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

The Whistle

NO. 48, OCTOBER 2006

Newsletter of Whistleblowers Australia

Whistleblowers Australia conference: see page 15

Media watch

Poor bribery report card

Cath Hart
The Australian, 27 June 2006, p. 4

THE world's corruption watchdog has criticised Australia for failing to provide whistleblower protection to those involved in the fight against bribery of officials.

Transparency International's annual report card on what OECD countries have done to stop corruption calls on Australia to investigate more suspect companies and bolster recent corporate law changes to protect whistleblowers.

"Australia's recent corporate law amendments gave no effective corporate whistleblower protection as they did not provide anonymity," it says. It finds there is an urgent need for the tax office "to immediately investigate the claiming of tax deductions by corporations and their overseas subsidiaries operating in countries where bribe-paying to officials was notorious."

It also criticises Australia's failure to prosecute anyone for bribery and its "unsatisfactory" co-ordination and supervision of foreign bribery law enforcement.

The nation's reputation is likely to take more of a battering in next year's report, which will reflect the fallout from the AWB scandal, involving kickbacks paid to the regime of former Iraqi dictator Saddam Hussein.

Disability dobber dismissed

Margaret Wenham
The Courier-Mail, 20 May 2006, p. 4

A FORMER whistleblower who was suspended after complaining about the treatment of people with disabilities at Brisbane's Basil Stafford Centre has been sacked.

In February, *The Courier-Mail* reported that Kerry Crossingham, a residential care officer who worked with residents at the notorious facility, had been suspended on full pay since last July after alleging people with intellectual disabilities were being isolated and locked up for long periods.

The treatment contravenes Disability Services Queensland's statutory requirements and policies.

Yesterday Mr Crossingham said he had received a letter of dismissal, the grounds for which included him harassing DSQ executive director Evan Klatt by sending emails relating to his complaints to Mr Klatt's home computer, and failing to follow a direction to supply his current home address to the department.

Mr Crossingham, who was nominated for an award for his work in 2004, said the Basil Stafford resident about whose treatment he had complained was still being "detained illegally."

"They have no legal authorisation to lock him up and he is one of a number of intellectually disabled people whose liberty is currently being deprived illegally by DSQ," he said.

"There is no statutory authority stating that residential care officers are authorised to lock these people up virtually, in some cases, in solitary confinement."

Mr Crossingham said he would take his case to the Queensland Industrial Relations Commission.

NZ says our FOI laws are arcane

Fran O'Sullivan
The Weekend Australian,
9-10 September 2006, p. 3

THE type of information that the Australian Government fought for four years to keep secret — ultimately winning a High Court case to stop its release — is available in New Zealand within 24 hours.

The Australian this week asked NZ officials to disclose a raft of Treasury analysis similar to the information sought by FOI editor Michael McKinnon.

Within 24 hours, the NZ Treasury was able to produce detailed figures showing just how many Kiwis have moved into the top tax bracket since Labour slapped a 39c rate on incomes over $NZ60,000 ($50,664) after it swept to power in 1999.

In a 3-2 decision this week, the Australian High Court found ministers could issue so-called conclusive certificates to prevent the release of information if they had "reasonable grounds" to issue a certificate.

Treasurer Peter Costello said the ruling would protect communications between a minister and his officials.

But senior New Zealand officials told *The Weekend Australian* the decision was "arcane."

In New Zealand, a cabinet minister cannot simply slap a conclusive certificate on official documents in order to prevent the publication of information that is politically inconvenient to release.

National Party leader Don Brash said he was in favour of Treasury information being freely available to the public to ensure government accountability.

"We have a Treasury secondee working with us. There doesn't seem to be any difficulties getting such analysis," he said.

Dr Brash, the former governor of NZ's central bank, declined to directly criticise the Australian Government and High Court, but he said he was surprised at the secrecy in this instance.

The New Zealand Official Information Act was introduced in 1982 after a long fight to ensure greater transparency from NZ governments.

Wellington public lawyer Robert Buchanan — who recently stepped down as assistant auditor-general — said cabinet documents were able to be obtained in NZ and a good case had to be mounted to prevent their release.

He said the two most frequent reasons cited by government when rejecting requests for information were the necessity to maintain the constitutional conventions for the time being and protecting the free frank expression of advice.

Mai Chen, a public interest lawyer, said NZ's freedom of information legislation was among the most

important laws to have been passed in the past 20 years.

Does the High Court have a conflict of interest?

Police whistleblower takes on ombudsman

Padraic Murphy
The Australian, 22 May 2006, p. 6

A FORMER senior Victoria Police public servant who blew the whistle on alleged irregularities in the force's multi-million-dollar IT contracts has launched legal action against the state's corruption watchdog, claiming his complaints were not properly investigated.

The former senior IT contract expert, who cannot be named under Victoria's whistleblower protection laws, launched legal proceedings against Ombudsman George Brouwer in the Supreme Court last week, even though the matters raised pre-date Mr Brouwer's appointment.

The computer specialist — who says he has documents showing the Vicpol contracts were seriously mismanaged over a long period, resulting in an $85 million cost blowout — is also suing Chief Commissioner Christine Nixon for damages, claiming his name was leaked after his initial complaint.

In his latest writ, the whistleblower states that in December 2002, then ombudsman Barry Perry confirmed in writing he would investigate several areas of Vicpol's handling of the contracts, including the alleged receipt of secret commissions by senior officers with the Information Management Department.

But the whistleblower states the allegations were not seriously looked at and that the ombudsman's office had acted in bad faith by referring his complaints to the auditor-general's office without notification.

Although the auditor-general found the force's IT budget had blown out by $85 million in 2003, the whistleblower alleges the role that police managers played in the losses has never been properly investigated.

In his writ, the whistleblower claims a $130 million contract was awarded to IBM after the then police minister, Andre Haermeyer, was misled by police management.

"This matter was one of the most serious," the writ states.

"The whistleblower had provided sufficient evidence to Victoria Police management, prior to their recommendation to extend the contract, to show that the ... minister was misled to the benefit of IBM."

The whistleblower is seeking to have his complaints re-investigated, but states in the writ he wants the investigation taken away from a former Victoria Police detective attached to the ombudsman's office who was in charge of the initial probe.

A spokesman for the ombudsman declined to comment, citing confidentiality provisions.

The vow of silence

Transparency? This is how our health staff are gagged

Hannah Davies
Sunday Mail, 13 August 2006, p. 22

THIS is the document that has gagged health staff across Queensland.

> Only staff authorised by the Director-General can speak on behalf of Queensland Health.
> Queensland Health's *Code of Conduct* prohibits staff from releasing information to the media that has been obtained in the course of their duties without appropriate clearance. As well, there are a number of legislative and policy requirements that prevent staff from releasing information about Queensland Health clients, staff and business affairs.

While the Beattie Government boasts of a new "commitment to transparency" in Queensland Health, employees are terrified to speak out about problems for fear of losing their jobs.

The Sunday Mail has been inundated with calls from doctors and nurses who want to raise concerns but say they are too afraid.

Bosses insist they adhere to a code of conduct that states: "Only staff authorised by the director-general can speak on behalf of Queensland Health."

In contrast, a new Government "Keeping Our Promise" brochure, delivered to Queensland residents at a cost of $300,000, states: "We have delivered commitment to transparency."

But doctors warn the concealment culture that enabled Bundaberg surgeon Jayant Patel to botch so many operations still exists.

The Australian Medical Association said staff needed to be able to speak out for the safety of patients.

Queensland president Zelle Hodge said: "Despite what the Government says in its brochure, our members are telling us that this closed culture is still there.

"In any organisation there is a degree of commitment to that organisation, but in health the over-riding commitment is to the patients.

"If there is some adverse event happening and clinical staff are too frightened to talk about it, then obviously there is a risk to patients."

One doctor said: "The Government is hypocritical to say that Queensland Health is a transparent organisation when employees are being gagged. No one will speak out about any problems because they are running scared. Some people even think bosses will go as far as to trace calls to the media."

Queensland Nurses Union secretary Gay Hawksworth said she had been in discussions with the Government about the brochure.

"We want our members to know that they can voice any concerns about patient care with us," she said.

