

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

# The Whistle

Newsletter of Whistleblowers Australia Inc.

Issue No. 2/2000, June 2000.

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## Public Servants Beware! Negotiation is often unprincipled & unethical.

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**CONTRIBUTIONS PLEASE.** Articles, letters cartoons or illustrations dealing with any aspect of whistleblowing will be considered for publication, subject to editing. Address material to: The Editor, *The Whistle*, WBA, 7-A Campbell St, Balmain NSW 2041. Please submit material on diskette in ASCII format &/or M/S Word 7.0 or earlier version, plus hard copy.

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**Media Release 18/2/00: Senator John Faulkner, Leader of the Opposition in the Senate, Shadow Minister for Public Administration & Government Services, Shadow Minister for Olympic Co-ordination & the Centenary of Federation.**

### PUBLIC SERVANTS BEWARE

Today in a Senate *Committee* hearing on Public Service employment matters I asked a series of questions on a Negotiating Manual published by Work-place Partners, pail of the Department of Employment, Workplace Relations and Small Business.

The manual sets out strategies to be used against Commonwealth Public Servants in current and future workplace agreement negotiations.

These instructions are absolutely outrageous and in my view completely contrary to the Values and Code of Conduct in the new Public Service Act.

Tactics recommended include:

- Make false demands
- Associate the other party with some unsavoury connection
- Lowballing/highballing, and
- Make threats

I believe this manual is in clear breach of the Public Service Code of Conduct, in particular:

- An APS employee must behave honestly and with integrity in the course of APS employment.
- An APS employee, when acting in the course of APS employment, must treat everyone with respect and courtesy, and without harassment.

The Minister for the Public Service, Dr Kemp must withdraw this disgraceful document and ensure it is rewritten in the spirit of the new Public Service Act.

In the meantime public servants beware!

**Workplace Partners Partnering for High Performance:** Participants' Manual: ARPANSA Agreement Making 30 June 1999

### **What Do We Mean By Workplace Relations?**

The Federal Government's Workplace *Relations* Act 1996 changed the way industrial relations is conducted in this country. A key spin-off from the Act is the appreciation that the term industrial relations reflects the historical adversarial system which we adopted from the early part of this century There is a general recognition that industrial relations equates with industrial action and conflict Most *people would agree that* we need to conduct our relationships at work in a harmonious manner.

A key principle which underpins the *Workplace Relations Act 1996* is ensuring that the primary responsibility for determining matters in the workplace

rests directly with the employer and employees in the workplace or enterprise level. *Third p" intervention from tribunals and institutions can still be accessed if required, but the focal point of our new system rests mainly with the employer and its employees. In other words, we have moved towards workplace or employee relations.*

In his guide to the Victorian Employee Relations Act 1992, Graeme Watson offers the following as a definition of employee relations:

**" ... employee relations assumes that employers and employees have much more in common than they have differences. In this world, the approach should be the provision of a legislative framework that establishes a well understood process in which relationships at work are determined. Within that framework, employee relations would cover all aspects of the relationship between people working together".**

A distinctive feature of the Australian approach to workplace relations has been the system of third-party intervention through a wide range of industrial tribunals set up by both Federal and State governments. These tribunals have traditionally provided a forum for trade unions, employers and governments to pursue their respective and/or mutual goals.

*With the advent of the Workplace Relations Act 1996, the role of the tribunals has been redefined, with greater emphasis being placed on the individual parties resolving issues at workplace level.*

### **Negotiation Tactics**

The outcome of *negotiation* depends not only on the relative strengths of the parties, but also on their perceived strengths, and these can be significantly affected by the negotiator's choice of tactics.

Tactics should not be confused with grand strategy, or the overall plan of approach to a negotiation. Rather,

negotiation tactics are a component of strategy. They fine-tune mechanisms which assist the implementation of strategy; they help provide the leverage necessary to accomplish negotiation objectives.

Used effectively, on a timely basis, the correctly chosen tactic can be a major source of power. But if they are used poorly, they become counterproductive.

Negotiation tactics have two main purposes:

- (a) to change the other party's position by proving that other party's case has lower value, and.
- (b) to resist change to your own position

In resisting change to your position, always ask:

- What is other party attempting to do?
- What tactic is being used?

Note. Once the negotiation tactics being used are perceived by the other Party, they lose their power.

*The tactics listed in this manual are examples of some of the main tactics that have been found to be effective in negotiation. The listing is not an exhaustive one, nor is it meant to be an endorsement of all the tactics included. Some may be regarded as being ethically dubious. However, it is important to be able to recognise a particular tactic (ethical or otherwise) when it is being used, in order to counter it successfully.*

For ease of reference, negotiation tactics are presented under the following five headings:

- (a) preparatory tactics
- (b) opening tactics
- (c) general tactics
- (d) making and getting concessions
- (e) breaking deadlocks

### **1. PREPARATORY TACTICS**

Certain aspects of preparation for negotiation can be viewed as preparatory tactics which require decisions to be made prior to actually entering into negotiation. **Decide:**

- (a) Who is going to negotiate: Individual or Team
- (b) Where to negotiate: Setting
- (c) What to negotiate: Facts. A mutual fact finding session prior to

negotiation can be a very useful tactic. Not only does it allow joint evaluation of facts and validation of assumptions, but the exchange of information helps promote a climate of trust. It also may remove some items from the actual formal negotiation later.

- (d) When to Negotiate: Timing. There is no, 'right' time to commence negotiation. Each situation is different. Careful selection of the right time (hour, day, week month) can be a powerful influencing factor on the outcome of negotiation.
- (e) How to Negotiate: Agenda. Careful attention to considering how the negotiation issues are presented is an important preparatory tactic. Consider the *preparation of the agenda, as seriously as diplomats do*, for it has the ability to shape the negotiation. It reflects the importance of issues and the power of the parties. Do not become bound by the assumed 'legitimacy' of a printed document. The agenda always remains a negotiable item.

### **Advantages of Preparing an Agenda**

- Focuses on or hides important issues
- Introduces imaginary issues (all issues have trading value)
- Co-ordinates agenda with other tactics
- Establishes limits, set discussion rules, define terms
- Can be used to divide issues to suit your situation
- Places issues in order that best suits you

**End of Handbook page 72 of 100.**

### **Disadvantages of Preparing Agenda**

- Reveals your position (and assumptions) before you know those of other party
- Allows other party time to prepare arguments and counters
- Either party (or both) may prepare an agenda, but it is generally better if you can prepare it and have other party accept your agenda. However you should note that there is always the possibility of hidden agendas (both yours and the other party's).

### **Selection of Negotiator**

18th Century Manuals of Diplomacy suggest that:

*'The complete negotiator should have a quick mind but unlimited patience, know how to dissemble without bring a liar, inspire trust without trusting others, be modest but assertive, charm others without succumbing to their charm, and possess plenty of money and a beautiful (spouse)'*

In choosing a negotiator, important considerations are:

- The individuals reputation
- Prior negotiation experience (on the issues in conflict)
- Position in hierarchy (if they are representing an organisation)

#### Personal specifications of:

- High aspiration level, confidence
- Ability to resist persuasion (evidenced by high self-esteem)
- High creativity, inventiveness, lateral thinking ability
- High degree of awareness/ attentiveness (listening skills)
- Superior communication (presentation) skills

#### Individual vs Team Negotiation

There are advantages and disadvantages in using a single negotiator as opposed to using a team of negotiators. These should be reconsidered with every negotiation.

#### Single Negotiator

- Vests responsibility in One person preventing divided opinion
- Can make on-the-spot decisions to gain concessions.
- May be used to signify that the negotiation is not considered important.
- Requires one person learning all aspects of the case (legal, technical)
- Can have backup team.

**End of Handbook page 73 of 100.**

#### Team Negotiation

- Provides wide expertise, skills, better fact-finding.
- Allows pooled judgement in decision-making and idea-generating.
- Presents larger opposition (for political, PR, surprise effects).

- Allows larger participation (e.g. useful for training).
- Allows use of subteams to concentrate on specific issues.
- There is a danger of disagreement amongst team members (this can be overcome by appointing a Chief Spokesperson, and giving each team member a specific function to perform.).

#### To create divided opinion in the other party's team:

- Aim questions at their weakest member.
- Ask for everyone's opinion.
- Seek to get them talking out of turn (to vent emotions).

### **2. OPENING TACTICS**

The opening moves in a negotiation are important as they:

- Convey information about each party's attitude, aspirations, intentions, and perceptions of the other.
- May be used to explore the other party's overall posture before deciding on your own.
- Establish each party's outer limits in the negotiating range.
- Shape the negotiation climate that may prevail for the entire negotiation - the 'lock-in effect'. For example early initiation of collaborative behaviour tends to promote trust while competitive behaviour tends to promote suspicion.

**A. Designate a Demand as a Pre-condition.** If the other party initiates the negotiation or is anxious to commence, you have an opportunity to specify a precondition before you will enter discussions (a specific demand or course of action). Agreement by the other party gives you a psychological advantage, a substantial gain and fewer items on which to negotiate.

#### **B. Make Other p" Tender First Offer**

*It is to your advantage to have the other party state their opening offer first (particularly when she/he has a strong case) as it:*

- avoids your serious miscalculation (the offer may be better than you expected)

- makes the other party concede he/she wants to settle
- allows you to, for example, declare shock or demand more...

To provoke the other party into tendering their offer first:

- (a) Ask (e.g. 'why don't we start, by you giving me a realistic idea of your position?')
- (b) Remain Silent

#### **C. Make Your First Demand High**

Research indicates that more favourable outcomes are achieved by those making *extreme (even unreasonable)* initial demands rather than more moderate ones. Some advantages are:

- (a) it avoids miscalculation.
- (b) subsequent (almost as high) demands seem more reasonable.
- (c) communicates your expectations (e.g. not going to be exploited).
- (d) gives you more time to ascertain the other party's aspirations. (Note: It 'S advisable to *temper extreme demands with some 'logical, reason to show Other Party you are serious and to prevent them withdrawing from negotiations).*

#### **D. Make Major Demands at the Beginning (And at the End)**

Place your major items of interest at the beginning of negotiation, because:

- compromises are often made more freely early in negotiation (during the 'honeymoon period' before positions are firmed up)
- there is no use wasting time on minor issues, if you cannot resolve major issues
- minor issues are best kept as options for later trade-offs
- Minor issues tend to fall into place when the major issues are settled.

Where possible, structure your demands so that those which the other party will find easiest to concede are first. This will help generate a climate of success, goodwill and Cupertino and may perhaps condition the other party into agreeing to later demands.

Conversely, it is sometimes possible to obtain major concessions at the end of a negotiation after the other party has *invested many hours* (and thus expense) and wants settlement to obtain return on its investment

**E. Lock Yourself In**

Make opening offer on the basis of it being your first and final Offer'. Usually, you base your position on extensive research. The offer is made on the understanding that it is fair (and firm) and *that you are not holding anything back for further negotiation.*

This tactic suffers from the problem of credibility. You need a reputation or some means to prove you are not bluffing (e.g., give it prominence by making a public announcement). (Note: This tactic does not recognise importance of other party's esteem needs.)

**3. GENERAL TACTICS**

The following examples of general negotiation tactics should not be regarded as absolutes to be used in isolation. They may be combined in numerous ways and used in many different formats. It is important to camouflage your tactics so that they are not readily recognisable as such by the other party (and thereby lose their power).

In using any tactic, always give serious consideration as to whether or not the timing is *right*. *Test the efficacy of the moment*. Have regard to the overall pacing of the *negotiation*.

Seek to introduce the tactic at the time when its effect will be to your maximum advantage.

**Be confident**

Use your chosen tactic with confidence. Think positively. *Believe in your ability to be an effective negotiator. Enter each negotiation with all the self-confidence you can muster.*

**Request Participation**

Ask the other party to participate with you in resolving the issue. Seek the advice of the other party as to how you can comply with the *demand*. *Ask for their help. This is a very useful tactic when deadlocked or to change from competitive to co-operative negotiation.* (In a team negotiation, you can delegate one member from each side to work out any difficulties and report back.)

**Nibble**

Approach your negotiation objective piece by piece. Make demands a slice at a time until you possess whole pie. This is a useful tactic when the *situation has many* elements that can be looked at separately.

**Ask Hypothetical Questions**

Make a prospective offer (sometimes known as 'kiteflying') to test your opponents reaction, e.g. "What if...?" "Suppose that I ...?" If the response is favourable, make a firm offer. This is a useful tactic when deadlocked.

**Make False Demands**

When you have many demands, introduce a few false issues. This disguises your serious interests and allows you to make concessions *thus giving the other party sense of gain.* Similar tactics are *Bluffing* (presenting false material), *Brer Rabbit* (getting the other party to do something by pretending you do not want it done) and *Feinting* (apparent move in one direction to divert attention from real goal, or giving impression have you more information than you actually do).

**Stall for Time**

Call adjournment, caucus, reserve answer until later, request cooling-off period, etc. in order to relieve tension, give you time to think or obtain more material. A similar tactic is to do nothing. Think carefully before reacting. Sometimes doing nothing is a positive response.

