allowing professionals in the Public Service the freedom to alert governments about flawed policies by telling the truth in the public interest.

"Freedom of speech is a civil liberty Australians take for granted. Why should public servants have to give up their citizenship rights?" he asked. □

## Pigs do fly!

### Whistleblower gets an apology

Mr S Karpinski  
Spring Valley  
via Frogmore  
NSW 2586

Dear Mr Karpinski

I refer to the draft report on the investigations by the NSW Ombudsman about the conduct of the former Department of Conservation and Land Management (CALM) in relation to the administration of grants under the National Landcare Program.

I wish to acknowledge that:

- \* the investigation by CALM of your initial complaints about possible impropriety in the funding application under the National Landcare Program for a project at "Allendale" dated 19 March 1992, and compliance with the terms of the funding agreement, was less than adequate;
- \* there was prima facie evidence to warrant a more extensive inquiry by CALM at the time; and
- \* the allegations made to CALM by you raised issues of public interest concerning the proper administration of landcare grants.

I also wish to formally apologize to you for the above and advise that, in accordance with the Ombudsman's recommendations, the Department has already undertaken steps to correct procedures which gave rise to the problems that occurred and is taking steps to implement other recommendations of the Ombudsman with some modifications.

Yours sincerely  
Bob Smith  
Director General  
Land & Water Conservation  
2.04.97

## BOOK REVIEWS

### I protest! Fighting for Your Rights - a practical guide

By Phil Thorton, Liam Phelan & Bill McKeown (100 pages, \$16.95)

What's bugging you?

A proposed new freeway through our suburb; plans for a mega-tip near your home; our local school might be closing down? You don't want to sit back and let it happen, but what can you do?

I Protest! is a step-by-step guide to making your protest effective - whether you are fighting on your own, with others or with an organized group. Drawing from the experience of people who have successfully had their protests heard, the book includes ideas for dealing with the media, writing letters that get noticed, planning strategic campaigns and organizing effective action committees. It also includes a directory of national contacts and resources.

By inspired by the Quit smoking campaign, Greenpeace, Amnesty International, BUGAUP, the gun control lobby, Aboriginal land rights protesters and other everyday Australians who have lodged their protests and got results.

The authors are journalists who have years of experience in taking action on a range of issues from quit smoking to workplace rights. □

### Working the System - a guide for citizens, consumers and communities

Written by The Public Interest Advocacy Centre (110 pages, \$19.95)

Working the System - A Guide For Citizens, Consumers and Communities is about negotiating your way through the bureaucratic, legal and parliamentary maze.

Whether you want to speak up on behalf of you children, preserve the environment, challenge discrimination or find out why your pension has been cut off - this guide is for you. It tells you how to get information, get heard and get what you want. So don't let the system get you down. Case studies and interviews with successful advocates will give you plenty of ideas for effectively taking action. □

### The Human Costs of Managerialism - advocating the recovery of humanity

Edited by Stuart Rees and Gordon Rodler (230 pages, \$29.95)

This highly successful book articulates what many of us suspected - that behind the mask of an apparently benign and seemingly rational search for 'efficiency' lies the unsavoury face of capitalism. □

# Anti-porn firm silences Net critic

By Kurt Kleiner - Washington DC (*New Scientist* 4.01.97)

[Washington DC]

A company that sells a computer program to parents who want to prevent their children stumbling on pornographic Internet sites last month added another address to its list of blocked sites.

This site however, is run not by a pornographer but by a teenage critic who has mounted a campaign against the company, arguing that it blocks many sites that are not obscene.

Solid Oak Software, based in Santa Barbara, California, distributes a program called Cybersitter, used by about a million people around the world. Cybersitter maintains a list of Web sites and Internet newsgroups which it prevents access to, most dealing with pornography.

During the debate last year in the US about whether the government should censor the Internet, free speech activists backed the software companies which offer filtering. Both argued that such products meant that there was not need for the government to get involved.

But the free-speech lobby has begun to question the blocking criteria used by some software firms. Most will not provide a list of the sites that they block, arguing that this is proprietary information.