Last year's inquiry into the Bundaberg Hospital scandal found that a "concealment culture" had influenced staff to shelve concerns to protect the Government. It resulted in vital information about hospital waiting lists and key data on the performance of health facilities being concealed.

A spokesman for Health Minister Stephen Robertson said the Government was providing the public with "more information on hospitals than ever before."

"That's why hospitals employ PR people. We are proving we have a commitment to transparency."

Whistleblower dentist wants job back

Greg Stolz
Courier-Mail, 25 August 2006, p. 22

A QUEENSLAND Health whistleblower who was demoted after exposing the "Jayant Patel" of dentistry is demanding his job back, claiming he has been vindicated.

Former Gold Coast Health Service District principal dentist Dan Naidoo was disciplined last year after speaking out about the alleged rogue dentist and the poor state of public dental services on the tourist strip.

The dentist he exposed — accused of botching procedures and "torturing" patients to the point of tears — had strict conditions placed on his practice by the Dental Board of Queensland and has since been sacked.

One female patient was left with a hole in her jaw and needed nasal reconstruction after a procedure in what she described as the dentist's "torture chamber."

But after suspending the dentist and alerting the media, Dr Naidoo was demoted and sent to a suburban dental clinic in what former health inquiry commissioner Tony Morris described as a classic case of Queensland Health's "shoot the messenger" culture.

Now working for NSW Health, Dr Naidoo says he has been vindicated and wants his senior Gold Coast job back.

"I just feel cheated and I feel a great sense of injustice," he said yesterday. "I stopped this dentist from torturing patients and yet I was punished and demoted."

An internal Queensland Health email obtained by *The Courier-Mail* reveals a decision was made in April last year to remove the dentist from clinical work "in the interests of patient safety."

But Dr Naidoo said the dentist was allowed to continue operating despite complaints from patients and staff. He later suspended the dentist after hearing one of his patients "screaming in pain."

Surfers Paradise Liberal MP John-Paul Langbroek, himself a dentist, has raised Dr Naidoo's plight in State Parliament and said he should have had whistleblower protection.

"He was trying to protect patients and he was cast adrift by Queensland Health," Mr Langbroek said.

But in a letter to Mr Langbroek, Premier Peter Beattie said Dr Naidoo was disciplined for making "inflammatory and untrue" statements which had "undermined public confidence" in Gold Coast dental services.

Mr Beattie said Dr Naidoo had been warned that he could be disciplined for speaking out, and was given an opportunity to defend himself.

Dr Naidoo had not appealed against the decision or sought legislative protection afforded to "true whistleblowers," Mr Beattie said.

Made to flee for his sanity

Policeman forced to go on the run to escape 'intimidation'

Michael Madigan
The Courier-Mail, 13 June 2006, p. 4

A QUEENSLAND police officer went on the run for a week from a psychiatrist who had Queensland Police backing to remove him from his home.

Sgt Brett Hammond believes he was dangerously close to incarceration in a psychiatric ward because of workplace differences with superiors.

"I had no doubt in my mind that Sgt Hammond was headed for the gulag and if he went in, he wasn't coming out," said one of his legal representatives.

Sgt Hammond's dispute with his employer, sparked partly by his enthusiasm for breath testing motorists, has left him suffering serious depression.

Last month in Townsville Industrial Court, a magistrate vindicated his three-year fight against the QPS in a damning finding which accepted evidence of QPS intimidation.

The former officer-in-charge of the Rollingstone police station, north of Townsville, has more than 20 years' experience.

His problems began when he clashed with a new officer, Sen-Constable Brad Gough.

He also clashed with his superiors over pulling over drivers for breath tests.

Sgt Hammond says he is still under an internal investigation for arresting a driver who was slightly over the limit.

In December 2003, while in a conversation with his commanding officer District Insp Wayne Knapp, the court found that Sgt Hammond was verbally threatened.

"If you don't start f. . .ing listening to what I tell you . . . you'll be in the s. . .t that far you won't know what's happening to you," Insp Knapp told Sgt Hammond.

The intimidation culminated on a Saturday in March 2004, in a scene which Sgt Hammond's legal team says was reminiscent of Soviet Russia.

A psychiatrist accompanied by a nurse arrived at the family home and demanded Sgt Hammond make himself available for assessment.

His wife Michelle was told that if Sgt Hammond refused police could remove him for the assessment.

"My kids were there, it was just beyond belief, terrifying," Sgt Hammond said. He eventually agreed to an examination.

But Sgt Hammond, on the advice of his legal team, including industrial advocate James O'Donnell, fled to the Atherton Tablelands with his family.

He remained in hiding for a week before returning.

He took the matter to the Industrial Magistrate's Court in Townsville in February and after a seven-day hearing Magistrate Wendy Cull ruled he was entitled to compensation. She accepted the medical condition was caused by the workplace and management action had not been reasonable.

The QPS said Sgt Hammond had been disciplined in relation to his work duties.

"In relation to the sergeant's claims, this is a matter that is being handled by Workcover on behalf of the organisation."

Wife aghast over assault on husband

MICHELLE Hammond was the last line of defence against her husband being committed to an asylum.

It was she who answered the door of the family home at Rollingstone on a March afternoon in 2004 and was told to hand over her husband for a psychiatric assessment.

"They (the psychiatric and nurse) produced a document saying they

could get the police to have him taken away if he didn't cooperate," she said.

"It was incredible."

Mrs Hammond described her husband as the "the most laidback man in the world."

She said the family agreed it was better to convince the psychiatrist of her husband's sanity by allowing him in.

Ordering the doctor away could have resulted in forcible removal, she said.

Mrs Hammond said never, in 20 years of marriage, had she seen evidence of a psychiatric disorder in her husband.

"It was only the stress at work that made him nervous and obviously upset, but not crazy," she said.

It was Michelle who drove the family car to the Tablelands, where the couple and their three children stayed at a friend's home to avoid another assessment.

"I'm just appalled at the way he had been treated, when all he ever was was a good honest cop," she said.

Army's rough justice for whistleblower's mate

Cynthia Banham
Sydney Morning Herald,
4 August 2006, p. 2

KEITH and Robyn Barry feared the worst when their son, Ian, then 24, went AWL [absent without leave] last year from his army unit in Darwin.

They had seen their son - who joined the Defence Force when he was 18, and had his 19th birthday in East Timor - deteriorate over the previous six months, and his mother admitted thoughts that he might have committed suicide crossed her mind.

The Barrys were disgusted at the way their son was treated by some of his superiors in the 161 Reconnaissance squadron, after they say he simply "stood up for the truth." So disgusted they complained to the Inspector-General of Defence, who delivered his report on the case last month.

What their son did was support a civilian contractor, Ian Nancarrow, who blew the whistle on alleged forging of supervisors' signature in trainee workbooks. The books are used by junior soldiers to obtain qualifications needed to work unsupervised on aircraft.

The squadron, where the Kiowa Bell Jet Ranger helicopters are based, will soon be home to the armed reconnaissance Tiger helicopters.

As a result of raising concerns, Mr Nancarrow and those members of 161 who backed him, including Mr Barry, claim they were bullied and harassed. Today, the forgery allegations are the subject of an army investigation, which Defence has confirmed has extended to its aviation base at Oakey.

Mr Barry says he was repeatedly "picked on" by members of his unit. He was accused of being a "security risk." He says he was told not to speak to Mr Nancarrow. He was told he had to get permission before he could become engaged to his girlfriend, a Vietnamese woman he had met on a trip there in December 2004. He was accused of taking a "mail-order bride." He was threatened with being charged for talking to his mother on the telephone about his treatment.

He was refused permission to take leave, and said he was told by one superior: "You have been in the army long enough to know what is going to happen if you mess with the system. They are going to smash you."

Eventually, he went AWL.

After his parents were notified by the army of their son's disappearance, they wrote to his commanding officer asking what crime their son was accused of, demanding to know whether he was guilty of "having the courage to stand up for a friend whose integrity he believes in."

They received a response from the army saying privacy laws prevented Defence from "disclosing the nature of any investigation involving Ian without his consent." His parents obtained that consent and got another reply, saying that since he had gone AWL he was no longer administered by the unit and so the commanding officer was unable to discuss with his parents their concerns.