**Withdraw/Walkout**

This is where you *refuse to negotiate further*. If you are bluffing, be careful to explain your reasons and leave opening available so that negotiation can be recommenced if appropriate. A similar tactic is *Apparent Withdrawal* when you pretend to have withdrawn, but are really still available, or are maintaining control behind the scenes.

**Set Limits**

Many different kinds of limits may be established in negotiation. These include communication limits (both as to subject and to whom may speak), geographical limits, financial limits, and natural time limits (e.g. weekend) or *Setting Deadlines* (a useful tactic whereby concessions often made as time limit pressures increase).

**Give Ultimatum**

State your final offer on a clear 'take it or leave it basis' (but be wary of sounding offensive). This tactic requires Credibility and prominence. Use it sparingly.

**Invoke Competition**

Play off the (usually stronger) other party against a second real or imaginary opponent having competition strengthens your position as it generates options.

**Appeal to Authority**

Other parties are often impressed by the citation of an authority that supports your case (e.g. industry practice, legal view, company policy, public mores, quotation etc.). Continue to quote the authority if you obtain a favourable response. A similar tactic is to Use A Third Party where you get other people (usually experts) involved. In certain situations a mediator or arbitrator may be usefully introduced, particularly when negotiations are deadlocked.

**Promote Your Awareness**

Cite your excellent past achievements. Act shocked if the other party dares to question your reputation/integrity. A similar tactic is to top Any Point made by the other party by stating that you are better. This is a useful tactic to put the competitive other party on the defensive.

**Promote Positive Benefits for Other party**

Associate your proposed settlement with positive benefits for the other party (e.g., more prestige, increased business).

**Discredit Associations**

Associate the other party/other party's case with some unsavoury connection

**Make Negative Comments**

Put the other party on the defensive by negatively commenting on, or questioning about for example, position, condition and operation. Use for brief periods only, as this tactic can cause antagonism and make the other p" dig in.

**Combine or Divide Demands**

Rather than trying to get agreement on a difficult issue, combine it with another demand, or make two (or more) related demands that will approximate your objective. A similar tactic is *Bracketing* in which you just aim in the general target area (rather than seeking complete accuracy), and thereafter cut down the degree of error.

**Shift Levels**

Change involvement in the problem to a higher or lower level (make it personal, organisational or national). Redefine the issue in some other way. A similar tactic is to make a Sudden Shift in overall method, argument and approach, in order to surprise other party and put it off balance. Do the unexpected. Another alternative is to Change the Negotiator or Change the Time/Place of negotiation.

**Reversal**

Act the opposite to what other party may consider appropriate, usual or expected. Just considering a reversal assists thinking of new alternatives. Be creative. A related tactic is to send two demands forcing opponent to act (presumably by accepting the less onerous one).

**Split the Difference**

This is a useful tactic for closing the gap quickly, or to test the other party's reaction. It is often suggested when negotiations are near final settlement (but note that its intrinsic appeal to fairness is not really rational). It is advisable to extrapolate what splitting the difference will mean to you several moves ahead.

**Argue Special Case**

Argue that the issue is a special case deserving of more response.

**Inundate With Information.**

Inundate the other party with a lot of information covering a wide area so as to end arguments before they begin, or to provide a better chance for a breakthrough in one or more places.

**Give a Biased Sample**

Provide statistical (mis)information. Support your case by selecting the most favourable (biased) sample.

**Pretend Ignorance**

To delay proceedings, or to put other party off guard, act ill-informed and ask advice. Similar tactic is purposely misunderstand. Either deliberately misinterpret other party and behave as if misinterpretation was fact, or pretend you don't understand. At the appropriate moment discover your misunderstanding. Useful tactic to make your opponent re-examine their thinking.

**Two Negotiators Playing Different****Roles**

Feign internal dispute; one negotiator acts as the 'bad guy' (hardline, no concessions, behaves emotionally) while the other plays 'good guy' (reasonable, wanting to compromise,

quiet profile). This tactic seeks to unsettle your opponent to make them grasp at small concessions as they seem large compared to the "hardline". This is a useful tactic to speed up proceedings.

**Reopen Previously Settled Issues**

Back track and raise some additional demands or reopen supposedly settled issues for further discussion. This is an effective tactic. It tends to reduce total concessions, as the other party wants to conclude more quickly before you stiffen your position further. A similar tactic is Low/High Bidding where you make an unrealistic offer to lure opponent into accepting. At the last moment find reason to reverse or change the offer.

**Use Agent with Limited Authority**

Negotiator acts as the agent for a principal from whom he/she has to obtain final approval for settlement. This tactic seeks to obtain last minute concessions from the other party who has become psychologically committed to settling. Other advantages of this tactic are that it blunts the effectiveness of the other party's persuasion, deflects anger from the 'reasonable' negotiator, delays proceedings so a stronger response can be formulated or ensure that there are no errors in the final settlement

**Fait Accompli**

Act and achieve your goal, then wait and see if your opponent does anything about it. It is important to ascertain the likely consequences before taking action. If the other party complains politely then withdraw, feign innocence or ignorance and place the burden of proving your guilt on other party.

**Admit Error**

If you are caught in a difficult situation, you can admit wrongdoings and accept responsibility for error. Indicate that you have implemented corrective action (hoping that the other party will respect your honesty and respond helpfully).

**Signal Surrender**

When you are in a weak position, signal surrender and indicate that you trust other party to have pity on you and not drive a hard bargain. This tactic works best when there is a strong ethical or moral inhibition present (which can be fostered by an effective invocation). Plead for leniency.

**Make Other Party Appear****Unreasonable**

During the negotiation make a number of minor concessions, and then claim

that the other party lacks goodwill or sincerity if it fails to concede to your demands on an important issue.

**Feign Anger (Or Real)**

A convincing display of anger can be used as a bluff or to signal that you regard the situation seriously. This can cause an emotional response in other parties which is sufficient to intimidate them, or cause them to doubt the reasonableness of their position.

**Appear Irrational**

Acting in an irrational manner can sometimes be a very successful tactic to throw the other party off balance. This can be a rather dangerous tactic as it can easily backfire.

**Act Aggressively**

It is doubtful that any long-term advantages can be achieved by acting aggressively. You may achieve a short-term concession, but it often strengthens the other party's resolve to hold out

**Act Inscrutably**

The ability to disguise your reactions to an opponents demands or concessions (remain poker faced, and hide your non-verbal reactions) is important. Acting inscrutably means not responding, remaining silent or avoiding excessive talking. Silences are hard to tolerate and sometimes cause increasing anxiety. If inexperienced, the other party may not wait for an answer but will offer it, or will reveal more than it wants to.

**Make Emotional Appeal**

Appealing to particular emotions such as patriotism, brotherhood or neighbourliness can be an effective tactic.

**Use Humour**

An often forgotten tactic is the ability to use humour to lighten the tension or to reduce the seriousness of the matter. Recount an amusing story or tell a joke to create laughter.

**Make Threat**

Express your intention to behave in a way that will be detrimental to the other party's interests unless the other party makes a concession.

The danger of being forced to impose threat can be reduced if you imply a threat rather than state it openly. Be wary of making threats you don't wish to impose.

**The effect of a threat depends on the:**

- relative ability to inflict without retaliation



- credibility of the threat or commitment to act
- size of the threat (massive threats tend to be blocked out).

### **Make Promise**

Promise further rewards at a later date if other party concedes now. This is a useful tactic for getting compromises towards the end of negotiation

Note that promises or threats are often used when the other party has a strong need for a result or when it believes that it cannot exert other pressures.

Careful observation of the frequency, intensity and timing of promises or

threats can give you a very good indication of the other party's needs, and their perception of you.

### **Summarise Position**

A brief yet comprehensive summary of current status of situation (or a listing of points for and against) can be a useful tactic in lengthy negotiations or where an issue is becoming difficult to resolve.

### **Be Persistent (And Patient)**

Keep on pushing your demands. Be determined; persevere; don't give up. Negotiation requires stamina and optimism but the persistent party who keeps on trying generally obtains a more favourable outcome in the long \*

But don't be stubborn; know when to stop.

The above is an 18-page extract of the approximate 100 page "Workplace Partners Partnering for High Performance: Participants' Manual". Interested members are asked to consider making a \$5 donation to permit WBA obtain the full 100 page *Manual* under FOI. Donations can be sent to the Committee NSW Branch WBA. All donors will receive a copy of the result of the FOI application. Ed.

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## **The National President reports to members, April 2000.**

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I've now been back in the presidential seat some four months, since Brian Martin retired to concentrate more on international whistleblower and dissent networking. We were very fortunate to have him as president for nearly four years, bringing an academic and international perspective to whistleblowing issues, and an increased appreciation of their universality. He also brought his very considerable literary skills, culminating in his recently-released 'The Whistleblower's Handbook - how to be an effective resister' (see review, page 8). It was sad to lose him as president, but good that he is still on the national committee in a new role. He will however be away overseas (on whistleblowing and other matters) until the first week in May.

### **'The Insider'**

Whistleblowers who have not already done so *must* see 'The Insider', a mainstream movie with Academy Award nominations, starring Russell Crowe and Al Pacino. It's the story of real-life 'big tobacco' whistleblower Jeffrey Wigand, who was one of the first vital insiders to

give information to the media and the public on the ruthlessly unethical tactics of tobacco companies in selling their lethal products. Non-whistleblowers find it a good, intelligent, gripping movie; whistleblowers find it incredibly powerful and cathartic. It's good to go with a group of WBs, as in NSW and Victoria; or just go anyway.

I found it particularly good in its portrayal of the WB as a real and in some respects very fallible human being rather than a super-hero. There were also some resonant touches that any WB would immediately relate to, such as when Wigand has taken the irrevocable step of giving a court deposition. As he finishes the camera pans away from the other people in the courtroom to show him sitting there - utterly alone.

There was another touch I particularly liked, remembering the original Martin Luther when he nailed his manifesto to the church door is said to have said 'Here I stand; I can do no other'. This has always seemed to me the essence of the WB's dilemma - most WBs will remember one or more such 'decisions'

where in effect the reality, for the person they are, and will have to live with thereafter, is no choice at all. Faced with his critical decision, Wigand after agonising over the pros and cons, the inevitable losses, and the damage to his family if he goes ahead, says 'Oh, fuck it' - and does it anyway. Modern man's rather less elegant response to an ageless predicament.

'The Insider' produced two discussion/talkback segments on ABC national radio, one based in Brisbane, and one in Sydney, with Bill de Maria and me, and someone from the St James Ethics Centre. There was good feedback from both. The film I think is a landmark in being the first high quality mainstream movie to deal with the subject in such detail, and so well. 'Whistleblowing' and 'whistleblowers' are referred to as such throughout, and it gets the issues in all their complexity out into the public arena where they need to be.

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## **News from WBA branches- first trimester 2000.**

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### **Around Australia**

Things have been very busy in whistleblowing around Australia in the new millennium. Like Brian Martin, I am trying to get to each of the other states

at least once over the next twelve months.

### **Queensland**

The AGM was in Queensland last November, where we caught up with many of the whistleblowers from WAG (Whistleblowers' Action Group) and with

Greg McMahon, WBA's National Director, and liaison person with WAG, who organised the proceedings. Unfortunately the cost of covering Australian distances, combined with most WBs' straitened finances, make it impossible for most to get to functions in

other states, but it's a real boost for the few that can. Please remember, for future interstate meetings, that if a group can share the cost of driving there, billeting or other low-cost accommodation can usually be arranged.

The occasion, as well as the AGM, was the launch of Bill de Maria's new book, 'Deadly Disclosures' (see review, page 20), together with Brian Martin's complementary 'The Whistleblower's Handbook'. The editor of Brisbane's 'Courier Mail' did the launch of Bill's book. This is probably another first, a mainstream major editor willing to be seen with a bunch of whistleblowers, and give up his Sunday afternoon to do so. Unfortunately we were not able to organise in time for Colin Chapman and Michelle Smith, authors of 'An Investigation into Paedophilia' to join their new book into the launch. A very credible reference work, multi-disciplinary and international in approach, it would be invaluable for any WB who's got involved in that dark and dangerous area of whistleblowing. Copies are available from City Counselling Centre, PO Box 840, New Farm, Brisbane, Queensland 4005. WAG continues very active, with some success in battling the post-Fitzgerald police problems and the Criminal Justice Commission. It is particularly interesting to find the same names cropping up in unfortunate police happenings in different states, as the not-so-good guys move from one law-enforcement agency to another.

**Tasmania** -Isla MacGregor, a past Vice-president of WBA, working under the auspices of the Public Interest Network, has been a major player in getting a full judicial inquiry into the Tasmanian police. The inquiry is specifically concerned with the 1991 fatal shooting of Joe Gilewicz, and will include evidence from (ex)police WB ballistics expert Stan Hanuszewicz. There has been a long lead-up to this inquiry, including a few months ago a call organised by PIN for a national register of corrupt police, Tasmanians being particularly fed up with the number of such 'refugees' who jumped out of Queensland and NSW in the fallout from police Royal Commissions. There are a number of 'refugees' also in other states, including NSW and Queensland,

and currently no bar to their employment anywhere in Australia.