Bennett Haselton, a student at Van-

*"Information is the lynch-pin of the political process, knowledge is quite literally power. If the public is not informed, it can not take part in the political process with any real effect."*

*Tony Fitzgerald, Queensland's Royal Commissioner.*

derbilt University in Nashville says Solid Oak blocks sites that deal with feminist or gay issues such as the Web page of the National Organization for Women. Solid Oak maintains that these sites provide access to material with a sexual content.

Soon after Haselton posted his criticisms on an anti-censorship Web site he runs at <http://www.peacefire.org>, this site was added to Cybersitter's censored list. The action, says Haselton, is a perfect example of what he objects to. "This is crazy," he says. Solid Oak, however, says that the company blocked Haselton's site because it contains information that could help children to evade Cybersitter's controls - a charge that Haselton denies.

Solid Oak also claims that Haselton has breached its copyright. "This has nothing to do with him expressing his view," says Marc Kanter, director of marketing. Both allegations relate to a link provided from Haselton's site to an article called 'Keys to the Kingdom' which was originally published by the online newsletter CYBERWIRE DISPATCH. The article includes a list of words and phrases Cybersitter blocks out. □

## LETTER TO THE EDITOR

RE: Article entitled "Child sex abuse now a plague" - *Daily Telegraph* 14.4.1997

Dear Editor

One in four female children and one in eight male children are victims of sexual assault (known as paedophilia) in this alleged to be democratic society based on 'religious' identification in some form.

Some alleged experts even claim that young males benefit from sexual contact with an older male and even enjoy such contact. To MY mind NO excuse is valid for what I seem to be 'exploitation' of the young (of either sexual gender) by older more experienced but sexually deviant males (in the vast majority of instances) whose intent/objectives have nothing to do with respect, love or passionate concern for any other person other than sexual self-appeasement and/or self-grandisement sexually as otherwise.

Any child (like other adults) can most certainly learn 'without' any involvement in sexuality experiences/expression that exploits,

uses and abuses the human right legally as other wise to BE until old enough/mature to be able to make 'informed and responsible' decisions for oneself.

If/when ANY in particular female politician/professional is attacked by her own party and/or colloquies for being ethical and caring enough about the legal, social and personal human rights of ALL sexual assault 'victims' then, it is long overdue that the Australian Constitution commences to incorporate 'individual' legal and human rights within ALL AREAS of life within stated constitution to 'enforce' such rights equally within the male-dominated political, legal, medical/health, educational, policing and bureaucratic SELF regulatory monopolies within Australia.

NSW 'Whistleblowers' know exactly what is meant by the above as do so many past victims of both child and adult sexual criminal victimisation and abuse.

ROSE HYLTON RN

The claim that untold benefits will emerge if we participate in a system that treats everyone and everything as a product for sale or purchase is countered by the increasing evidence of the human and environmental costs of such behaviour.

The authors conclude that the sensible use of modern technology together with wisdom from the past and an understanding about the fragile and diminishing riches of the earth could still realise a better world.

*The Human Costs of Managerialism* examines the costs of managerialism in a variety of contexts such as welfare, health, local government, finance, sport, workplace management, research institutes, academia and the media.

The contributors come from a wide range of disciplines. The editors work at the University of Sydney's Centre for Peace and Conflict Studies. □

# Wake us up when the scandal's over, will you?

(The Sydney Morning Herald, 22.05.1986)

By Colin Howard who asks why the Australian public remains lethargic when the evidence of corruption in high places and organised crime is so overwhelming.

They say a nation gets the politicians it deserves. An Australian sentiment which crosses party lines is that by and large our politicians are not worth much.

But it is no use carrying on about the quality of our politicians without asking how it is that in a country which produces large numbers of talented, enlightened and conscientious people we finish up with parliaments and governments whose members usually exhibit none of these characteristics.

It must have something to do with our national attitude to public affairs. Consider the drama which has been unfolding for the past two and half years or so, the case of what the NSW police call the Age tapes, The Age calls the NSW police tapes and The National Times apparently calls the National Times-Age tapes.