Mr Barry's parents say they believe their son was "betrayed by the people that were supposed to be looking after him."

"When a young man has his heart set on a career in the Defence Force and is a dedicated soldier, he is left with nowhere to go except out when systematic mistreatment is used against him by his superiors."

The former craftsman, who had a warrant out for his arrest after going AWL overseas, has since returned home and has been discharged, thanks to the actions of the Inspector-General of Defence, Geoff Earley.

His report fell short of concluding Mr Barry was subjected to bullying and harassment, but was critical of his superiors and the way he was treated.

"I have written to the Deputy Chief of Army advising him of my findings in relation to your complaint and recommending to him action that he could take to ensure that a similar situation does not occur again," he wrote.

Mr Barry's parents applaud the Inspector-General for his "respectful and courteous manner" in dealing with their complaint.

Their son's case is far from isolated. His parents decided to complain after attending a forum for the disgruntled defence families in Townsville.

The forum was called 12 months ago by Brigadier Mick Slater, who is now in charge of the deployment in East Timor, after a number of damaging stories appeared in the local press about defence families who felt badly treated by the military.

Ian Barry today earns his living from a fruit farm. His mother says if she had her time again she would not encourage her son to join the army.

Whistleblower's tragic end

Friends say suicide linked to despair at lack of action on police reform

John Kidman

The Sun-Herald, 25 June 2006, p. 47

IN a final act of defiance, one of NSW's best-known police whistleblowers has thrown himself under a speeding train after losing a protracted legal battle to clear his name.

Jim Ritchie, a highly regarded reform expert and NSW Police consultant during the controversial Peter Ryan years, died at St Marys station on Monday.

Those close to the flamboyant, one-time Australian Security Intelligence Organisation officer said they believed his suicide was linked to the despair he suffered at the hands of NSW Police. In the days leading up to his death, *The Sun-Herald* understands the 59-year-old fired off a series of scathing letters to prominent public officials, including senior police.

Friends said Mr Ritchie had succumbed to depression following the recent failure of a major defamation action against ASIO and the police force, accusing them of conspiring to injure his reputation.

The controversial lawsuit, the first of its kind, had centred on allegations that members of the national spy agency had compiled a "dirt file" on him and given it to senior police.

At the time, Mr Ritchie had instigated a Police Integrity Commission inquiry by openly accusing the force's senior ranks of blocking reform, bullying, drunkenness and incompetence.

The PIC probe took more than a year, heard more than 50 witnesses and cost millions of dollars but recommended no action be taken against anyone. The 166-page report strongly criticised the then head of internal affairs, Mal Brammer, who had earlier conducted a failed covert inquiry into alleged travel rorts by Mr Ritchie and his colleagues. It also took a swipe at Mr Ryan, claiming that he made errors of judgement. Yet it failed to find any evidence that senior officers had purposely set out to undermine Mr Ritchie's reform work.

The commission found Mr Ritchie to have been "charismatic" but also intolerant.

A former police colleague, Matt Casey, yesterday said "the whole [PIC inquiry] amounted to the very deliberate destruction of a very brilliant individual's identity, his livelihood and his reputation."

"Jim often used to say what we needed were senior police with hard heads and soft hearts, but that all too often we got just the opposite. The people he was talking about hated him for it but, when it came to the crunch, Jim was absolutely fearless," he said.

Mr Casey said his mate was "a destroyed man and suffered the true and ultimate fate of a whistleblower."

Fellow reform consultant Paul Herring said his long-time friend and mentor was "a genius when it came to conceptual thinking and strategic design."

"For those of us who have been fortunate enough to have been touched by him, his passing is tragic but his work lives on."

Mr Ritchie is survived by his estranged wife and two adult children. While his death is the subject of investigation by police, his funeral will be held in Cowra on Friday.

Save the endangered whistle-blower

Editorial

New York Times, 19 August 2006

If ever government whistle-blowers needed protection from official retaliation it is now, in the secrecy-obsessed Bush administration. Federal employees daring to disclose fraud and abuse in their bureaucracies have been under virtual siege, isolated as pariahs and shipped off under gag orders to lesser jobs in far-off places.

Appeals to court review under the 17-year-old Whistle-Blower Protection Act have proved fruitless, with the Supreme Court ruling in May that workers have no right to First Amendment protection when they warn lawmakers and taxpayers of government waste and folly. The ruling has thrown the issue back into the lap of Congress. Fortunately, there is enough anger emerging on both sides of the aisle to raise hopes for remedial legislation.

The Senate has unanimously approved an amendment to close loopholes and spell out whistleblowers' rights in more forceful detail for the courts. It is attached to a pending military bill, with proponents working for comparably tough legislation to be accepted by the House.

The outcome is not certain. The Justice Department has been opposed to strengthening the law, and a countermove is afoot to give the administration even more power to prosecute whistle-blowers as leakers of official secrets. The coming showdown is a chance for electioneering incumbents to take a stand against the administration's mania for foiling the public's right to government transparency.

The best display of Congressional intent would be for lawmakers to not just reaffirm the 1989 law but to extend it to all the national security bureaucracy and to private contractors. The nation's need for timely whistleblowers has been painfully driven home by gaffes in pre-9/11 homeland security, the premises for the Iraq invasion, and the administration's illicit intelligence gathering at home.

Whistleblowers in peril

The US Congress should reverse a pernicious removal of protection of federal employees.

Editorial

Nature, Vol. 445,
14 September 2006, p. 121

In another worrying instance of its tendency to quietly arrogate new powers to itself, the Bush administration has reversed two decades of precedent and declared that important whistleblower protections in the Clean Water Act do not apply to federal workers.

This binding change in the interpretation of the law was instigated by a top Department of Justice lawyer a year ago. Steven Bradbury, acting assistant attorney-general in the department's Office of Legal Counsel, gave a straightforward reason for his decision: the Clean Water Act does not list the US government as a 'person' in its definition of employers from whom

whistleblowers may seek redress in the event of retaliation by their bosses. He concluded that the ancient legal doctrine of sovereign immunity — which says the government must explicitly consent to be sued — makes the federal government immune from the whistleblower provisions in the law.

The water law was written to protect workers in the private and public sectors who report breakdowns in its enforcement, manipulations of science, or clean-up failures. Its whistleblower provisions essentially apply to any action a worker might take in a sincere effort to do a good job — and hence go further than a different, government-wide whistleblower law that is still in place but that protects only the reporting of gross mismanagement or violations of law.

The water law's provisions have real teeth: whistleblowers who are found to have legitimate complaints are eligible for reinstatement to lost jobs, back pay, and compensatory damages for loss of reputation and emotional distress — damages that in the past have ranged in the tens of thousands of dollars.

Exempting federal employees would expose to retaliation some 170,000 members of the federal workforce in a dozen different agencies, from the Forest Service to the US Geological Survey, who might make efforts in good faith to see that the law is properly enforced. Scientists could feel this particularly strongly, as the problems they encounter — such as the skewing of a methodology or the removal of a conclusion from a report — don't typically violate a law. This change is bound to suppress their willingness to report such events.

Superficially, the justice department has made a defensible case. But it goes against two decades of precedent during which the Department of Labor adjudicators charged with administering whistleblower law repeatedly rejected arguments for the government's sovereign immunity under the water law. Legal doctrine holds that, when an agency such as the labour department has a long-standing interpretation of a law, as in this instance, and Congress does nothing to change it, it can be assumed that Congress accepts that interpretation.

But what is particularly disturbing about this change is the way it was brought in under the radar, remaining unpublished for 12 months and unknown to the federal workers potentially affected by it. It only became public last week, when the advocacy group Public Employees for Environmental Responsibility released a letter from Bradbury, which it obtained under the Freedom of Information Act after stumbling upon a reference to it in a whistleblower complaint. This is hardly a fitting approach to jurisprudence in a purportedly open and democratic society.

It is common knowledge that the Bush administration has fought against implementing more stringently protective environmental laws, and its enforcement of existing laws has been weak to a fault; according to the justice department's figures, government requests for criminal prosecutions of environmental lawbreakers fell by half in the five years to 2005. In such an atmosphere, whistleblowers within the government become a key defence against further erosion of environmental standards. Removing their protections seems all but certain to hasten this erosion.