So far the Tasmanian inquiry looks promising, with Dennis Mahoney, a former NSW Supreme Court judge of good repute as commissioner, and John Agius, who was counsel assisting the Fitzgerald and Wood Royal Commissions in the same role in this one. So now there's only Victoria, South Australia, and Western Australia to go - by which time of course it may well be time to start the round of police Royal Commissions again in Queensland! Isla is running a public forum on the issues, on Sunday 16th April, in Hobart. Speakers are Evan Whitton, Avon Lovell, and I. I'll report back on it in due course. Inquiries to PIN, 03 6239 1652, if anyone can get there.

**Victoria.** In February I went to an Australian Institute of Criminology conference on 'Crime in the Professions' at Melbourne University. It was well-attended and worthwhile, dealing with crime mainly among lawyers, doctors, accountants, Defence personnel, and nurses. There was an opening message from Amanda Vanstone, Minister for Justice, which was given by video, not in person. She made some good points, particularly about cocaine abuse among lawyers - one of the few mentions of gross misconduct among members of the legal system apart from the less threatening issue of stealing clients' money. Many mentions of whistleblowers and whistleblowing throughout the proceedings (I sometimes wonder if we're getting too respectable), but in my opinion not much realism on that subject from most of the speakers. Sitesh Bhojani, a commissioner from the ACCC, was an honourable exception.

While in Melbourne I went to a WBA meeting there, where we discussed their current window of opportunity for forcing a Royal Commission into the Victorian police, who seem to be hot contenders for the title of worst police force in Australia. With three Independents holding the balance of power in state parliament, and a mountain of evidence of serious problems in the service, there can never be a better time to force the issue. WBA in Victoria are going to do what they can.

It was good to see Mick Skrijel again while I was in Melbourne. He's been getting a few wins in the legal system

after the usual battles with the inefficiencies and pockets of corruption there - a most extraordinary effort in the face of formidable obstacles.

**New South Wales** continues strong and active. I'll leave it to NSW Branch head Cynthia Kardell to give a full report. Matters I'm particularly involved in are the Internal Witness Advisory Council, which we hope is still keeping the NSW police on track, albeit a little shakily of late; and paedophilia, with an increasing number of people being charged with these offences, but ongoing problems in obtaining convictions in all cases, particularly VIPs, or people who are only M(oderately)IPs themselves, but could blow whistles on some really VIPs if they decided to turn nasty. As one active WB says, 'The big boys are still getting away with it', i.e. with what seems to be a perk of high office for many these days: the use of under-age (12-16 year old) boys who have been coerced or conned into prostitution, often from orphanages, remand homes or youth refuges, which too often have paedophiles on their staff. Interesting to see a recent report from Latvia, where a pedophile scandal threatens to bring down the government there. The head of an inquiry had named 'the Prime Minister and Justice Minister as suspects in a scheme that entailed Riga vice kings providing under-age boys for sex. The US State Department last week reported that Latvia was a key transit point for the flourishing east European sex trade. Scandal centres on Riga-based "video model agency".....boss [a psychiatrist!] in custody.....had 3.000 minors on its books, 85% of them boys, many of them from orphanages.' (Sydney Morning Herald).

**South Australia** I haven't yet got to South Australia, but stalwarts Jack King and Matilda Bawden are beaver away at the Grosser case and Workers' Comp/ misuse of psychiatry respectively. Tony Grosser has a retrial, which should start in the next few months. The judge who presided over the original trial, Robin Millhouse, has made an interesting career move recently. Retiring at the age of 70, the widowed ex-judge and ex-politician has moved to Kiribati to take up a judicial posting there.

**Western Australia** This remains a bit of a black hole for WBA, with quite a few members there, a police force as corrupt as any, and a lot of other WB issues and activity, but we still don't have a WB willing to organise an informal meeting

as the first step in setting up a branch. Such a meeting would not necessarily produce a viable branch - as we know from other states, you need a minimum of four committed people, preferably 5

or 6, to get and keep it going - but it would be a start. How about it, WA? I hope to get over there late this year.

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## Review of Brian Martin's 'The Whistleblower's Handbook - how to be an effective resister'.

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This 150-page paperback was written as an internationally applicable book of definitive advice on how best to manage in a situation where a whistle needs to be blown. For the nine years of WBA's existence, we have had to rely on the US publication from the Government Accountability Project, 'Courage Without Martyrdom' as the 'how to' manual for WBs. This is a very useful work, but with a lot of legal and bureaucratic information specific to the US, and not enough detail about a wide enough range of situations. Brian Martin had been talking for some time about the need for something bigger and better. Well, here it is, and I think a wonderfully wise and practical manual, preferably of course to read *before* blowing the

whistle, but it can also help the WB to salvage whatever is possible if they don't get to see it - as usual - until after they've made all the usual mistakes. It's very cheap - \$15 to WBA members - available from WBA, PO Box U129, Wollongong, NSW 2500. It's clearly set out in sections, so you don't have to read the whole book if you are only interested in one or two aspects; illustrated by brief, typical case studies; and supported by brief, clear summaries of some important WB research. Topics covered in the chapters are: seven common mistakes; the problem; speaking out and the consequences; personal assessment: what should I do?; preparation; official channels; building support; case studies: considering options; surviving; and whistleblower groups.

The seven common mistakes, for those who haven't already found out the hard way, are: trusting too much; not having enough evidence; using the wrong style; not waiting for the right opportunity; not building support; playing the opponent's game; and not knowing when to stop. If you haven't already got a copy, it's a very good idea to get one, whatever stage you're at in your own case. It will help to clarify your current situation, give you some new ideas, and will also help you to help the newcomer to whistleblowing. Note that all royalties are being used to purchase copies for whistleblowers in other countries - two good causes in one, as well as a good, easy and practical read.

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## Confidentiality of Whistleblowers' material.

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### Confidentiality of Whistleblowers' material

A disturbing incident arose recently out of one of the 'caring and sharing' Tuesday night meetings in Sydney. Meetings are supposed to be a safe forum where actual and prospective WBs can talk things over in a group of fellow WBs and work out what is best for them to do. A few weeks ago someone came to a meeting with a significant issue involving public safety, which was discussed at length. He recently discovered to his horror, that someone who was at the meeting, without telling anybody, let alone the WB, had written a letter about the matter which had ended up as a 'Ministerial', landing on a number of desks including his employers'. It was now highly likely, rather than just a possibility, that he would lose his job. The safety issue in the meantime had been progressing satisfactorily, and there was no need for such a letter. Discussions have been taking place with the person who wrote the letter, to try to

ensure that it does not happen again. However it seems worth noting a few guidelines for WBs who become concerned about other people's cases.

**1. Never - ever - do anything in someone else's case without that WB's knowledge, and only in the most exceptional circumstances without their consent.** For example, in the above case, there could have been a less dangerous time to write; to a person/body where it would do less damage; or the letter could have been phrased in a way that avoided implicating the whistleblower. (As it was, writing without consulting the WB, the writer unwittingly used unfamiliar jargon in a way that immediately implicated the WB.)

**2. The only time it is ethical even to consider breaching a WB's confidentiality is when there is a clear, imminent and serious public danger and the WB concerned is doing nothing about it.** This was not the case in this instance, although the person who wrote the letter felt it was. The WB obligation of confidentiality is

similar to that of doctor and patient. The classic (rare) medical situations where that can be breached without consent are where for example a train driver has a medical condition that causes sudden losses of consciousness; or a paranoid patient is telling his psychiatrist about concrete plans to kill someone. It is vitally important that anyone who thinks they are faced with such a situation should (a) consult the WB and ask his/her permission to take the more urgent action they feel is necessary, in a way that would involve the least possible danger for him/her, and (b) if the WB still refuses to allow any action, consult several experienced members of WBA to ensure that your assessment of the case is correct; and the action you want to take is reasonable. If they agree, then the action should be taken jointly, and the WB must be notified of what is going to be done. I can't envisage such a situation ever arising in real life. People come to WBA in circumstances involving public danger because they are concerned about that danger - concerned to the point where



they are willing to risk losing their jobs if that is the only way to fix things. I can't therefore imagine that anyone who has

got as far as a WBA meeting would really allow a real and imminent public danger to continue while they refused to

take any action. Our aim is to try to help them fix things *without* losing their jobs.

## Work Relations - Bullying: a new illness.

**Opinion: Work Relations - Bullying: a new illness. Stephen Long, Aust Financial Review 15/3/00, page 19. slong@mail.fairfax.com.au**

It's the scourge of the workplace, and the mild English winter has done nothing to stop its spread. Each year, employers in Britain are losing 19 million working days to the epidemic -and the signs of the sickness are evident here.

Influenza? No, workplace bullying, fuelled by unmanageable workloads and job insecurity, according to the world's largest study to date on the subject.

One in four employees say they have been bullied in the past year, according to the survey of 5,300 workers by Professor Cary Cooper and Helge Hoel of Manchester University's Institute of Science and Technology (Umist).

The study - funded by Britain's Occupational Health and Research Foundation and supported by the nation's peak employer and trade union bodies - achieved a remarkably high response rate of 43 per cent, polling a random sample of workers from more than 70 organisations in a broad range of industries.

It defined bullying as long-term, persistent negative behaviour, ranging

from violence, abuse, humiliation and ridicule to the regular imposition of unmanageable workloads, unreasonable deadlines and continuous fault-finding.

Almost half of the respondents said they had experienced or witnessed such bullying at work, and one in 10 said they had been bullied in the past six months - response rates significantly higher than in other European countries.

Who are the victims and who are the perpetrators? Bullying was spread across all levels of organisations, from senior management to the shopfloor, but 75 per cent of bullies were managers.

Not surprisingly, perhaps, its incidence was highest in workplaces with a certain kind of manager: those rated by subordinates as autocratic, divisive and likely to punish people for no obvious reason.

Clearly, bullying is morally reprehensible and bad for workers. But the survey findings also show just how bad it is for business.

Those subject to bullying consistently reported poorer health, lower work motivation and satisfaction, higher absenteeism and lower productivity. And bullied workers took seven more days

off a year than their non-bullied colleagues - more than double the rate of absenteeism. By comparing sick leave rates among bullied and non-bullied workers, Cooper and Hoel calculated that bullying was costing British working places as much as 19 million working days a year.

Why is this scourge apparently more prevalent in Britain than continental Europe? Cooper attributes it in part to longer working hours, greater job insecurity and higher rates of "downsizing".

"Bullying then becomes a management style in the face of unmanageable workloads," Cooper told a briefing in London on the survey findings.

Past studies have blamed the problem on "serial bullies": experts in psychological violence with a set of personality traits established in childhood. But Cooper believes that overworked and overstressed managers in under-resourced organisations may be replacing these "psychopathic bosses" as the most common form of workplace bully.

If his analysis is correct, it is a safe bet that bullying is rife in Australian workplaces.

## ABC Radio National's Law Report provides a final swan-song for outgoing ICAC Commissioner.

**The Law Report is broadcast Tuesday at 8.30am, repeated at 8.30pm, on ABC Radio National. © 1999 Australian Broadcasting Corporation**

**This edition of the Law Report was presented by Susanna Lobez on Tuesday 29/02/2000**

Susanna Lobez: When professionals commit crimes it invariably becomes big news, and attracts greater opprobrium than when common-or-garden offenders get caught. So stories about the doctor who sexually assaults patients, the accountant who gets done for fraud, or

the lawyer who diddles clients out of large amounts of money, always seem to astound us and attract huge press coverage.

What is it about professional misconduct and crime that society finds particularly abhorrent?

At last week's Australian Institute of Criminology Conference on 'Crime and the Professions', Professor Charles Sampford, Director of the Key Centre for Ethics, Law, Justice and Governance at Griffith University, examined the issue.

Charles Sampford: A profession is a group of people who are supposedly established to support some very important public value or values, through development, transmission and application of a body of knowledge.

Susanna Lobez: So we're talking lawyers, clergy, accountants, auditors.

Charles Sampford: Doctors, engineers, public servants, and the military. They possess specific knowledge and access to technology and institutions which gives them great power, and we want to feel that we can trust them to exercise their power for the benefit of the public

values for which they are established, rather than for some private benefit, especially for benefits to them at the expense of the public values for which they are established. For lawyers, it is always controversial, but essentially it's about the provision of justice; doctors is about the provision of health, or improved health for the community; and engineers is about public safety; military is about the protection of the security of the State and its citizens. These are important values which justify the establishment of a profession, and justify the privileges that are given to them, and also the advantages, in terms of monopoly, autonomy and the exclusive access to a very important body of knowledge.

Susanna Lobe: Yes on an almost daily basis, newspapers report cases of doctors who've abused public vulnerability and trust for sexual advantage, of a lawyer who undermined justice, writes the Rule of Law for the sake of remuneration or pleasing a client. Why do we see those abusers of trust, if you like, as so heinous when they come from members of the professions?

Charles Sampford: Well it's because the only reason why we give these privileges to the various professions, is because they are supposedly furthering a value. And when in fact their action defeats or undermines that value for the personal gain of that professional, or indeed his or her client, then the community is rightly outraged, not just that they've done this thing, but that they are supposed to be the upholders of value which they have themselves used their professional position to undermine. It's a bit like a child carer who actually abuses their position of trust to make the child they're supposedly caring for, suffer. We feel particularly offended by that, it's like a nurse who not just fails to care for their patient, but who actively injures them. We feel particularly offended because the profession is there to do the very opposite to that which the crime has been committed.