It has been public knowledge from the moment their existence was revealed that they disclose an extremely menacing Australian problem of ruthlessly organised crime which produces astronomical profits for its controlling practitioners, whose edicts are enforced by corruption, murder, bashing and any other method which seems likely to work.

It has been equally clear for a long time that the power of these crime rings reaches into very high places, although as yet, owing to our highly protective laws of defamation it is safe to name names only in the cases of a few very small fry.

One might have thought, to put it very mildly that a society with a minimal sense of self-preservation, faced with such revelations, would long since have imposed an irresistible pressure of public opinion upon governments to do something and do it fast, on pain of being thrown out of office if they failed to respond.

Nothing of the kind has happened.

When the muck first hit the fan the political response was simply to deny the authenticity of the tapes. It is improbable that most Australians ever believed any such thing. The Age maintained from the outset that it had ample ground for believing the tapes to be authentic, a position which has never

been shaken in the slightest degree and which has now been verified beyond doubt.

Yet of well over two years public opinion has appeared to be largely unconcerned about the fact that the Governments OF Australia and of NSW in particular have failed to take any effective action to get at the substance of what is on the tapes. On the contrary, the Federal Governments has in the meantime brought the only organisation which looked likely to get anywhere, the Costigan Royal Commission, to an abrupt halt, an outrageous decision which was once again greeted with widespread public indifference.

Governmental assertions, in the face of all probability, that the tapes were not genuine and that the Costigan Royal Commission was not an appropriate organisation to pursue further inquiries were, among other things, a crude insult to the intelligence of any sensible citizen. Yet hardly anyone seemed to care. The general attitude seemed to be that because it was only politicians saying these things, they were not worth listening to.

The net result is extraordinarily disturbing. The tapes, particularly taken together with the devastating information emerging from the Costigan Royal Commission, revealed the greatest internal menace to the well-being of this country that it has ever had to confront.

The drug disaster is only part of the problem. The deeper threat is serious corruption in government and law enforcement.

This is an issue which if raised in, for eg, America, it would mean rapid retribution at the hands of the electorate, instant and searching inquiries by congressional committees and every kind of rally round in defence of the public weal.

Yet in Australia we are not even at the point of acknowledging that we ought to feel indignant. So much so indeed that the governments of Australia and NSW were able at one stage to make mileage with the incredible argument that illegal, but anti-crime, telephone tapping by a section of the NSW Police Force, which acted secretly and with-

out authority because it did not trust senior members of its own force, was more serious than the wholesale criminal activities which were being brought to light. Even this assertion which no one in public life anywhere ought to have been allowed to get away with, aroused no discernible public unease.

The only issue of any size which has been pursued has been the bizarre fate of Justice Murphy, and even that has gone on its dismal way in spite of the two governments concerned and not because of them. And even there, although there has been a certain amount of public interest, much of the debate has not been about whether Lionel Murphy has emerged as a person fit to continue in judicial office. It has been a soap opera on the theme of the gutsy battler.

In all seriousness one asks oneself, what is the matter with this country? How is it that enormous issues of crime corruption and misuse of power and influence can arise all around us, and be contemptuously shrugged off by our political leaders, without public opinion getting in the least bothered about it?

Maybe it has something to do with the fact that Australia has never had to survive a severe national crisis. No civil war, no emergence from conquest or repressive dictatorship, no coping with over-population and economic poverty, nothing which might nurture a national capacity to distinguish between the things that matter and things that do not. Because by the world's standards we have nearly always had it easy, perhaps we are now no longer capable of believing that public affairs matter, that the quality, attitudes and behaviour of those to whom we entrust power actually do, in the end, affect what we have a right to expect from life.

In the long run the most depressing piece of information conveyed by the Age tapes may turn out to have been exactly that: that we really do not care what standards of conduct are observed in public life.

If so, we are indeed getting the politicians we deserve. □

Colin Howard is Hearn Professor of Law in

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