There is a possible remedy, however: Congress should amend the Clean Water Act to define the US government as an employer against whom whistleblower complaints can be brought.

Police persecuted me, says De Menezes whistleblower

David Sanderson
The Times (London), 8 May 2006

THE whistleblower who leaked information about the shooting of Jean Charles de Menezes to a television journalist has described how she was treated as "the worst kind of criminal" by police.

Lana Vandenberghe, who worked for the Independent Police Complaints Commission, said that ten officers broke down her front door in a dawn raid. She was placed in a cell without food or access to a lawyer for eight hours by bullying officers who told her that she would go to prison.

Despite the ordeal, Ms Vandenberghe, who lost her home, her job as an administration secretary and was treated for depression after being arrested, said that she would do it all again to expose the deliberate police "cover up." Ms Vandenberghe, 44, leaked details from the IPCC inquiry into the fatal shooting of Mr de Menezes, 27, at Stockwell Tube station in South London on the day after the July 21 bombings. The information contradicted the Metropolitan Police's initial version of events. It had said that the Brazilian had vaulted the station ticket barrier and run down an escalator to escape firearms officers who were following him. Officers said that he was wearing a bulky coat that could have concealed explosives. But evidence collated by Ms Vandenberghe for the IPCC revealed that he was wearing a light denim jacket and had walked calmly into the station, picked up a free newspaper and then walked down the escalator.

After he boarded a train, officers shot him seven times in the head.

Ms Vandenberghe said, in an interview to be broadcast on ITV News tonight, that she leaked the evidence in August to show that the police were "lying."

She was arrested on September 21. "I was scared to death," she said. "It never crossed my mind that I would be treated as if I was a criminal for telling the truth. Unlike the police, I hadn't killed an innocent person."

The IPCC is due to present its report in the summer.

Airline workers eager to see whistle-blowers protected

Fred Vallance-Jones, Robert Cribb and Tamsin Mcmahon
The Hamilton Spectator (Canada), 15 June 2006

Public safety on airlines is often compromised by intense pressure to keep planes in the air and on time, airline workers from across the industry are telling *The Hamilton Spectator.*

But they say they can't come forward to share those concerns with Canadians.

On Monday, Air Canada Jazz suspended four mechanics for speaking out publicly about being pressured to cut corners and release planes into service with potentially serious defects. Their comments were part of an ongoing series of stories probing aviation safety by *The Hamilton Spectator, Toronto Star* and *The Record of Waterloo Region.*

Air Canada Jazz officials dismiss allegations, saying safety is their top priority.

Since the suspensions, more than two dozen mechanics, pilots, flight attendants and air traffic controllers have contacted the Star with safety concerns, saying the industry's code of silence is too powerful to break.

Without sufficient whistleblower legislation, a protection that has helped airline employees in the U.S. come forward with important safety revelations, speaking out in Canada can come at the cost of jobs and livelihoods, they say.

"I applaud these (Jazz mechanics) for having the courage to come out with it. It has been long hidden and I can understand why it is difficult to come forward," said a veteran Air Canada mechanic.

"You go to work, you want to feed your family … and you don't want to have blood on your hands because the airline wants to make a few more bucks. For them to be punished for having a concern for the public's safety is wrong. … Corners are being cut and all of us would like to sing like canaries about what is happening, but (we) keep it mostly amongst ourselves."

The claims by the Jazz mechanics include the following:

* They say avoiding costly delays can take priority over proper maintenance of planes.

* They say their attempts to keep planes on the ground by refusing to release them for service have been undermined by supervisors who find other mechanics to sign them out, or do it themselves.

* They say the scrutiny and training in the airline's mechanical operation is poor.

In an internal e-mail sent to staff Tuesday, Air Canada officials wrote: "The allegations reported in the (Spectator) article are unfounded, unsubstantiated, misleading, and in no way reflect the integrity of the Jazz Maintenance Department. Jazz has an excellent safety record which we are proud to stand behind. We have a staff of dedicated and professional aircraft maintenance engineers that ensure that our fleet is safe to operate."

Jazz officials say the mechanics were suspended pending an investigation into their claims and their decision to speak publicly.

It's no surprise, says Duff Conacher, co-ordinator of Democracy Watch, an Ottawa-based non-profit advocacy group that focuses on government accountability and corporate responsibility.

"These (mechanics) are very brave to do this. Given the state of corporate responsibility in Canada, it's not unusual that the corporation would act this way because they can."

Canada is decades behind the U.S. when it comes to protecting employees who go public with important information, says Conacher.

"(Strong whistle-blower protection) is one of the most effective government accountability and corporate responsibility enforcement measures because it turns every employee into a front-line inspector on the job all the time."

Canada currently offers little protection for employees who speak out about wrongdoing or threats to public safety. Bill C-2, under debate in Parliament, promises protections for government employees who expose wrongdoing. If the bill becomes law, provisions would include an independent office that would receive and investigate whistle-blower complaints and penalties for those who discriminate against whistle-blowers for stepping forward.

But it will not cover employees of private companies such as airlines. A proposed NDP amendment to expand protection to some private industry employees was defeated Tuesday.

"(The Jazz case) is one of the most graphic illustrations in recent history of why protection of whistle-blowers is important and necessary," said NDP MP Pat Martin.

"It's atrocious that some courageous whistle-blowers come forward in the public interest and get punished. It's just so fundamentally wrong."

The story is different in the U.S. where federal and state laws foster open reporting and protection from retaliation for both government and private employees who come forward with information of importance to the public.

Most U.S. states have some form of whistle-blower protection and there are several federal laws specific to industries such as aviation, trucking, energy and mining.

The so-called Air21 legislation directed at the airline industry prohibits employers from retaliating against employees involved in "raising concerns or reporting violations of airline safety rules and regulations."

Airline workers who are suspended, harassed, demoted, blacklisted or disciplined as a result of speaking out can be rewarded with everything from job reinstatement to costs associated with filing their complaint.

"The laws give us the ability to right a wrong," says O. V. Delle-Femine, national director of Aircraft Mechanics Fraternal Association in the U.S.

"It's common throughout the industry that anyone who talks out is ostracized by management. But we've had significant successes."

Canadian airline mechanics say they'd be more than happy to share what they know if they had U.S.-style legal protections.

Many say they dearly wish they could speak out about important concerns Canadians have never heard but deserve to know.

The Hon Dr Sharman Stone MP

William F Toomer

Dr Stone is the federal [Liberal] member for the rural electorate of Murray, Victoria. I am one of her constituents. She was promoted from Parliamentary Secretary to Minister for Workplace Participation shortly after refusing to consider my application for compensation. Her action facilitated furtherance of a multi-million dollar cover-up involving serious long-term adverse consequences for public health and rural resources. Dr Stone did not act in ignorance.

I was the Senior Quarantine and Grain Ships Inspector for the Western Australia Divisions of the Commonwealth Departments of Health and Primary Industry (DPI). Health was my formal employer. An export grain-shipping firm complained to DPI of overzealous ship inspections and excessive ship fumigations. The complaint was investigated and dismissed. DPI pressed me to maintain rigorous application of its Grain Ship Inspection Manual. The complainant then telephoned Health's WA Director. He instructed reintroduction of a long obsolete and ineffective ship inspection practice.* My explanation that the practice was incapable of honest application was ignored. I then refused.

Health's Assistant Director later admitted under oath that he informed the complainant to the effect that I was an incompetent ship inspector. The Director assured shipping lobbyists orally that I was being removed from involvement in ship inspection. His assurance was witnessed and filed by the Assistant Director. There could be no turning back!

The Director had no authority to interfere in my professional technical duties. Removal was achieved via subterfuge and knowingly false accusation of incompetence, and attack on my reputation. The investigating officer rejected the accusation of incompetence, following which Health's Director-General repeatedly instructed that I be returned to the full normal duties of my position.