**Susanna Lobe: For five years, New South Wales Supreme Court Justice Barry O'Keefe was the Commissioner of the Independent Commission Against Corruption. He found that**

**public sector employees often found ingenious ways to defraud the public, as he explained to Damien Carrick.**

Barry O'Keefe: They fall into two categories: abuse of position, and abuse of resources. If you look at the abuse of position, appointments, promotions, even terminations, where personal interest rather than the public interest predominates. If you look at misuse of resources, it ranges from theft, down to cheating in relation to hours. I mean we had some extraordinary situations, we had one situation which a \$3-million contract was dummied by three men who were in charge of letting the contracts for cleaning, and they dummied it through a company in which their wives were the directors. And each of them, out of a \$3-million contract, got \$300,000. Now that's \$900,000; that's nearly sort of 30% of the contract price, which was ripped off by the public servants who had used their position or abused it, to let themselves the contract. A more bizarre example was in the Railways, where there was one fellow who was the supervisor, and he wasn't being properly supervised, so he had a gang of 150 people, men, who were doing track maintenance. These guys were supposed to be working on a full day Saturday, full day Sunday. They're getting paid for full day Saturday, they're getting paid for full day Sunday, but they were only working a full day Saturday and half a day Sunday. So you had four hours at something like \$30 an hour for 150 men 26 weeks a year, that's a lot of money. And this guy was off playing golf. Unfortunately for him, there was a lady who kept a tally at the golf course who was able to give us chapter and verse not only where he was, but what he was scoring. The same fellow recorded himself as working on safety work in the eastern suburbs railway tunnels, when he was off either at golf or with a girlfriend, I forget which. But I mean that was a bizarre example.

Another ghoulish example was at the morgue, where the overwhelming number of people who were dealing with the bodies in the first instance, when they were brought in, were engaging in what was called 'ratting'. That is, they would search the body, find money or some other valuable, and steal it from the dead body. I mean it's really quite

ghoulish. One fellow, when there was a search warrant of his property, executed, the officers found I think about 20 pairs of joggers that he'd taken from dead bodies.

Damien Carrick: In terms of uncovering problems with lawyers and doctors, there's often a very clear winner and loser, a very clear aggrieved party who wants to put things right. There isn't normally an obvious loser who's trying to rectify a situation when it comes to corruption or dishonesty in the public service, is there?

Barry O'Keefe: Well it certainly means that you don't have at the outset, somebody who's going to blow the whistle, somebody who's going to come and complain. But two things I'd say about that: No.1 is there are many honest public servants who see what's going on and report it. Secondly, there's often a falling out down the track. One of them either asks for too much and doesn't get it, the demand for money is too great, and the briber won't pay it; or the briber demands too much from the provider, and the provider can't or won't pay it. And then, not infrequently, it started off with an anonymous complaint, and thereafter burgeoned into an actual person coming and telling us what was happening.

Damien Carrick: Can you think of any examples of this occurring?

Barry O'Keefe: Well one that's in the public domain is the case at Lane Cove. A building inspector, put the acid on a builder for initially \$40,000, but reduced it to \$20,000 and then foolishly took two cheques each for \$10,000. Our people were on to it, because the builder had just said, 'Look, this is too much', and he came to us and told us about it.

Damien Carrick: Justice O'Keefe, are there some areas of the public sector which are more prone, or more at risk of giving rise to corruption or dishonesty?

Barry O'Keefe: Yes, where there is an interface between the public and the private sector, and the interface involves licensing or inspecting or those sorts of things. You see it with police, you see it with building inspectors, you see it with health inspectors, you see it with places

like WorkCover. The second place where the system is at risk is where you have inadequate systems for supervision of people, particularly away from head office, who tend to run their own shows, and if there is money or advantages involved, or can be involved, there is always a risk there. Supervision is very important for all of us. We need to be accountable, and what we do need to be, transparent. If you have accountability and transparency, you reduce very much the incidence, or the opportunity for corruption.

Susanna Lobez: Justice Barry O'Keefe, formerly of the Independent Commission Against Corruption.

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Susanna Lobez: Of course accountability and supervision are essential in all professions, not just the public service.

Detective Inspector Robert Cockerell works with the Major Fraud Group with the Victoria Police. He spends a large amount of his time investigating lawyers and accountants.

Robert Cockerell: Between 1994 and 1998 we were involved in the investigation of 20 solicitors, for offences where money in the vicinity of \$64-million had been misappropriated.

Damien Carrick: In your experience, what's the profile of your average professional offender?

Robert Cockerell: Usually male, very much in the age group I suppose it's a wide range group, of 30-45. Usually obviously been a practitioner for some period of time. Our figures indicate that the large percentage of the people we have prosecuted are what you would term sole practitioners.

Damien Carrick: Do you think it's a lack of supervision, the lack of being part of a large organisation, where there are accountability mechanisms, which renders the sole practitioner more liable to commit a fraud, than his or her (predominantly his) counterpart in a large firm?

Robert Cockerell: Well certainly that's an interesting question. Now in the larger firms, of course, they will have in place codes of ethics and conduct, and have in place management strategies to deal with issues that might arise. Although there are a Code of Ethics which applies to lawyers in general, the sole practitioners out there in the field, don't have a specific code of conduct or ethics applied to their area of specialty, which is of course an area of sole practitioner in smaller firms. There's no sort of cohesion there.

Damien Carrick: An accountant or a lawyer has a particular relationship with their client. Often it's one which is long-term, often it's based on trust. Tell me about some of the investigations you've been involved with, where that question of trust has really, really been apparent.

Robert Cockerell: Yes, one such situation I recall I was called to one of our major law firms, and I saw the chap there, I was introduced to a fellow that had developed a very large organisation through his marketing and sales skills. He'd had a limited education, a limited formal education, and he was relying on other people to provide him with advice in relation to problems that he faced. And in his business, he had employed an accountant to obviously provide advice on the financial management of his company. And over an extended period of time, I think it was something like 10 to 15 years, the accountant had been in fact taking money from him. And it was quite apparent that the person who developed the business didn't have a really good understanding of what the accountant was doing, and he was reluctant to ask. He had little understanding of the employee's duties. I had a friend of mine who was formerly from the ANZ Bank who said that trust is good, but control is better, and this person had obviously exploited this aspect of trust, in order to steal from this businessman.

Damien Carrick: You often find long term trusting relationships in professional contexts, inside ethnic groups, or small towns. Is that an issue which you've come across?

Robert Cockerell: Yes, we've had a number of instances where people from particular ethnic backgrounds have

sought advice from lawyers and again, accountants in relation to the operations of their own funds, you know, the control of their funds in investment strategies and so on. And often they're even at a greater disadvantage because they're in a country where they're not as familiar with as in their home country, and they look to these people, and again, we've had instances where people from particular ethnic backgrounds have exploited again this trust in them; people have lost their entire life savings to investment scams and systems where they thought their money was safe; instances of people who may have suffered serious injury who've received some form of pay outs and compensation, and those funds have been taken.

Susanna Lobez: Detective Inspector Robert Cockerell speaking at the AIC conference with Damien Carrick.

Susanna Lobez: According to Andrew Williams, an insurance broker with AON, the only way clients and consumers can protect themselves is by being very diligent.

Andrew Williams: The Australian Securities and Investments Commission have done a fair bit of work in the public forum to try to alert the investing public to the fact that there is a possibility that their monies may disappear into a bottomless pit if they don't recognise some of the vital signs. The old maxim, the higher the return, the higher the risk, quite often eludes people, as the Securities Commission found to their shock and horror during 1999 when they did run a campaign to alert the public, using mock or phoney investment schemes, with the caveat that they were mock or phoney, but they were deeply shocked the amount of money which was sent into them without question by the general public. But I guess a very good indication there's always someone who's going to chase that high return.

Damien Carrick: So ASIC ran a phoney advertising campaign for an investment scheme, and a whole lot of people did actually send in money?

Andrew Williams: Yes, I think what started off as pretty much an April Fools joke to flag out that particular aspect, did become a real transaction situation

when people did fill in a form and send back cheques, for quite substantial amounts of money. I don't know the precise amount, but I think we could be talking about minimum amounts of \$20,000-\$50,000 which obviously was returned by ASIC.

Damien Carrick: Is it only the unsophisticated, small-time investor who is really susceptible to this kind of fraud?

Andrew Williams: No, certainly it seems to go a lot wider than that. Recent well-publicised cases by a well-known Melbourne lawyer, Max Green seem to have involved quite a few very high network individuals, who obviously were sucked in if that's the right expression, by the very sophisticated manner in which that opportunity was portrayed.

Damien Carrick: When it comes to financial professionals, to auditors, to accountants, how is dishonesty uncovered?

Andrew Williams: I think in most cases, certainly from my experience, quite often it's by accident rather than design. Quite often a lot of these frauds perpetrated by small practitioners or small businesses basically you fall across them by accident, if somebody doesn't appear at the office due to sick leave or annual leave, or quite often when the internal mail goes astray.

Damien Carrick: So the worker who appears to be extremely diligent and hard working, can in fact perhaps be trying to cover up their tracks and make sure there's no opportunity for anyone to step into the breach and uncover their fraudulent acts?

Andrew Williams: Yes, whilst a good work ethic is one we would always endorse, someone who never takes holidays and also is in a position of trust, should be checked from time to time. It may be a situation where that their work is their life, but quite often there are other reasons for being there all the time and never taking a break.

Susanna Lobez: Insurance broker  
Andrew Williams speaking with Damien Carrick.

Well perhaps hard work isn't the only virtue that professional bodies should promote.

I asked Professor Charles Sampford: Given society finds crimes by professionals so heinous, surely it's no surprise that the public is calling for tough punitive actions against dishonest professionals?

Charles Sampford: But of course, and I think it's entirely appropriate, but I see that it's the provision of awards to try to drag people up the scale of behaviour, as well as the provision of sanctions for those who fall below accepted minimum standards of behaviour. That the two of those should work very much hand in hand.

Susanna Lobez: Now what about self regulation? Most professionals and professional representative bodies favour self regulation, but isn't external regulation safer for the client and for those who may be vulnerable?

Charles Sampford: Well if one sees professional behaviour as in a continuum, from the very highest standards of the profession, those who we would regard as heroes for justice and health care, the Fred Hollowes of the professional world, right down to the lowest standards of behaviour, those who are so bad as to be thrown out of the profession or who are likely to be convicted of professional crime, our whole goal should be to raise as many professionals as high up that continuum of behaviour, if you like, as possible. And in this criminal sanctions, self regulation by the profession, and the rewards that we provide professionals both within the firm, within the profession and within society, must be all mobilised to move as many professionals as high up the standard of behaviour as possible, so that the profession as a whole is realising the values that justify and as few as possible are actually undermining those values. So self-regulation must have a very important point, but not to punish the worst offenders, that should be the preserve of the criminal law. The profession has a very important role in terms of the systems of rewards that the profession gives. Wherever the profession, it hands out an accolade to

its own members, whenever a profession is involved in the internal promotion within a firm or the recognition by the election to a senior position within the profession, senior partnership, QCs, among barristers; none of these rewards that the profession or the State should give, should be contemplated for anybody who is not exhibiting the highest professional standards.

Susanna Lobez: I suppose there's also the incidence of the fellow professional or colleague being prepared to do in. We hear that lawyers are notorious for not wanting to do in fellow lawyers, and that doctors are notorious for not wanting to give evidence against fellow practitioners.

Charles Sanford: Oh I absolutely agree, in fact I think this is one of the points I'd argue very strongly. I think that if a professional feels there but for good luck, there but for the temptation goeth I, then they're likely to be sympathetic, feeling that the professional has as I say, stepped over the line, or been subject to more temptation than he should have, but ultimately being sympathetic with a colleague fallen on hard times or on a failure of judgement. If on the other hand the vast majority of the profession are, if you like, shooting for the stars, are looking for the highest values of the profession, they will find that that person who has succumbed to temptation as being just not one of them, they're not in the same game, they're not pursuing the same values, they will want them out of the profession and would take action to ensure that that happens.

Susanna Lobez: Does this mean also that those who fall below par stand out like sore thumbs and are much more easy to detect and to focus on?

Charles Sanford: The more we try to raise the general level of professional behaviour, the fewer and more isolated are those few who pursue other goals. The less legitimate they are will be within the profession, the more likely professionals are to report them, the more easy to detect, and more importantly is that those regulatory authorities who are chasing up professional crime will actually have a

smaller number of people to direct the same resources to. So it becomes a win-win situation.

Susanna Lobez: Griffith University's Professor Charles Sanford, with a three-pronged approach to crime in the professions. And speakers on today's program were at the Australian Institute of Criminology's Conference last week on Crime in the Professions.

Thanks for joining me for The Law Report, and to Damien Carrick and Neil

Hobbs for production assistance. I'm Susanna Lobez, talk to you again soon.