Unable to comply, the Director was closely and personally advised by the Deputy Crown Solicitor. Numerous measures were taken to achieve effective compliance. These included demotion to a non-grain exporting post; unceasing attrition designed to induce my resignation or retirement; manufacture of a false medical opinion that I was not responsible for my actions; fines; an attempt to set me up for dismissal and a damages action from a ship owner; enforced transfers that reduced my wife to ill health and ultimately left our family scattered across Australia. Medically qualified health administrators deliberately subjected my wife to a stressful interview by the Director's successor.

Throughout the six years of attrition my reputation was publicly and progressively shredded. By age 45 1 was permanently unemployable anywhere in my field. Health's knowledgeable Victoria Director advised me orally that medical retirement was "the only solution." I accepted. Two years later I was subjected to medical review including compulsory psychiatric examination. Reported fit to resume employment anywhere than in quarantine, re-employment was refused.

The report of the (Coombs) Royal Commission into Australian Government Administration concerning myself was suppressed. The Commission's formal recommendation for independent outside investigation to ensure that I received justice was evaded, notwithstanding agreement by two Prime Ministers to such inquiry. Instead there was a succession of costly internal inquiries that whitewashed at my expense. Cover-up included manipulation of the Cabinet system to thwart the formal recommendations of DPI's Minister that I be compensated, and against any further inquiry. Instead there was an unlawful internal inquiry that almost certainly cost more than the economic settlement I had suggested. It concluded that I was the architect of my own misfortunes.

Meanwhile, a hearing on the merits of my damages action against the Commonwealth was denied via recourse to time limitations.

I subsequently applied for compensation for the consequences of unlawful and unjustified actions by the WA Director. My application was deemed by the government to be a request for an act of grace payment. It was refused on patently false and misleading grounds by The Hon Peter Slipper MP as Parliamentary Secretary to the Minister for Finance and Administration. Mr Slipper steadfastly refused reconsideration when the irrefutable facts were provided to him.

My application for review by the Federal Court was dismissed. The Court ruled that the veracity of Mr Slipper's grounds was irrelevant because the Minister is lawfully entitled to act on whatever advice he prefers. The decision revealed a fundamental weakness in the Administrative Decisions (Judicial Review) Act.

I subsequently applied for an act of grace payment on much wider grounds than initially. By then Dr Stone had succeeded Mr Slipper as Parliamentary Secretary to the Minister for Finance & Administration. She claimed to see no reason to reconsider Mr Slipper's decision. My request for audience to prove my case was refused.

Comprehensive supporting material was progressively forwarded, including then recently discovered compelling documentary proof of

* The Commonwealth defended the validity of the defective practice for the next 18 years, until lengthy hearings by the Administrative Appeals Tribunal formally confirmed that it was obsolete and inefficient at the material time. The Tribunal also rejected the accusation that I was incompetent. Meanwhile, the progressive drying up of ship fumigations across Australian ports was attributed to the progressive improvement in ship construction. Several persons including myself informed successive inquiries of Health's seriously defective quarantine administration. Responsibility was eventually transferred to DPI. Compliance with ship fumigation orders is no longer monitored.

perjury by the Director. Dr Stone firmly maintained her refusal to reconsider Mr Slipper's decision. Her final letter of rejection advised that that the matter "is not open to further discussion unless you have substantial and relevant new information, submitted in writing, so that it can be assessed." She had already received such information.

My case remains the longest standing of Whistleblowers Australia's accredited unresolved cases.

Dr Stone and Mr Slipper appear to be captive of a culture adverse to the public interest or some unofficial policy. Dr Stone is the more culpable in that she refused audience to a constituent with an obviously serious and significant problem with government administration of which she is part.

William F Toomer is a member of Whistleblowers Australia.

Whistleblowers Australia submission to NSW Parliament on the Protected Disclosures Act

Peter Bowden

This note summarises the key points of the WBA submission that was made on 3 August to the Parliamentary Committee reviewing the NSW Protected Disclosures Act, 1994. The inadequacy of the Act in achieving its objectives was the overriding point. The objectives of this Act, similar to those in many other states, are to (i) facilitate the whistleblowing process, (ii) protect whistleblowers from reprisals and (iii) ensure that the disclosures are investigated and dealt with WBA claimed that none of these objectives are met. The principal reason was that the present Act placed an impossible burden on a whistleblower. Whistleblowers had to manage the whistleblowing themselves, including ensuring that they are protected. It is a reactive process, rather than the public agency managing a pro-active process.

What was needed was a whistleblower support agency that was solely devoted to managing the whistleblowing process and supporting whistleblowers. This agency, we claimed, would be only one body, not four as currently in NSW, and would be best located in the office of the Ombudsman, not ICAC [Independent Commission Against Corruption]. This recommendation received a positive reception, for the reason, discovered later, that a number of state agencies had experienced coordination problems between ICAC and the Ombudsman's Office. The recommendation that it should be in the Ombudsman's Office, and not ICAC, however, had to face a great deal of questioning.

Five tasks were assigned to this new office: (i) to supervise, check and be an office of higher appeal on agency investigation and responses to all whistleblower complaints, (ii) to ensure that every whistleblower complainant knew his/her rights under the legislation and could ask for support, (iii) to ensure disciplinary action is taken against those who carry out reprisals, (iv) to train and coordinate all agencies involved in whistleblowing (including WBA), and (v) to assess and report performance annually

The WBA submission also made almost a dozen recommendations on the current NSW legislation which would bring it up to the level of the more advanced states. We stated at the same time, however, that these changes would be insufficient, for no state legislation was fully effective.

The submission also argued for NSW to initiate private sector whistleblower protection legislation, on the basis that corporate failures, such as FAI & HIH which were NSW companies, were not in the public interest. The submission also argued for a False Claims Act on the basis that it has proven to be the "single most effective whistleblower act in the US."

Our submission, first in the day, was followed by the NSW Auditor General, and the Departments of Health and Education. Many points were made in their submissions but those of greater interest to WBA were (i) the Ombudsman is clearly the more active whistleblower agency in NSW, but there is still a need for greater coordination (ii) expectations of confidentiality were unreal, (iii) workplace grievances were a nuisance, often 'dressed up' as whistleblower type grievances — a clearer public interest test was needed , (iv) the definition of who could blow the whistle was a problem and (v) most treated the issue as a whistleblowing issue if the broad requirements were met, even though the Chairman pointed out in each session that a High Court ruling had toughened up the requirements considerably. The Auditor General, in response to a question by the Committee Chairman, supported a single unit in the Ombudsman's office.

Peter Bowden is president of the NSW branch of Whistleblowers Australia.

John Kite finds justice at last — no thanks to ICAC!

Jean Lennane

Background and characters

In 1997, a landslide in Thredbo, a resort town in the Snowy Mountains in New South Wales, killed 18 people.

NPWS: National Parks and Wildlife Service, an agency of the New South Wales government.

John Kite: an employee of NPWS who, prior to the landslide, warned about problems with developments in Thredbo.

ICAC: Independent Commission Against Corruption, an agency funded by the NSW government.

Protected Disclosures Act: A NSW law that claims to be for protecting whistleblowers, but never has.

Readers of *The Whistle* may remember John Kite's case being mentioned in an article on ICAC a couple of years ago, as the most extreme example of their usual hostile and unhelpful or actively damaging attitude to whistleblowers, who should be the life-blood of any organization that is genuinely anti-corruption rather than just window-dressing or worse.

In classic anti-whistleblower style, the deaths of 18 people in the Thredbo landslide in 1997 were ignored, while the whistleblower who'd raised concerns about serious irregularities in development approvals in the area with his boss at NPWS, the year before the landslide occurred, became the focus

of ICAC's attention. If his concerns had been addressed at the time, and action taken to ensure that developments such as the retaining wall that was identified at the inquest into the deaths as a major factor in the disaster were carefully examined in an environmental impact study before being built, it is highly likely those eighteen victims would still be alive.

However, when Kite made a police statement prior to giving evidence to the inquest about this, management approached him demanding that he change his police statement, and avoid any mention in his evidence that an Environmental Impact Statement was legally required for roadwork on the Alpine Way. Other lawyers acting for the NPWS then pressured him to change his mind and his evidence. When he refused, he was victimised, which led him to make the classic mistake of referring the matter, which commonsense would identify as serious corruption, to ICAC, which simply referred the matter back to NPWS.

In 1998 an NPWS representative approached Mr Kite, offering him a redundancy package of $30,000 if he would agree to retract his corruption allegations, and keep quiet. He refused what to a lay person would seem like a bribe, and referred that attempt to the ICAC too. Nine months later they sent Kite a letter saying they would not investigate it. In the meantime Kite's employment had been terminated, in contravention of the Protected Disclosures Act.

Two months later he was offered permanent re-employment with the NPWS if he would change his statement and state that he was involved in the approval process of the retaining wall implicated in the disaster. (His boss was involved in the retaining wall approval process but, unlike Mr Kite, had no formal planning qualifications.)

Mr. Kite gave evidence to the Coronial inquiry on the 9 and 10 Dec 1998. NPWS did not volunteer Mr. Kite's 1997 memo to the Coroner. Mr. Kite produced the document and it was admitted into evidence. NPWS however successfully objected to the memo being fully explored and effectively prevented the Coroner from investigating whether the NPWS had failed in its duty of care to the victims of the landslide by not commissioning an Environmental Impact Study.

The Environmental Planning and Assessment act 1979, section 111 and 112 says:

> A determining authority in its consideration of an "Activity" shall examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity. A determining authority shall not carry out an activity that is likely to significantly affect the environment unless the determining authority has considered an Environmental Impact study.

Had the coroner found that these two sections of legislation had been breached then there would have been grounds for laying manslaughter charges. However this aspect was not considered in the inquiry, though the Coroner concluded that it was clear the disaster should have been foreseen, and was very critical of NPWS's performance.

Following the Coroner's findings the State Government Commissioned the Walker report released on the 20 February 2001, which said:

> … it is clear that the existing policies and practices of the NPWS have not been effective. The NPWS does not meet nor provide the level or type of service that urban communities in NSW have a right to deserve … The administration of urban communities within a Local government area should only be undertaken within established and accountable local government model … NPWS lacks sufficient and appropriate planning skills dealing with urban management and development control.

The government then resolved to remove Planning, Health and Building functions from the NPWS and transfer the responsibility to the Department of Infrastructure Planning and Natural Resources.

So we can hope that the Thredbo disaster won't happen again. No thanks to ICAC or the NPWS!

The "smoking gun memo"

In November 2000 Mr. Kite, while still pursuing his Industrial Relations Commission matter, found a memo apparently written by his ex-boss, inside an NPWS confidential envelope. It was discovered while under the supervision of NPWS Human Resource Manager Ms Susanne Ryan, not having been produced in response to a discovery order from the IRC.

The memo detailed the corrupt and criminal conduct we have always assumed organisations persecuting whistleblowers must consciously undertake, including a comment that "If he goes to ICAC we get our contact to deal with it." Others sound very familiar:

> I can make 50K available by adjustments to the 0435 account without affecting [x] payout and raising the auditors concerns. If Kite does not accept this offer, the PSA will wipe him. … There is also the Protected Disclosure to worry about … We havent followed the proper procedures in this and have to be careful how its dealt with … V. needs to reconsider the permanency offer in return for him changing his coronial evidence. … She knows that its already cost me a restructure to terminate his position. … If the second option is adopted it should leave him without a job, the PSA won't help him, he will be regarded as a disgruntled employee, he won't have the resources to fight a legal battle against the public purse. … This should dry up his resources causing him to abandon any legal action. …

Ms Ryan made a protected disclosure to the Ombudsman about the document, but Mr. Kite having learned from his previous experiences what we advise whistleblowers to consider rather than going to an official "watchdog," went to the media. Channel 9's Sunday program did a powerful documentary, referring to the document as the "smoking gun memo."

ICAC then decided that they would "investigate" the memo. However it was clear from their public advertisement of it that the investigation was going to be into the messenger rather than the message; and who wrote the

memo, rather than what it said. Because of our concerns about the direction the inquiry was so obviously heading before it even started, and indeed that ICAC was conducting the inquiry at all despite the memo's mention of "our contact" there, Cynthia Kardell and I sought and got a meeting with them. We were given a courteous hearing by the then deputy commissioner, but — surprise! — regardless of that, the hearing was then conducted as a hatchet job on Kite. Media were notified whenever evidence was to be produced that was damaging to him, but people who might have otherwise been "of interest," like his boss, were all allowed/required to give their evidence in camera. The person appointed as Deputy Commissioner for the purpose of running the inquiry was Jerrold Cripps, who after the then Commissioner Irene Moss retired was given her job (which he still holds) in 2004.

Presumably his finding pleased those in power. Against the evidence, and despite having the linguistic and handwriting expert evidence obtained by Channel 9 before running the story, that concluded Kite was not the author, the Commission found he was, and had created then planted the memo on his personal file. It decided there was no evidence of the truth of the allegations it contained; and Kite should be prosecuted for forging it.

This finding has always seemed quite extraordinary to me, from my psychiatry background. Claiming that someone without such skills, in late middle age could suddenly produce a forgery good enough to fool international linguistic and handwriting experts, is quite beyond belief. A pity it isn't possible for us to suddenly develop such extraordinary new talents late in life!

Collateral damage

The unfortunate Ms Ryan for her part in allowing Mr. Kite access to the personal secret black file that had been withheld from the IRC discovery was dismissed from her NPWS employment on recommendation by the ICAC after it made its finding. She was eventually reinstated by the Industrial Relations Commission.

The NPWS appealed the reinstatement and applied to the full bench of the IRC who upheld the original ruling and again ordered Ms Ryan's reinstatement. The matter concluded on 11 April 2005 with Ms Ryan resigning in return for a substantial out of court settlement including a confidentiality agreement.

Kite's criminal charges

Following a submission by Mr. Kite challenging the ICAC to either "put up or to shut up" they issued him with 56 court attendance notices and then turned the matter over to the DPP, as ICAC has no authority to prosecute.

The reason for laying so many charges was probably in hope that Mr Kite would accept a reduced custodial sentence by entering an early guilty plea. Mr. Kite however declined the offer and elected to bypass the committal proceedings and go directly to trial where the charges were then reduced to eight, claiming he had made false allegations of corruption against his ex-boss and other NPWS staff and associates, and forged and planted the "smoking gun," falsely claiming he was not the author. The trial commenced on 7 November 2005 and concluded on 30 November.

The jury contradicted ICAC's current Commissioner's inquiry findings, handing down a unanimous not guilty verdict on all charges.

A judge who'll never get a job like ICAC

During the trial the judge excused the jury and Kite's ex-boss, then remarked that the ex-boss was being untruthful and perjuring herself. When the defence advised that she was going to be asked if she was the true author of the smoking gun memo, the judge responded: "I have no doubt about that."

After the jury delivered its unanimous verdict the judge said to them:

> This has been a difficult case. In your deliberations you would have had to consider whether the NPWS was a bureaucracy gone mad, whether the ICAC itself was corrupt and whether the charges that had been brought against Mr. Kite should have been brought against other people. Your verdict answers those questions.

Taxpayers and whistleblowers always pay

The ICAC inquiry and resultant court case is estimated to have cost taxpayers over $6 million. Mr. Kite had to raise loans of over $250,000 to defend the case. He and his family were subjected to searches, telephone tapping and other false charges. ICAC wrote to all NSW local government councils about their corruption findings, presumably intending to prevent Kite ever getting another job.

When will they ever learn!

Following the trial the heads of the NPWS distributed a staff circular acknowledging Kite's acquittal, but stating

> although there are no grounds for appeal this does not in any way change the corruption findings made by the ICAC who rejected any corruption allegations brought against NPWS staff on the basis that the so called smoking gun memo is fake and baseless in content. All staff involved in this matter have shown the utmost professionalism and strength despite having their reputations attacked and personal lives disrupted over a number of years. On behalf of the Department I would like to say thank you to all for the manner in which they had conducted themselves and represented the department during this very difficult period.

Justice at last!

On the 4 April 2006 the NPWS unexpectedly agreed to settle the IRC matter with a financial settlement far more substantial than had been previously sought, but including a confidentiality agreement. John Kite is now working again, after ten years going through hell for his efforts to protect the public.