**Guests on this program:**

**Peter McNab**, University of the Northern Territory

<http://www.abc.net.au/rn/talks/8.30/lawreport/stories/>

**Professor Charles Sampford**, Griffith University

<http://www.abc.net.au/rn/talks/8.30/lawreport/stories/>

**Justice Barry O'Keefe**, NSW Supreme Court

<http://www.abc.net.au/rn/talks/8.30/lawreport/stories/>

**Detective Inspector Robert Cockerell**, Major Fraud Squad, Victoria Police

<http://www.abc.net.au/rn/talks/8.30/lawreport/stories/>

**Andrew Williams**

AON

<http://www.abc.net.au/rn/talks/8.30/lawreport/stories/>

Presenter: Susanna Lobez

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## Chronic Happiness: a long quest for whistleblowers.

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**The Health Report is broadcast at 8.30am and repeated at 8.30pm every Monday on ABC Radio National. This ABC Radio National Health Report Transcript of Monday 27th May, 1996 is one of the "Special Open Mind series" presented by Robin Hughes. The episode guest is David Myers of Hope College Michigan. The focus is analysing happiness with the help of a major international study and some self-confessed happy people.**

Robin Hughes: Hello, and welcome to the Open Mind series. I'm Robin Hughes.

Today we're turning our backs on anxiety and depression and trauma and stress, and all the other problem areas of human existence, and contemplating that elusive state called happiness.

Our guest is social psychologist David Myers from the improbably named Hope College in Michigan. He and his co-researcher, Ed Diener of the University of Illinois, have been studying happiness in some depth.

Inspired by the recent avalanche of research on happiness, they've done a detailed analysis of surveys carried out in sixteen different countries around the world. In a sense they've been using modern research techniques to throw light on an ancient mystery.

But what exactly were they looking for? What do they mean by happiness?

David Myers: By happiness we mean an enduring sense of positive wellbeing, that is an ongoing perception that life is fulfilling, meaningful, pleasant. We don't mean just a temporary good mood, we

mean something that runs deeper than that. And the way we study this is to ask people about their own personal happiness. Taking all things together, - would you say you're very happy, pretty happy or not too happy? That might be one sample question and it turns out that people who say they're very happy actually look happier to their friends and family members, so we want to take their report seriously about their own life.

Robin Hughes: So it isn't just self-reporting, you do check this out by looking at what other people say about them, and about objective assessments of their actually acting as if they're happy, as well as saying that they feel happy.

David Myers: Yes. Since what we're studying we call Subjective Well-being, how you feel about your life is what we're really studying, and so the person that lives inside your skin has got to be the final judge. But it does give us comfort to know that friends and family members tend to agree with people's self-assessments. It comforts us to know that their self-reports tend to be durable over time, and that when we put a beeper, an electronic pager on them and beep them periodically during their waking hours, their moment-to-moment mood reports when averaged over time, correlate quite nicely with their global report of their own happiness or satisfaction with life.

Robin Hughes: What we're talking about here then, is what you might call chronic happiness, rather than the acute happiness that you might feel if you'd just won the lottery.

David Myers: Exactly, and in fact that acute happiness that happens in response to good events, tends not to be long-lasting. After a relatively short period of time - it might be a matter of weeks or days, if one has won a pool or a lottery, and a much shorter period of time - maybe even just a day after some good event like a pay raise, or a good grade on an exam - emotions tend to return back to the normal state. We human beings have a tremendous capacity for adaptation to changing circumstance. And so a temporary good event puts you in a good mood for a short while, but that's not what we're studying. We're studying an enduring sense of well-being.

Woman: My friends make me happy, sex makes me happy, my work makes me happy most of the time.

Man: Things that make me happy are the things that touch my heart. I guess good food makes me happy, places where I have an association of happiness with - to go there again, they give you sort of experiences that make you happy.

Woman 2: I can't put my finger on it, but actually since I've had a child, there's somehow a sort of peacefulness and a roundedness that wasn't there before. I didn't feel that I was particularly lacking, I didn't know that I was unhappy before then, but somehow I feel better now.

Robin Hughes: Would more money make you happier?

Man 2: I sometimes think that it would because I'd like to have lots of houses all over the place. I know that sounds like a crazy thing to say, but one of



these strange sort of material things that I have is to have a house in all my favourite parts of the world, so I can just go there rather than paying exorbitant hotel fees. But I think no, I mean, I don't think it would make me any happier, no. Although I wonder whether, if I was perhaps unemployed and less able to look after myself, whether that would impact on my happiness, and I'd say it probably would.

Robin Hughes: Now let's get down to business, and actually start going through the specific things that people have thought over the centuries might actually make them happy. And there's the first and obvious one, I imagine particularly in American and Australian society, where we're talking of a fairly materialistic thing: does money buy you happiness? What is the evidence on this?

David Myers: People will deny that money buys them happiness. But if you ask them a different question: Would a little more money make you a little happier? Many people will agree, 'Well yes, it would relieve a lot of pressure when the bill paying time comes at the end of the month.' And here in America, the percentage of college students who say that becoming very well-off financially is really important or essential, has doubled over the last 30 years, to become really the top-rated value among American college students.

And yet we now have accumulated pretty compelling evidence that money doesn't buy happiness. For example, people with very high incomes tend not to be noticeably happier than people with working class incomes, assuming one has enough to afford the necessities of life. And over time, as our affluence has floated upward, here in the United States doubling over the last 35 years, so we now have twice as many cars per person for example, happiness has not gone upward with our incomes. In fact, if anything, we're a little less happy, more likely to be depressed, more likely to commit suicide if we're teenagers than was the case 35 years ago. And many of these same trends by the way, mark other parts of the world, including Australia.

So I say wealth is rather like health: it's utter absence can make you miserable,

but having it doesn't guarantee happiness.

Robin Hughes: Ah, well that was going to be my next question: what about health, does that play a part in whether you're happy or not?

David Myers: Well it does for older people, but for younger adults, for whom health is pretty much taken for granted, the correlation between health and happiness is pretty weak. I mean, if you lack health, then you can be pretty darned miserable, but having health, as most younger adults and middle-aged adults do, is not a guarantee by any means of being a happy person.

Robin Hughes: Now there's another fairly prevailing view that the stage of your life makes a lot of difference, that there are certain points in your life where you almost inevitably are going to be fairly unhappy. Is that what you found?

David Myers: Yes, and other people think old age is the time of great unhappiness as your income is fading, your vocation is lost, your health may be waning. But in fact, in studies done internationally across 16 nations, summarising data from 170,000 people representatively sampled in these 16 countries, including Australia, age has given us no clue whatsoever to people's happiness and life satisfaction. There are happy and unhappy people about equally at every age.

Robin Hughes: But we do notice for example, that teenagers seem to be quite volatile. What did you find about that?

David Myers: Well we see evidence for that in studies that have attached the electronic pagers to people of varying ages, and it beeps them every so often. And when you have people when beeped, pull out a form, write down what they're doing and how they're feeling, you find that teenagers tend to come up from gloom or down from elation within about 45 minutes, while adult moods are more enduring, more gradual. So as we mature, we come to ride a more gradual ocean of emotion: our highs are less high, our lows are less low.

Robin Hughes: But if we're looking at the centre of the pendulum, it doesn't change over time.

David Myers: It doesn't change according to age, that's correct.

Robin Hughes: Now what about the old question - are men happier than women?

David Myers: Because they have greater incomes and social power, they ought to be happier some say. But then there's others that say that women have a greater capacity for intimacy and empathy and social connection, and maybe they should be happier. But again, studies from across the 16 nations find that gender gives us no clue whatsoever to personal happiness. Men are less likely to be depressed than women, that's true - about half as likely - but then they're about five times as likely to become alcoholic. So men and women experience difference kinds of misery in response to stress. Women tend to internalise problems and ruminate a little more than men do. Men tend to drink or act out a little bit more than women do, but tell me somebody's gender and really you've left me in the dark as to their personal happiness.

Robin Hughes: Now you say these studies were gleaned from 16 different countries right across the world, so you had a fair cultural mix in all of that. Did you find that your cultural background makes a difference?

David Myers: Well there are some interesting country-by-country differences. For example, in Portugal 10% of people say they're very happy. In the Netherlands, 40% say they're very happy. So yes, there are country-by-country differences that scholars have tried to account for in terms of the cultures of those countries.

Robin Hughes: So at last we've actually hit a significant differentiator, because you've already said that you know, health, wealth, gender, none of these things actually matter very much - age. But culture does.

David Myers: Yes, and these countries where people are relatively satisfied and happy with their lives, tend curiously to be countries that have enjoyed a long history of stable democracy throughout this century. So one factor may be the empowerment of people, the sense of control they feel over their lives in countries where there's a high level of happiness. I must say that these also

tend to be - these democratic countries also tend to be relatively affluent countries, so we do get a little bit of monetary effect there. But again, there are so many things that differentiate countries - their wealth, their democracy, the extent to which they're individualistic, and their values, the extent to which religion is strong in the culture. I mean these things all inter-mix, and so it's hard to disentangle them, to know what's accounting for say, the greater happiness of the Dutch as opposed to the Portuguese.

Robin Hughes: But if you were looking for a monetary explanation, in Europe you would expect the Germans to be the happiest people, because that would probably be the most affluent in Europe at the moment. How did they compare with other Europeans?

David Myers: Well actually the Germans are not notably happy people. In fact curiously, the Irish during the 1980s, who had half the personal incomes on average, half the buying power of the West Germans, were year after year more satisfied with their lives, by their own reports, than the much richer but truly more dour, West Germans.

Robin Hughes: Before we move away from looking at particular factors, one very very strong factor which people think is very important in their lives, is the question of their work. And over the years we've heard a lot of wisdom on the question of what kind of work makes you happy, and what it is about work that makes you happy or unhappy. Did you look particularly at work as a factor in people's lives?

David Myers: Yes, and work that provides you with a true sense of vocation and of identity, of meaning and purpose for your life, tends to be satisfying work. And such work often brings you into a sense of communal contact with others you care about, and who care about you. Also work that helps so to speak, to make people happy, tends to put them in what we call "flow" - that is, it tends to absorb them mentally. I mean they get caught up in it such that they lose track of time; even as the time is right now flying by for me as we're talking, it's work that engages my skills. And when the challenges that we face are well-suited to the skills that we have, we're more likely to be in

"flow" than when we're under-challenged and bored. Or when we're over-challenged and anxious and overwhelmed.

Man: I think some kind of engagement, functional engagement with the world is important, where output is important, where I can see that I have done something, a piece of work, a piece of writing, whatever, some kind of output is important. It can be measurable, it can be you know, you can say it's good, medium, or bad, but it has to be something that comes out. I think that's very important. But I guess increasingly, you've got to try and keep it so it doesn't overtake everything.

Woman: And the other thing that makes me happy is my work. When I'm working well with someone else to create a product, that sense of knowing that you both have the same ideas and you're working effectively together to create it, no matter how hard I work, I'll even be quite happy to work late, work overtime, anything really, to get that to happen, to get that good feeling, that rush of energy and adrenalin and creativeness that you can get.

Working with someone else is a really important part of it. There are times when being alone and having individual creativity is important as well.

Robin Hughes: I wonder now if we could just turn and have you tell us out of this huge study, what were the factors that you saw as being the essential ingredients of happiness for those people who reported themselves to be happy - what characteristics did they display?

David Myers: Well first, there were certain traits that marked happy lives. Happy people tend first of all to like themselves. That is, they have what we call high self esteem, they tend to agree with statements like 'I have good ideas, I'm a lot of fun to be with,' - turns out by the way that most people do agree with such statements, and do express a reasonably positive self-esteem.

Secondly, happy people tend to feel in control of their lives. They tend to have what psychologists have called an "internal locus of control", rather than feeling externally controlled. Poverty by the way, severe poverty, can demoralise

people because it does erode people's sense of control over their lives.

Third, happy people tend to be optimistic. They tend when they undertake a venture, to anticipate they're going to succeed, and if they don't, not to attribute it to enduring faults in themselves, but to think that the problems are surmountable.

And fourth, they tend to be outgoing. You might think that introverts would be happier enjoying the serenity of their contemplative silence, than would extroverts, who are more often engaged with and therefore in conflict with, other people. But it turns out that extroverts are generally more high-spirited and happier than introverts.

So those are, first of all, just four traits that typically mark happy lives.

Robin Hughes: Now extroverts are happier than introverts: are they happier if they're forced to be alone?

David Myers: They're happier under various circumstances remarkably, whether alone or with others, and it seems that there may be a genetic contribution to extroversion because from studies of identical twins, there does appear to be an hereditary influence on the trait of extroversion that makes some people more outgoing and more temperamentally high spirited.

But that doesn't mean that there isn't something you can do about it. People who act as if they have these traits, if they'd like to have them, curiously begin to actually have something more of these traits; that is, they begin to act themselves into being the people they'd like to be. But that's only true within limits because we are all attached to a genetic leash.

Robin Hughes: Yes, there is a bit of a problem about the chicken and the egg here. I mean, are people extroverted, full of self esteem, feeling that they're in personal control and optimistic because they're happy people, or is it because they've got those qualities that they find themselves happy?