Thank you John. No thanks to ICAC. Our apologies for continuing to fund such a rabid "watchdog."

Jean Lennane is national president of Whistleblowers Australia.

Trudeau vs Goliath

Don Eldridge

Kevin Trudeau is an unusual young American. In his book, *Natural cures 'they' don't want you to know about*, updated ed. (Alliance Publishing, Elk Grove, IL, 2004) he alleges the Food and Drug Administration (FDA) and the Federal Trade Commission (FTC) are corrupt and violate the Constitution in denying him freedom of speech.

He wants to expose horrifying things going on in the mass marketing of food and drugs, while the FDA and FTC look after business interests. Trudeau claims we can be healthy without medication, which is a message drug manufacturers don't want us to hear; this is why he is being told to shut up.

It takes chutzpah, and a lot of money, for an individual to challenge government, but this is what Trudeau is doing (his website is www.thewhistleblower.com). He claims to have made millions in the past and can do it again, so he can't be forced to quit by making litigation too expensive.

While most of the book is about nutrition and health, I'll focus on whistleblowing. But to start, here is an example of the corruption Trudeau attacks:

Five complaints about saccharin were enough to have it banned. But even though more complaints have been made about aspartame (an artificial sweetener) than all other products combined, it still is used in thousands of foods and drinks. The FDA and aspartame's maker say only fringe 'nutters' are making a fuss. This is not so. For example, in the late 1990s the doctor who certified pilots to be medically fit warned against aspartame even in tiny amounts such as chewing gum, as several pilots had lost their licences.

The reason it is still sold is because some FDA officials have gained lucrative positions in companies connected with aspartame. In return for money, these people are willing to poison fellow citizens. Aspartame is manufactured in Japan but not sold there, as it is a toxin (when heated, it produces formaldehyde, used to embalm corpses). The Japanese must think it poor manners to make money at the expense of the health of others.

Corruption is rife because so much money is involved. Trudeau argues persuasively there is no incentive at the corporate level to cure disease, for that means less repeat business. The smart thing is to develop medication that needs to be taken long-term:

> The bottom line is this: The health-care industry has no incentive for curing disease. If the health-care industry cured disease they would all be out of business. Their focus, as unbelievable as it sounds, is to ensure more people get sick and more people need medical treatment. That ensures profits. It's all about the money! Hospitals, drug companies, and the entire health-care industry should really be called the 'sick care' industry. (pp. 19-20)

This sort of honesty might cause people to think more clearly. In Holland, a hospital is called a *ziekenhuis*, which literally means 'sickhouse'.

Trudeau goes on to write about the cynicism of selling drugs known to be harmful, provided money can be made. Vioxx is a tragic example, with tens of thousands dying of heart disease.

Traditional 'cures' can be sold by anyone, so profits are low. This is why drug companies fund 'research' denigrating anything natural. If an unpatentable herb was found to cure cancer, drug producers would spend million suppressing the news, or have FDA ban the herb:

> This is … why the drug companies give tens of millions of dollars to lobbyists to get the FDA to make new 'law.' … The FDA has the power to make 'laws' and enforce them. It can make 'laws' without congressional approval or debate. In order to protect the profits of the drug industry the FDA passed the most incredibly insane law of all time. The FDA has now made as 'law' the following statement: "Only a drug can cure, prevent or treat a disease." This is insane. Think about the ramifications. The FDA has now guaranteed and protected the profits of the drug companies! Only a patented drug … can treat, prevent, or cure a disease. (pp. 27-28)

This is untrue, of course. Everyone knows vitamin C cures scurvy, for example, and many other ailments can be cured by natural products.

A problem is that the FDA is funded by drug companies. When a drug is presented for approval, the company involved pays for the procedure. This scheme was started, secretly, in 1992. The upshot is that over 1500 FDA employees are paid by funds from the sale of drugs. The FDA annually gets US$1.2 billion directly from drug companies. This compromises the integrity of the review process, with drugs having deadly side effects being allowed on the market:

> Criminologist Elaine Feuer did a thorough investigation on the FDA and found that the FDA invests the majority of its time protecting the profits of the pharmaceutical industry. The FDA suppresses the truth about natural cures and focuses on shutting down companies that sell natural remedies for common diseases. Her book, *Innocent Casualties, the FDA's War Against Humanity*, documents how the FDA specifically goes after companies that offer natural cures for diseases that make the most money for the pharmaceutical industry. Since cancer, AIDS, heart disease, and diabetes are so profitable for the drug companies, anyone promoting a natural cure for these illnesses will be attacked by the FDA. (p. 31)

The FDA promotes drugs because many of its staff are drug-company shareholders. Politicians co-operate, since many of them also benefit. Various media appreciate drug advertising revenue and can't too often be critical.

Common complaints increasingly are deemed to be diseases. This is done to ensure patented drugs are used to treat the 'disease'. In the US, anyone claiming a non-patented substance can prevent or cure a labelled 'disease' may be condemned by the FDA, then raided by armed federal agents.

Trudeau warns readers to be wary of websites. Drug companies have paid for many sites to promote drugs and warn of the dangers of natural products. The truth is the opposite, of course. While a small number of natural remedies might at times be hazardous, on the whole they are remarkably safe, as they have been used for hundreds or thousands of

years. Drugs, on the other hands, are new substances which our bodies have trouble recognising; this means they have the potential to be more toxic. Trudeau writes:

> Whistleblowers have reported that internal documents at both the drug manufacturers and FDA show that drugs, both prescription and nonprescription, have no positive effects in over 70 percent of the people who use them. However, these same documents show that all nonprescription and prescription drugs have negative side effects in 100 percent of the people that use them. All nonprescription and prescription drugs are ineffective and cause disease. (p. 253)

The mass media support drug companies, headlining dubious 'research' showing natural cures don't work, while suppressing news about the dangers of new drugs. Trudeau gives as an example a story showing the threat to milk posed by Monsanto's growth hormone. The report was suppressed but can be found at www.foxbghsuit.com. Another example is an American therapist who used natural methods to treat AIDS. His approach has no side effects and a higher cure rate than any drug. He was attacked by the FDA. Surprisingly, the Supreme Court of New York found the doctor not guilty of malpractice. While he continues to treat patients, his technique has not been taken up by others. This is because the media refuse to carry stories about a non-drug approach to health.

But the most amazing thing in Trudeau's book is corruption in Washington, which merits a long citation:

> … I am now blowing the whistle on one of the greatest scandals in the history of American government. The members of Congress have passed a law which allows them to buy and sell stocks on, in effect, 'insider information.' … I am exposing one of the greatest issues of corruption in American history. I am blowing the whistle on something that virtually no one knows about. The members of Congress have information that you and I do not have. … In any other venue this would be called 'insider information.' However, Congress has passed a law allowing themselves to buy and sell stock based on this 'insider information,' and these stock transactions have been made perfectly legal! You need to know that politicians in Washington are making millions and millions and millions of dollars in profits buying and selling stocks based on 'insider information.' One congresswoman from California, in her first four years in Congress, made over $10 million buying and selling stock on information that the public did not have access to. This should be criminal.
>
> Think about how this works to the advantage of the pharmaceutical companies. Congress is about to vote on buying billions of dollars of drugs and shipping them overseas in the form of 'aid.' It is about to give the pharmaceutical companies hundreds of millions of dollars in profits. No one in the country knows this information. The congressmen, however, do have access to this 'insider information.' They know that once this vote is passed, certain pharmaceutical companies' stock prices will skyrocket. They then buy the stock knowing that the information about this windfall profit will be made public very soon. This should be criminal! In any other venue people would go to jail, but in Congress it is standard operating procedure. It's one of the perks of being a congressman or senator in Washington. Can you see why the politicians have such a big financial tie to the pharmaceutical industry? Can you see why the government wants to suppress natural remedies and protect the profits of the drug companies? This scandal was briefly reported on Fox News. However, it was immediately squashed and no one in the news media has picked up on it. That is appalling! (pp. 37-38)

Trudeau found a government memorandum specifically explaining how to create a debunking campaign, in collaboration with the FDA, FTC, and health-care associations. The FDA went so far as to label vitamins dangerous, which is absurd (the government's own Office of Technology Assessment once found vitamins to be among the safest things to ingest), and later tried to have some amino acids and minerals classified as drugs. While public outrage stopped these attempts, the campaign continues:

> In the book *The Assault on Medical Freedom* [by P. Joseph Lisa], secret documents from the medical industry have been exposed proving the FDA, the pharmaceutical industry, the AMA [American Medical Association], and even insurance companies are working together to discredit natural medicine. The documents show how the FDA worked with the pharmaceutical industry directly, producing the "public service, anti-quackery campaign," which is designed to make people believe alternative natural remedies are ineffective, a waste of money, and even harmful. This "public service campaign" is simply a front of the pharmaceutical industry. The author claims that this collusion between the government and the pharmaceutical industry has created "nothing less than an enforced totalitarian medical-pharmaceutical police state." (p. 42)

Trudeau says government organisations don't need to substantiate statements they make, as they are regarded as authoritative. Then there is the way US companies are treated differently, depending on size. Small companies must adhere to rules, while big companies routinely produce deceptive advertising ignored by the FDA and FTC. Small companies are targeted, because they can't defend themselves. Trudeau writes (p. 44) "… the FTC's Field Manual states that agents should not go after 'big business' because they have deep pockets and will fight back… ."

He gives the example of Celebrex, which was investigated following a public outcry. While the FDA ruled advertising for Celebrex was 'false and misleading,' no action was taken against the manufacturer, a big company. Even worse:

> Did you know that when the FTC charges a company with false and misleading advertising and then collects money for 'consumer redress,' it never gives the money to the consumer? The FTC keeps the money! This agency is supposed to protect the consumers, yet the vast majority of actions filed by the FTC

are against companies where there are no consumer complaints." (p. 44)

In America and Europe, drug companies are pressuring governments to outlaw some non-drug remedies, or to curb their sale. As well, they are buying companies that produce herbs, supplements, and homeopathic remedies. Trudeau refers to TV advertising for two products that seem to be drugs but are natural products sold for excessively high prices. He got transcripts of the ads, made a few cosmetic changes, then submitted them to the FDA and FTC for approval. He was told the ads were illegal. When he pointed out essentially the same ads already were appearing on TV, he was told things would be looked into, but if he dared air the ads he would be prosecuted.

According to Trudeau, the FTC breaks its own rules about false and misleading material in its press releases. As well, the FTC is suppressing freedom of speech in the US. This is why Trudeau took action, which he says is the first time an individual has sued the FTC:

> Go to www.kevinfightsback.com and read the two lawsuits I have filed against the Federal Trade Commission. When you read those two lawsuits, as well as all of the letters I have received from the FTC and FDA, you will see and understand exactly how these corrupt organizations operate. (p. 59)

He also says whistleblowers have leaked reports of rampant corruption at the FTC. All will be revealed in a book to be published.

Don Eldridge is an associate editor of *The Whistle*.

Whistleblowers Australia national conference and annual general meeting

Dates: Saturday-Sunday, 25-26 November 2006

Venue: Emmanuel College, Sir William McGregor Drive, St Lucia, Brisbane.

Registration: $50 Saturday conference; $35 Sunday AGM and celebration

Accommodation: $55 bed & breakfast at Emmanuel College. This can be booked through the college functions manager, Allyson Gibbs, on 07 3871 9360

To express interest in attending, and to be placed on our mailing list, please contact the organisers by one of these means:
Email: kevlindy@tpg.com.au
Phone 07 3390 3912
Post: Conference organiser, PO Box 859, Kenmore Q 4069

Please supply details of name, address, telephone and email contacts.

Important: Attendees requiring a lunchtime meal or accommodation at the venue need to register by Monday 20 November.

Whistleblowing: what are we learning?

Conference, Saturday 25 November

9am for a 10am start
10am to 12noon: "What are we learning from judicial inquiries?"
Speakers:

Mr Anthony Morris QC, first commissioner of the Queensland Health Inquiry:

Hon Bronwyn Bishop MP, Chair House of Representatives Standing Committee Inquiry into Crime in the Community

1.00 to 2.45pm: "What have we learned from research?
Speakers: Dr AJ Brown and a colleague from the Griffith University Whistleblower Study

3.00 to 5.00pm: "What are we learning from major whistleblower cases?"
Speakers:

Adjunct professor Bruce Grundy, University of Queensland School of Journalism and Communications and former editor of UQ's newspaper *The Independent Monthly*

Greg McMahon, National Director, Whistleblowers Australia

Whistleblowers Australia AGM and workshops

Sunday 26 November

9.30 for a 10am start
10 to 11am: Media event: presentation of whistleblower awards
11am to 12.30pm: AGM
1.30 to 3.30pm: Member interest workshops and discussions
4.00pm Close

Nominations for national committee positions must be delivered in writing to the national secretary (Cynthia Kardell, 7A Campbell Street, Balmain NSW 2041) at least 7 days in advance of the AGM, namely by Sunday 19 November. Nominations should be signed by two members and be accompanied by the written consent of the candidate.

Proxies A member can appoint another member as proxy by giving notice in writing to the secretary (Cynthia Kardell) at least 24 hours before the meeting.
Proxy forms are available at http://www.whistleblowers.org.au/const/ProxyForm.html. No member may hold more than 5 proxies.

Whistleblowers Australia contacts

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 at 7.30pm, Presbyterian Church Hall, 7-A Campbell St., Balmain 2041.
General meetings are held in the Church Hall on the first Sunday in the month commencing at 1.30pm. (Please confirm before attending.) The July general meeting is the AGM.
Contact: Cynthia Kardell, phone 02 9484 6895, messages 02 9810 9468, fax 02 -9418 4431, ckardell@iprimus.com.au
Website: http://www.whistleblowers.org.au/
Goulburn region: Rob Cumming, phone 0428 483 155.
Wollongong: Brian Martin, phone 02 4221 3763.
Website: http://www.uow.edu.au/arts/sts/bmartin/dissent/

Queensland: Feliks Perera, phone 07 5448 8218, feliksperera@yahoo.com; Greg McMahon, phone 07 3378 7232 (a/h) [also Whistleblowers Action Group contact]

South Australia: Matilda Bawden, phone 08 8258 8744 (a/h); John Pezy, phone 08 8337 8912

Tasmania: Whistleblowers Tasmania contact: Isla MacGregor, 03 6239 1054

Victoria
Meetings are normally held the first Sunday of each month at 2.00pm, 10 Gardenia Street, Frankston North.
Contacts: Stan van de Wiel, phone 0414 354 448; Mervyn Vogt, phone 03 9786 5308, fax 03 9776 8754.

Whistle
Editor: Brian Martin, bmartin@uow.edu.au, phones 02 4221 3763, 02 4228 7860. Address: PO Box U129, Wollongong NSW 2500. Associate editors: Don Eldridge, Isla MacGregor, Kim Sawyer. Thanks to Cynthia Kardell and Patricia Young for proofreading.

National conference and AGM

Saturday-Sunday 25-26 November 2006

Emmanuel College,
Sir William McGregor Drive,
St Lucia, Brisbane

Special guests include
Bronwyn Bishop, A J Brown,
Bruce Grundy and Tony Morris

Saturday conference: $50
Sunday AGM & celebration: $35
B&B accommodation at college: $55

Contacts
Email: kevlindy@tpg.com.au
Phone 07 3390 3912
Post: Conference organiser, PO Box 859, Kenmore Q 4069

See page 15 for more information.

Whistleblowers Australia membership

Membership of WBA involves an annual fee of $25, payable to Whistleblowers Australia, renewable each June. Membership includes an annual subscription to *The Whistle*, and members receive discounts to seminars, invitations to briefings/ discussion groups, plus input into policy and submissions.

If you want to subscribe to *The Whistle* but not join WBA, then the annual subscription fee is $25.

The activities of Whistleblowers Australia depend entirely on voluntary work by members and supporters. We value your ideas, time, expertise and involvement. Whistleblowers Australia is funded almost entirely from membership fees, donations and bequests.

Send memberships and subscriptions to Feliks Perera, National Treasurer, 1/5 Wayne Ave, Marcoola Qld 4564. Phone 07 5448 8218, feliksperera@yahoo.com