David Myers: When you or I or any of our listeners become depressed, we tend to close in on ourselves and to become more introverted. When we're very happy, when we're excited and elated, we're more outgoing. So

happiness leads to extroversion, but we also have good independent evidence that extroversion tends to lead to happiness too. So it is a chicken and egg relationship here. There's two-way traffic between extroversion and happiness.

Robin Hughes: But if you're the sort of person who is rather dour and rather miserable, but you actually want to be happy, and I presume most people are in that situation - I mean it would only be a very abnormal person who would deliberately pursue unhappiness I think. If you actually want to be happy and you want to do these things, is it possible just by taking thought to change yourself?

David Myers: Well to a limited extent, yes. We actually have experiments in which people are temporarily manipulated into a happy face or a sad face. They're told to turn up the corner of their mouth while electrodes are attached to their face, and having been manipulated into a smiling expression they feel happier and find cartoons funnier than if they're manipulated into a frowning expression.

Likewise people who are engaged in walking down the sidewalk with head high and arms swinging, as if they were boldly happy, report indeed feeling happier than people who shuffle down the street with shoulders slumped. So there does seem to be some wisdom in the old idea that if you put on a happy face, you may feel a little happier. If you act as happy people do, you may at least temporarily, feel a little more joy in your life.

Robin Hughes: Now one of the very traditional things that we're told makes us happy - and I think a lot of people by introspection have this feeling too - is the old E.M. Forster statement that 'only connect', that it is by connecting with other people that often you will get a great sense of fulfilment and happiness. And I guess the acid test of that is: Does marriage make you happy?

David Myers: Here we have really striking evidence, I think, of a correlation between close, committed, enduring relationships such as marriage, and personal happiness. People who have close relationships like soul-mate friendships, indeed several of them, are much more likely to say they're very

happy, than people who have a lot of superficial relations but no soul-baring friendship with anybody else.

And one example of a close relationship, is as you say, marriage. Here in the United States, over the last 20 years, 39% of married adults and 24% of never married adults, have reported themselves being very happy. And in European surveys and Canadian surveys, we find the same happiness gap between the married and the never married. And I should add, less happy than the never married are the divorced and separated, and those who were unhappily married to somebody who's not their best friend, maybe even in an abusive relationship, emotionally or otherwise.

Among the happiest of people are those who are married and say their marriage is a very happy one to their best friend.

Robin Hughes: There was a report at one stage that men did very well out of marriage, but women weren't so happy with their marriages. What did your big survey find?

David Myers: Yes, there's been a lot of mythology about marriage being good for one sex and bad for the other. But in fact in these world-wide studies, this happiness gap between the married and the never married that I talked to you about a moment ago, is essentially identical for women and for men. And this is across many studies of literally 170,000 people in one international survey, and we find the same thing in the statistical digest of all the other available psychological research. Marriage is similarly correlated with happiness for both men and women. Although I should add, we do have here too Robin, that chicken and egg problem that we mentioned a moment ago. Does marriage make us happier? Or are happier people more socially attractive and more likely to endure in long-term relationships. And I think there's some evidence that again the traffic is two-way.

Robin Hughes: Well of course, there's another question as well: whether or not it's because our society very much expects us to get married, and there's a sort of, quite a pressure to pair in a way, that may make people who don't achieve that feel somehow or other that

they've failed in the expectation of society.

David Myers: I don't know if that's true, but there is some evidence that would support that. Namely, that here in the United States, as the number of single people have increased from 25% to 39% over the last 25 years or so, the gap between the married and the never married and their happiness has shrunk a little bit. But still, I think I would be pretty confident in saying that we humans are social animals, as Aristotle said, we're made for close relationship with each other, and a close, committed, intimate, mutually rewarding, long term relationship is one of the key ingredients for happiness.

Robin Hughes: Now the other aspect of our society, David, that we often find people claiming will actually make a terrific difference to whether you're happy or not, is religion. Religion is sold often to the community as being a way to happiness. Did you look at that at all in your surveys?

David Myers: Indeed, and that is a really interesting question because of the, again, the competing ideas. Sigmund Freud thought religion was a sickness, he called it 'an obsessional neurosis' that leads people to live repressed, uptight, unhappy lives. But then as you say, there are others who say that religion predisposes us to joy. Well, we have now some really not well known but quite consistent evidence that in fact, the latter seems more often to be true.

For example, surveys by George Gallup have found that what he calls 'highly spiritually committed people' - people who say their faith is very important to them, who pray regularly and so forth - are twice as likely to say they're very happy as people at the low end of his spiritual commitment index. And then there are other studies that associate religious faith with people's ability to cope with a tragedy like a disability, or the death of a loved one, or even the loss of a job, that find that people of strong faith seem to cope better and to recover a sense of wellbeing sooner than people who are irreligious.

Robin Hughes: Well now, where would that fit in your theory, given that you found these other qualities and these other circumstances that really are

important to happiness, you could interpret that in relation to religion, couldn't you?

David Myers: Well certainly, and indeed religious people themselves would be the first to say that religion is not a solo activity, it's a communal fellowship amongst people who care about each other and share their faith together. And so there ought to be in some sense, a social support ingredient. And some studies have tried to say, 'Well if you take this out, if you remove the social support element of a religion,' which is rather like taking the wind out of a hurricane effect maybe - but if you do that, is there anything left? And there does seem to be something left, and so other scholars that said 'Maybe this is providing people with a sense of meaning and purpose for their lives.' For we do know that people who report a strong sense of purpose in life live with greater happiness and they often define that through their faith.

Still others have said, 'Well maybe faith gives people a sense of security that maintains and hopes that sustains their wellbeing in the long run.' If they feel that in the end, the very end, all will be

well, that may help them survive traumas in the short term.

Robin Hughes: So out of all of these studies, and the way in which you've looked at this and analysed it and wondered about it, what's your theory of happiness?

David Myers: We don't have a complete theory, but my co-author, Ed Deiner and I speculate that a theory of happiness is first going to include the importance of our human capacity for adapting to changing circumstance. Whether people live with significant disabilities, maybe after becoming paraplegics in a car accident, or whether they're able bodied and have won massive sums of money in a lottery, seems after a time of adaptation to have amazingly little impact on their psychological wellbeing.

Second, we have to have a component for people's cultural world view. Some cultures seem to construe the world as benevolent and controllable, and to give people power over their lives, and these cultures tend to have happier people than cultures that don't.

And then a third component of the theory of happiness is people's values and goals. People who have a sense of

mission in life and pursue that directly, seem to live with greater joy in their lives than people who don't have a clear sense of their mission and life goals.

Man: In the end, I guess things will go right rather than wrong. I suppose if you look at the macro level you could say there are lots of wrong things happening all the time from events in your local community to world wars or whatever. But there's a sense in which things will repair themselves and make themselves better. And that's both from a personal level right through to that macro level.

Man 2: I think it has to do with my religious faith, as being a Christian and so that sense of destiny. I know that when I put my hand towards things that God's involved with, or even things that He's not, He can even turn quite bad things around for good, eventually.

Woman: Optimism for me I think, is that I feel that all the work I'm doing in my life is generally contributing to society making itself better. We're still improving society, it's not as if I feel society is in a retrograde motion. So it's how I see my own personal life, but it's how I see myself locking into a larger societal progression.

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## Chronic happiness: other views.

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**Spectrum Feature: C'mon, Get Happy. Gyles Brandreth, SMH Page 4S, 12/2/2000. "Cheer up. After a lengthy session in the psychiatrist's chair, the author is eager to let you in on life's great secret- how to live happily ever after". "The things I'm going to recommend are not all easy to do. If they were, people would have no problem being happy."**

I want to be happy. How about you? People who know me probably think I am happy, almost irritatingly so. Well, I'm not. At least, not all the time. I should be, of course. I count my blessings: I have a good job, a fair income, a perfect wife (truly), three children with whom I'm still on speaking terms. I've got it all, and yet something's missing. Something's wrong.

Perhaps this is just a touch of post-millennium blues. There we were, the end of December, with such hopes.

Here we are in February A nothing has changed.

So I have been to see a psychiatrist. Indeed, I have been to see The psychiatrist, the famous one who graces Britain's radio waves with a lilting Irish accent. Dr Anthony Clare is 57, married with seven children, I medical director of St Patrick's Hospital in Dublin, Ireland's first mental hospital (founded by Jonathan Swift in 1745). He is professor of clinical psychiatry at Trinity College, a research scientist and a scholar. He is also slight, twinkly, amused, amusing, attractive, wiry, beady-eyed, engaging: Gabriel Byrne meets Kermit the Frog.

To reach his office I travel through a labyrinth of corridors and stairwells, past sullen young women with eating disorders, past alcoholics and depressives, past shuffling figures muttering to themselves, past rows of old people sitting sadly armchairs gazing vacantly into middle distance. By

the time I arrive at his office I am feeling suitably shamefaced.

His welcome is wonderfully warm. "And what are you after?"

"I am looking for the elixir of happiness." He laughs. "If it's an elixir you're after, Dublin's not a bad place to start." "I'm serious," I persist. "I want to be happy. I want to be happier. I want you to point me - and my readers in the right direction."

He pours coffee, invites me into the psychiatrist's chair and suggests we might begin with a definition. "What is happiness?" There is a long pause. "The essence of happiness is a conscious appreciation of the rightness of being. And it's a state. It's not a permanent trait.

"People aren't 'happy' - they have experiences of happiness. Most people's customary state is one of balance between conflicting needs and

desires and emotions, and happiness comes into play as one of those experiences which people from time to time describe and clearly aim for." "For example?"

"One of my happy situations would be sitting in the Italian sunshine, mid-morning in Umbria, and on the table there's wine and cheese and tomatoes with oil dribbled over them, and with a few friends I'm sitting there talking about something like this - happiness -and, so long as the wine's drinkable and the cheese smells like cheese, frankly I don't care, I'm happy. The people are key. Having people around you who make you feel good and think you're good is important."

"You can describe a happy experience. Can it be measured?"

"A number of biological systems are bound up with our feelings. Take the role of the endogenous opioids. These are opiate-like substances that we produce inside us, and sometimes activities that we engage in can stimulate them - jogging, for example, or some of these arousal jags that people put themselves into: climbing mountains, putting themselves in danger. You do something that prompts a natural high.

"It's almost as if you have access to your own fix. And that has led to a lot of interest in the possibility that people who are prone to taking external substances - opiates, hallucinogens, amphetamines and so on - are people who, for one reason or another, have an internal opioid 'system that doesn't work very well, so they need external stimulation.

"To test happiness, I look at the areas of life that people over the centuries have identified as the mainsprings of human happiness. Jung pulled them together in a listing. He identified things like having a philosophy of life, having reasonable physical and mental health. He thought an education mattered, but he didn't mean a narrow scholastic education. He meant an openness to the world, an openness to the arts, the sciences, human knowledge, an outward-looking approach. For inward-looking people it isn't easy. It's not impossible, but introspective people have problems being happy.

"If you sat here, and I was testing You, I'd look at your philosophy of life -is it

positive or negative? It doesn't mean you can't be happy if you think life is an absolutely pointless exercise, but it's starting to tilt the balance a bit. What are you doing with your life?

"Freud thought 'to love and to work' were the two elements of happiness. Well, there's some truth in that. So, what's your work? How do you feel about it? Is it satisfying? Do you feel you are making a contribution and that it's valued?

What about love? Do you love and are you loved?"

"So do we have a right to be happy?" "According to the American Constitution 'the pursuit of happiness' is an inalienable right. The Americans of course, have changed the way we think about the whole subject. The arrival of psychoanalysis in the United States and what the Americans did with it is important in terms of the modern attitude to happiness. The Americans took Freud and adapted him to their own purpose.

"Freud, of course, was a European pessimist. But the Americans, with their passion for self-perfection and their notion of perfection being achievable on Earth, took Freud's theory and turned it into a therapy to make you happy. And the result is that now, along with our air-conditioned four-door car and our house and our couple of holidays a year and a reasonable standard of health, we all expect happiness, too.

"I remember in one of the prayers we used to say when I was a child there was a reference to life as 'a vale of tears'. Happiness was not for this world. Indeed, the notion of happiness on Earth was a delusion and a snare. Happiness was the state you would arrive at after you were dead - if you did everything the right way. Heaven was happiness.

"Now we demand heaven on Earth. All, I the psychological theories today assume some kind of maturing balance between emotion and perception and cognition and will and impulse control.

"To what end? Perfection. A mental state of perfection is happiness. And the psychoanalyst has become the secular priest who will take you to happiness.

"While people want to be happy, admitting you are happy is a different

matter. I think it was Shaw who said 'People rarely admit to being happy', rather as people rarely admit not to being stressed. People are wary of saying they're happy. Perhaps because it sounds like an invitation to fate. Or it sounds smug. Or it sounds insensitive." "How can you be happy when you see on television what's happening in Kosovo or Uganda?"

"Well, how can you? It's difficult. I remember discussing this with R. D. Laing, who recognised that if you allow suffering to overwhelm you, you're not going to be of any use anybody. So perhaps this process being happy has an evolutionary purpose. It allows you to do things, to move forward. If you were too ready to become - understandably - unhappy, you'd be paralysed."

"What about individual circumstances that are conducive to happiness? Is health important?"

"It can be an important component, but not necessarily. You will find disabled people who describe themselves as happy, and people who have led terrible lives who, because of a philosophical view of life and of suffering, describe themselves as happy, too."

"Does appearance matter? Do looks help?"

"Being reasonably attractive is a help. People come towards you, warm to you. But you can be too beautiful. Extremes are difficult for human beings to cope with. Marilyn Monroe wasn't very happy."

"What about family circumstances?"

"It may be relevant where you come in a family. There's some evidence that first-borns, who get all the initial attention and love, are more contented, more confident. They may also be more conservative less radical because they like the world as they see it. A second or third child is immediately in a more competitive and challenging situation, so there may be a tendency for first-borns to be happier."

He shifts a little uneasily on his chair and lowers his voice: "This is a terribly politically incorrect thing to say but, on the whole, it's better to have two parents than one. This is not meant as an attack on single parents and, of course, we all know plenty of one-parent families that are successful and two-parent families that are a disaster. But as a general rule



two-parent families are more conclusive to happiness."

"What about marriage?"

In essence, marriage is good for men; and can be, but is not necessarily, good for women. If you take the four categories - married men, single men, married women, single women - it does appear that married men are the happiest and single men are the unhappiest. With women it gets more complicated. For instance, married women with a poor level of education are unhappier than single women, but educated married women are relatively happy."

"What about money?"

"It has suited all sorts of people to equate material possessions with a state of happiness, because that keeps you pursuing them. But money and material things are a means to an end. I do not knock them. Often they free people. It is difficult in situations of struggle to be happy, but it doesn't follow that in situations of plenty you will be happy."

"So winning the lottery won't make me happy?"

"Not of itself. Money is an enabler, but our society has got it horribly wrong and confuses the enabler with the end."

I have been with the psychiatrist for nearly two hours, but I tell him I can't leave yet. "In fact," I say, "unless I get what I came for I can't leave at all."

"You want 'strategies for happiness', do you?"

"Yes, please. I want the secret recipe: Anthony Clare's Seven Steps to Happiness. This is the bit I and my readers are going to cut out and stick on the fridge door."

"Oh God."

"Go on, please."

The professor laughs. He is going to oblige. But first, the caveats:

"Remember, psychiatrists are very much better at exploring the pathological and the diseased and the malfunctioning, so you've got to be wary of those who come to the issue of health from disease or come to the issue of happiness from mental illness. Remember, too, that the things I'm going to recommend are not all easy to do. If they were, people would have no problem being happy."

**"Number one:** cultivate a passion. It is important in my model of happiness to have something you enjoy doing. The challenge for a school is to find every child some kind of passion - something that will see them through the troughs. That's why I'm in favour of the broadest curriculum you can get.

**"Number two:** be a leaf on a tree. You have to be both an individual - to have a sense that you are unique and you matter - and you need to be connected to a bigger organism, a family, a community, a hospital, a company. You need to be part of something bigger than yourself.

"Of course, if you are a rather complicated person, people may avoid you. If on the other hand, you are a centre of good feeling, people to you. I see the tragedy here in this room where some people sit in that chair and say they don't have many friends and they're quite isolated and unhappy, and the truth is they are so introspective they've become difficult to make friends with. Put them in a social group and they tend to talk about themselves. It puts other people off.

"So that's my **third rule:** avoid introspection.

**"Number four:** don't resist change. Change is important. People who are fearful of change are rarely happy. I don't mean catastrophic change, but enough to keep your life stimulated. It's the salt in the soup. Uniformity is a tremendous threat to happiness, as are too much predictability, control and order. You need variety, flexibility, the unexpected, because they'll challenge you.

**"Five:** live for the moment. Look at the things that you want to do and you keep postponing. Postpone less of what you want to do, or what you think is worthwhile. Don't be hidebound by day-to-day demands. Spend less time working on the family finances and more time working out what makes you happy. If going to the cinema is a pleasure, then do it. If going to the opera is a pain, then don't do it.

**"Six:** audit your happiness. How much of each day are you spending doing something that doesn't make you happy? Cheek it out, and if more than half of what you're doing makes you unhappy, then change it.

"And, finally, if you want to be happy, be happy. Act it, play the part, put on a happy face. Start thinking differently. If you are feeling negative, say: 'I am going to be positive'; and that, in itself, can trigger a change in how you feel.

The professor slaps his hands on his desk and laughs. "That's it." "And it works?" "Well, it's something for the fridge door. Try it and see." **The Telegraph, London.**

## Corrupt employers & the obligation to maintain trust and confidence.

**Case of the dishonest employer. Mr Andrew Rogers QC is a former judge of the commercial division of the NSW Supreme Court. AFR 26/8/97. "Workers could soon sue corrupt employers for hurting their job prospects" warns Andrew Rogers.**

The House of Lords, the highest judicial tribunal in England, has discovered yet another basis for liability of employers to damages. The dispute arose from the collapse of the Bank of Credit &

Commerce International SA- As the House of Lords noted, the argument proceeded on the assumption that the bank had been conducted as a dishonest, corrupt business.

It was accepted that the plaintiffs, Messrs Malik and Mahmud, were unaware of, and had no part in, the fraud which riddled the bank's business. They had each worked many years for the bank, one as a branch manager, the other as head of deposit accounts and customer services at a different branch.

When the bank collapsed the provisional liquidator dismissed them on the ground of redundancy. Not surprisingly, they found difficulty in obtaining employment in the banking field because of their association with BCCI.

They each received all payments ordinarily, due to them on the termination of employment. However, in addition, each claimed damages for breach by the bank of the terms of his contract of employment. They argued, and the House of Lords accepted, that

the bank, like any other employer, was under an implied obligation to its employees not to conduct a dishonest or corrupt business.

Moreover, the obligation was stated to be merely part of a more general obligation that both employers and employees have one to another that if the employment relationship is to continue they are not to engage in conduct likely to undermine trust and confidence. That trust and confidence may be undermined if the employer is dishonest or corrupt - but also by all sorts of different actions.

Of the many forms which trust-destroying conduct may take, some may have continuing adverse financial effect on an employee even after employment ceased. In the BCCI case, the employer's conduct was not only, destructive of the relationship of trust and confidence but also when it became more widely known, of the employees' opportunity to obtain further employment.

There were only two judgements delivered. The one by Lord Nicholls contains a statement which goes far beyond the circumstances of the BCCI case. He recognised that the implied contractual term of employment did not require employers to take steps to improve an employee's future job prospects. However, positively damaging such prospects was another matter. His judgement is squarely placed in the employment market of today when he said:

"Jobs of all descriptions are less secure than formerly, people change jobs more frequently", and the job market is not

always buoyant. Everyone knows this. An employment contract creates a close personal relationship, where there is often a disparity of power between the parties. Frequently, the employee is vulnerable. Although the underlying purpose of the trust and confidence term is to protect the employment relationship, there can be nothing unfairly onerous or unreasonable in requiring an employer who breaches the term to be liable if he thereby causes continuing financial loss of a nature that was reasonably foreseeable."

In an Australian setting, these words are a reminder of the companies that collapsed as a result of the excesses of the '80s. How many employees of those companies, who were themselves innocent of any wrongdoing, had their employment prospects detrimentally affected, if not destroyed, simply because they happened to be employees of a company with a tarnished reputation? How far should the principle be taken that entitles an employee to compensation if he or she is unable to obtain suitable employment as a result of having been an innocent employee of a company that came to grief ~, a result of inappropriate transactions?

As Lord Nicholls went on to say: "Employers must take care not to damage their employees' future employment prospects, by harsh and oppressive behaviour or by any other form of conduct which is unacceptable today as falling below the standard set by the implied trust and confidence term." (Emphasis added.)

Lord Nicholls did say there are many circumstances in which an employee's reputation may suffer from having been associated with an unsuccessful business. He pointed out that in the ordinary way this will not found a claim, even if the business was run with gross incompetence. A key feature in the case was the fact that BCCI had been dishonest or corrupt.

There is a large grey area between a business which is dishonest or corrupt, where liability will be found, and gross incompetence which will not entail such liability. The reality is that even an employee innocent of any wrongdoing will be damaged in employment prospects if a business is found in a swirl of inappropriate business conduct.

In Australia the law has progressed a long way - some will say too far - in providing compensation for wrongful dismissal. What we are talking about here is unrelated to that. The termination of employment may have been perfectly proper. It may even be that an employee left when he or she discovered the inappropriate conduct by management. If that inappropriate conduct then becomes general knowledge the chances of future employment are likely to be detrimentally affected.

The likelihood of damages being available in such cases in Australia must be very high. The BCCI case is part of a worldwide trend to enlarge the employer's liability to risk of loss by the employee. Simply from the point of view of who is best able to bear the cost, that must be the appropriate course.

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## Book review: *Deadly Disclosures: Whistleblowing and The Ethical Meltdown of Australia*, by William De Maria.

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**Book review: *Deadly Disclosures: Whistleblowing and The Ethical Meltdown of Australia*, by William De Maria, 1999, 306pp. Wakefield Press, 17 Rundle Street, Kent Town, South Australia 5071. Reviewed by Dr. Karl H. Wolf, B.Sc. (Canada), Ph.D. (Australia), D.Sc. (USA).**

***Degeneration of public ethics: our collective ignorance, incompetence & indifference.***

**Introduction.** This book is offering information and practical advice to those battling deleterious activities in any social setting. Quoting from reviewers: *The book is 'an eye-opening account of the dangers of dissenting, ... institutions are totally unsuited for defending some of their workers, those who speak out in the public interest, ... reminds us how corruption protects itself and yet can be exposed by honest and brave soldiers of truth, ... the degeneration of public ethics, ... where*

*managers and employees alike turn a blind eye to wrong-doing and victimise the minority who rock the boat.'*

**Important caveats.** Critically evaluative books like this genre, preferentially select many misdeeds of society, and thus are making an invaluable contribution. However, the danger is that if one concentrates on these, the impression arises that the social fabric is hopelessly rotten. Like the daily media's skewed news towards the spectacular,

whistleblowers (WB hereafter) must selectively report on 'social hell on earth'. For one's emotional health, and to maintain some faith in human nature, one ought to counter-balance reporting of humanity's miserable activities by remembering the positive achievements by innumerable individuals and groups. Motto: 'Do not lose faith in humanity!'

**The author.** Professor De Maria of the Centre for Public Administration, University of Queensland, has been a long and controversial public policy activist; outspoken academic, provocative teacher; originator of many innovative programs and the *Queensland Whistleblower Action Group*; investigator of official secrecy and government corruption; public speaker; and continues as a consultant to government and the private sector on ethical matters. And, of course, he is the author of many articles and reports.

**De Maria's book.** The chapters' titles and subheadings are sufficiently descriptive to make a detailed outline superfluous, aside from a few supportive comments.

The book comprises a punchant, vigorous, thus useful, *Foreword* and *Preface*. The main body has three *Parts*, an *Appendix* (i.e. *WB Laws* in 9-page tabular form), *Notes*, *Selected Readings* (References) and an *Index*. **Part I on Whistleblowing: The Big Picture** offers the necessary background information in two chapters: **Chapter 1. Ethical Australia?** provides setting-the-stage information of the unethical '80s and '90s (e.g. Bond and Skase cases; multinational corporation frauds; etc.). **Chapter 2. Disclosure** is most important in offering fundamental information in several sections (i.e. *The Demos Myth*, *The Speakout Myth*, *What is Whistleblowing?*) and sub-sections (i.e. *Suffer*; *Initiate action yourself*; *Act of one's own will*; *Directly perceive the wrongdoing*; *Perceive wrongdoing in a work setting*; *Disclose openly*; *Act to stop the wrongdoing*; and *Act in the public interest*.) The philosophy of disclosure is dealt with here, as well as limitations of democracy; the setting or

environment of wrongdoing and the WB paradox; features of WB phenomena (diagrammatized); a full description of WB: definition and eight characteristics of WB; among others.

**Part II, entitled WB: The Lived Experience**, then describes eight cases (i.e. **Chapters 3 to 10**). These case histories are: *Radioactive WB – Philip Nitschke*; *Vetting the Vet – The David Obendorf Case*; *Religious Dissenter – Peter Cameron's Heresy Trial*; *Academic Dissenters – On Being Unfree in Free Speech Spaces*; *WB on Eight Cents a Day – Disclosures at the ABC*; *'Shreddergate' – the Battle of Kevin Lindenberg*; *Up Against the NCA – the Mick Skirje Affair*; and *The Dark Side of WB – War at the War Memorial*. These can be supplemented by nine cases in Dempster's (1997) book (see earlier review).

**Part III, The State Control on Dissent**, deals with **11. The Shut-eyed Sentries**, i.e. with official, bureaucracy-related *Incompetence and Unlawfulness*. All of Part III comprises absolute 'must-read' information! **Chapter 12. WB Laws -- The State Responds** deliberates in five sections and numerous subsections the following: (a) *Current Status* (divided into: Independent WB Authority; Qualification for Protection; Definitions of 'Public Interest Disclosure'; Prohibition on Reprisals; Public Sector Agency Penalties); (b) *Scope of WB Protection* (Who May Disclose; Private Sector Protection; Media Protection; Protection of Involuntary Disclosures; Disclosures of Previous Wrongdoing; WB on Corrupt Politicians); (c) *Legal Protection for WBs* (Civil & Criminal Indemnification, Protection from Contravening Secrecy Enactments; Injunctions against Reprisals; and Absolute Privilege in Defamation); (d) *Services to WBs* (Counselling); and (e) *Administrative Compensation* (Entitlement to Damages. WB Feedback, and Right to Relocation).

The final **Chapter 13. Codes of Conduct – Moral Bondage in the Age of Anything Goes** offers some concluding

remarks on various fundamentally important philosophical aspects, such as ethics, official integrity, Code of Conduct for professionals; new levels of duplicity, certain moral overreactions, new surveillance opportunities; control of definition of ethical behaviour; conflict between democratic theory (theory of dissent) and Westminster practice – i.e. increasing deleterious governmental control; introduction of several 'protect-the WB' which have been ineffective(!); the WB is still not accepted – despite his/her fundamental social contribution.

*The Culture of Consent* (of the inappropriate, illogical, non-contributory, even destructive-type) must be dismantled to build up the *Culture of Dissent* (ethical/moral, constructive-type). Definitely see also Dempster's (1997) chapters on *The Courage of the WB* and *A Law Unto Themselves!* The lists of **References** are always important – and surprising, because they clearly demonstrate that the phenomena discussed by De Maria are very widespread and have been studied for many years in Australia and overseas (WBing is known only in America and England!). The references are 'selected' from a 'much larger bibliography ... the full version is available from the author.' The general list of references is followed by one divided according to **Professions**, namely related to *Auditing, Conservation, Engineering, Environment, Health and Safety, Journalism, Law and Police, Management, Military, Nursing, Public Administration, Research, and Science* – all have members who have been 'grossly misbehaving occasionally', to put it mildly.

A conclusive thought: Those who need a handy reference book on WBing, will find Parts I and III indispensable, together with Dempster's (1997) above-mentioned two chapters, and certain articles in *The Whistle*, as they offer the most basic, important information on all fundamental aspects.

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## Legal format: How to make a Statutory Declaration.

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This information is sourced from a pamphlet from the NSW Health Care Complaints Commission

Why is a Statutory Declaration necessary?

Complaints against doctors and other health practitioners, such as dentists or nurses, are handled according to

legislation, such as the Medical Practice Act 1992 (for doctors) and the Nurses Act 1991 (for nurses). Under the Health Care Complaints Act 1993, the Health Care Complaints Commission may only investigate a complaint if it is verified by a Statutory Declaration so anyone wanting to make a complaint must make it in the form of a Statutory Declaration.

*Once investigated by the Commission, your Complaint may be referred to a disciplinary body for Inquiry. If this happens, then your Statutory Declaration will become part of the evidence before the disciplinary body.*

### Does a Statutory Declaration have to be typed?

No, it does not matter whether it is typed or handwritten. Of course, a typed Statutory Declaration is generally easier for other people to read.

Prepare your complaint by copying the form set out in this brochure. Make sure it is signed and witnessed.

### What needs to be put into a Statutory Declaration?

An example of how to set out a Statutory Declaration can be found in this brochure.

The following notes will help you decide what information to include in your Statutory Declaration. You should include:

1. A statement that you wish to make a complaint against the practitioner, with an outline of your complaint. This brief statement should include the name of the health professional, with initials (if you know them), address and speciality (if known), the date of the event that you are complaining about and the place where it occurred. For example:  
*I wish to make a complaint against Dr ..... (name) of ..... (address) surgeon, for a lack of care and skill during surgery performed on me at the ..... (name) Hospital on ..... (date).*

2. When you have written your statement, list the details of exactly what happened. Write down what you saw, what you heard, was said to you, what treatment you received, and any conversations with the people involved. If there were witnesses, you should name them.
3. List the details of what happened in the same order that they actually occurred. It can be confusing if a Statutory Declaration jumps back and forwards in time. One way to do this is to treat your statement as if you are describing a film, made up of scenes. You have to constantly ask yourself "Did anything else happen in that scene?" before you move on to the next scene.
4. You should also include details of why you wish to make a complaint. There could be a number of reasons: for example, the problem has not gone away, you now have more of a problem; you received poor treatment; or it may be someone else has discussed the matter with you and indicated you have not been treated properly.
5. If you want to include detailed conversations, you should use people's actual words in quotation marks. For example:

*On the 1<sup>st</sup> May 1985, I attended Dr Smith's surgery with my wife, Mary Jane Brown. I said to Dr Smith, "That you prescribed has given me this rash." Dr Smith said, "It has got nothing to do with that drug. That drug has no known side effects." "I said, "I have been getting palpitations too."*

6. If there are some parts of the conversation or events that you do not remember very well, you should say so. For example:  
*I cannot recall everything that was said but at one stage Dr Smith asked me to remove my shirt. He had a look at the rash. I don't remember if he used a stethoscope to listen to my heart or not*

7. If you are not sure of the exact words, but remember what they meant you should say so. For example, you might add:  
*Dr Smith then said to me words I don't exactly recall, but they were to effect "I don't think this is serious. I suggest you go away and come in a week if it hasn't cleared up."*
8. Finally, include all the information you believe is important. It is better to include too than leave out something that may be important.

### Who can be a witness?

Your Statutory Declaration must be signed in front of a witness. The following list of people are suitable witnesses:

- Justice of the Peace
- Notary Public
- Commissioner for Affidavits
- Solicitor who is currently practising in NSW
- Any person authorised by law to administer an Oath (not a barrister).

If you do not know any of the people listed above, you should contact your local bank, building society, Post Office, courthouse or Police Station. They are likely to know a local Justice of the Peace.

### What should the witness do?

The witness should ask you if you are the person who made the declaration and whether the statements in your declaration are correct and true. The Witness should sign your declaration only after having seen you sign it, or satisfying himself or herself that the signature is yours. (It is simpler if you sign your declaration in front of your witness).

If the declaration is more than one page you and the witness should simply sign your names at the bottom of each page, but the jurat (ie, statement that reads: 'Signed and declared, etc') should only go at the end of the completed declaration.

### What if I wish to complain about more than one health practitioner?

You need to think of your complaint against each health professional

separately, and prepare separate Statutory Declarations for each health professional, even if the complaints are related.

Each separate complaint about a health professional should be set out in separate Statutory Declarations. This is because each complaint you make may be referred to a disciplinary hearing which will look at complaints against one health professional separately from complaints about another health professional. You can mention another health professional in your declaration if it is necessary to make your complaint easier to understand.

### Should I Include documents & notes in My Statutory Declaration?

You may wish to include information from notes, letters, documents or reports in your Statutory Declaration. You can do this by attaching them to the statutory Declaration and stating that you have done so. You may refer to them as being 'annexed' or as 'annexures' to your Statutory Declaration. For example,

Dr X gave me a copy of the report from Dr Y. It is annexed to this declaration marked with the letter 'A'. If you have other documents to attach, you should mark them with subsequent letters - B, C, D, and so on.

You need to attach the documents (the 'annexure') to your Statutory Declaration. When you do this mark each document with the appropriate A, B, C, and so on, at the top of the document. You need to be on the 'annexure', at the beginning or the end, the exact words:

This and the following page(s) is the annexure marked 'A' (or 'B', 'C' etc) referred to in the Statutory of ..... (name), declared before me at ..... (place), the ..... (day) of ..... (month), 19.....

This statement, which will be filled in by your witness, needs to be typed on each annexure only once, no matter how many pages there are in the annexure.

### How do I finish the Statutory Declaration?

End your Statutory Declaration with the following words:

*I make this solemn declaration consciously believing the same to be true, and by virtue of the provisions of the Oaths Act 1900.*

Your complaint, which is now in the form of a Statutory Declaration, must be signed by you and your witness (see the section "Who can be a witness or a list of people who can be a witness) in the following way:

Subscribed and declared at

..... (place)  
This ..... day of ..... (month) 19 ..... (Year)  
..... (your signature)  
..... (Signature of witness)  
..... (Date)

It is important to remember that the Statutory Declaration is a legal document and that action can be taken against you. If you make a false or misleading declaration.

### How to make a Statutory Declaration (cont'd): What does a Statutory Declaration look like?

A Statutory Declaration involves you stating your complaint in the following way:

I, .....  
(full name)  
of .....  
(address and occupation)  
.....  
(address and occupation)

do solemnly and sincerely declare that: .....

Here you set out the details of your complaint as explained earlier in this brochure and end your complaint with the following words:

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths Act 1900.

The complaint which is now in the form of a Statutory Declaration, has to be signed by the person making the complaint and the witness (see the section "Who can be a witness" for a list of the people who can be a witness) in the following way:

Subscribed and declared at ..... (place)

This ..... day of ..... (month) 19 ..... (year)

..... (Your signature)

..... (signature of Witness) ..... (Date)

### Request for Statutory Declarations by whistleblowers.

Following the SBS Insight 'Workplace harassment & Bullying Program' (8:30 pm 15/6/00), the editor is collecting statutory declarations from individuals who have made complaints under the OHS Act and have not had any support or follow-through from the various state WorkCover & OHS authorities. Please confine statutory declarations to 2 pages. Submit by 10 July to the editor. Copies of the statutory declarations will be lodged in State & Federal parliaments (where possible) and with major newspapers. **Robert Taylor (ed).**



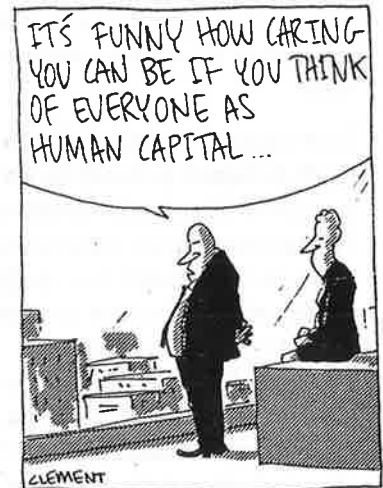


## Forthcoming issues of *The Whistle* will focus on .....

The editor is particularly keen to receive:

- articles for publication;
- feedback on past & the present issues, particularly on the quality and diversity of articles included.
- useful web sites (whistleblowing, legal, ethics, dissent, government policies and procedures, OHS etc.)

We seek your suggestions and seek to improve *The Whistle* for readers and to ensure that articles reflect the interests of whistleblowers.



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Membership of WBA involves an annual fee of \$25.00. Membership includes the annual subscription to *The Whistle*, and members receive discounts to seminars, invitations to briefings/discussion groups, plus input into policy & submissions. If you want to subscribe to '*The Whistle*' but not join WBA, then the annual subscription fee is \$25.00

The activities of Whistleblowers Australia Inc. depend entirely on voluntary work by members and supporters. We value the ideas, time, expertise and involvement of our members and supporters.

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- Feliks Perera, National Treasurer, 1/31 Jarnahill Drive, Mt. Coolum Qld 4573. Tel./Fax. 07 5471 7659; or
- Chairpersons of the State branches of WBA at the addresses shown above.

## Whistleblowers Australia Inc. Regional Contact points.

### National President Whistleblowers Australia Inc.:

Dr Jean Lennane, 9 Rowntree St., Balmain NSW 2041. Tel/Fax. 9810 2511.

### National Director Whistleblowers Australia Inc.: Brian

Martin, Whistleblowers Australia Inc. National Office, PO box U129, Wollongong University NSW 2500. Tel.: 02 4221 3763. Web site: <http://www.uow.edu.au/arts/sts/bmartin/dissent/>

**New South Wales: "Caring & Sharing" meetings**, we listen to your story, provide feedback and possibly guidance for your next few steps. Held every Tuesday night 7:30 p.m., Presbyterian Church Hall, 7-A Campbell St., Balmain 2041.

**General meetings** held in the Church Hall on the first Sunday in the month commencing at 1:30 p.m. (or come at 12:30 pm for lunch and discussion. The NSW AGM is held at 1:30 pm on the day of the July General Meeting. **Contacts:** Cynthia Kardell, Tel./Fax. 02 9484 6895, or messages Tel. 02 9810 9468; Fax 02 9555 6268. **Goulburn:** Rob Cumming, Tel. 0428 483 155.

### Wollongong: Brian Martin, Whistleblowers Australia Inc.

National Office, PO box U129, Wollongong University NSW 2500. Tel.: 02 4221 3763. Web site: <http://www.uow.edu.au/arts/sts/bmartin/dissent/>

**Victorian Contacts:** Anthony Quinn 03 9741 7044 or 0417 360 301; Christina Schwerin 03 5144 3007.

**Queensland Contacts:** Feliks Perera, National Treasurer, 1/31 Jarnahill Drive, Mt. Coolum Qld 4573. Tel./Fax. 07 5471 7659. Also Whistleblowers Action Group contact: Greg McMahon, Tel. 07 3378 7232 (a/h).

**South Australian Contacts:** Jack King, Tel. 08 8278 7853; John Pezy Tel. 08 8337 8912.

**Western Australian Contacts:** Avon Lovell, Tel. 08 9242 3999 (b/h).

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