

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

The



Whistle

No. 85, January 2016

Newsletter of Whistleblowers Australia (ISSN 2205-0299)

Scratchy Lines by Simon Kneebone



WBA conference

WBA's annual conference and AGM were held at the Uniting Church Convention Centre, North Parramatta, Sydney on 14–15 November 2015. WBA President Cynthia Kardell introduced each of the speakers; her remarks are reproduced here. For the other speakers, you can read Brian Martin's notes on the spoken presentations or edited versions of their documents.

Conference

Saturday 14 November

- 8:15 Registration (coffee & tea)
- 9:00 Welcome: Cynthia Kardell
- 9:15 Deborah Locke, police whistleblower: Second time around
- 9:55 Lyn Simpson, live exports whistleblower: Live exports to the Middle East
- 10:35 Morning tea
- 11:05 Jim Page, academic: Accountability not up to scratch!
- 11:45 Alan Kessing, Customs whistleblower: National security and the whistleblower
- 12:25 Lunch
- 1:45 David Reid, ANSTO whistleblower: Taking stock six years on
- 2:25 Tom Lonsdale, veterinarian, whistleblower: Reform takes a little longer
- 3:05 Afternoon tea
- 3:35 Michael Cole, Westmead Hospital whistleblower: Dealing with stress and upset
- 4:30 Brian Martin, WBA vice president: Music for our ears

AGM and talks

Sunday 15 November

- 8:15 Registration (coffee & tea)
 - 9:00 AGM
 - 10:35 Morning tea
 - 11:05 AGM, continued
 - 12:25 Lunch
 - 1:45 Stacey Higgins: FOI — traps for the unwary
 - 3:05 Afternoon tea
 - 3:35 Brian Martin: Rules for leaking
-

Second time around

Deborah Locke

Cynthia's introduction

Debbie's story as a young police detective unfolded over nearly a decade and is well documented by the Wood Royal Commission in the 1990s, good media coverage throughout, her book *Watching the Detectives* and more recently as a part of the drama series "Underbelly" on Channel 9 TV. By any measure it has to be a story of almost biblical proportions and you could be forgiven for thinking it's something she won't be doing again! But you'd be wrong, because last year, faced with a well planned attack to seriously defraud a charity she was a part of, she stepped up for the challenge. This is her story today.

Debbie's talk (based on her slides)

Growing up in Glenorie



Graduating from the Police Academy, Redfern, 1984: "Wow, I made it through somehow!"



Organisational culture

Organisations do not *have* a culture; they *are* cultures. Every aspect of life

in an organisation is an expression of the culture.

Any culture has "espoused values," the ones that are officially endorsed, and "values in use," the ones that actually underlie behaviour. To make sense of a culture, you need to identify the espoused values and the values in use and identify where they converge. This is very difficult if not impossible for some people on the autistic spectrum. However, such people can be highly committed. As famous anthropologist Margaret Mead said, "Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."

Rebooting your career

You return to a hostile work environment. You're demoted while the perpetrators are promoted. You're subject to payback allegations and sabotage. Your health is at risk, and there are repercussions for spouses. Be prepared!

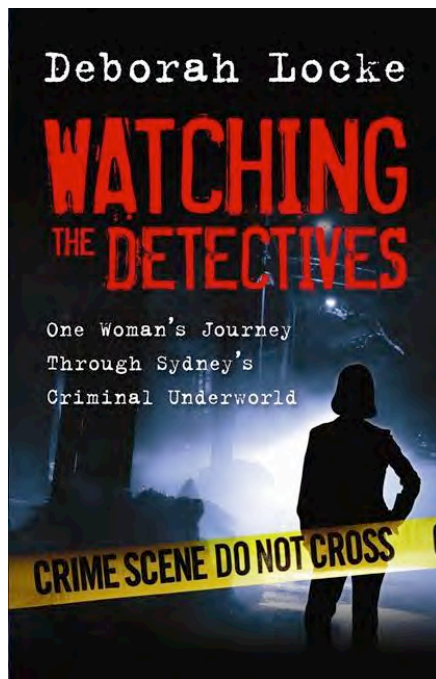
I received the Commissioner's Certificate of Merit, "In recognition of her ethical actions when bring under notice police misconduct in 1989. Her subsequent efforts to report police corruption and mismanagement were instrumental in moves to establish the NSW Police Royal Commission. Former Constable Locke conducted herself with integrity and her important contribution to the subsequent police reform process is acknowledged."



Publicity

I did interviews with television, radio and magazines, and gave talks. I set up a website: www.deborahlocke.com.au/. I got an agent and wrote a book,

Watching the Detectives, sold the movie rights and consulted on set.



***The second time around
(whistleblowing again)***

Why again? Personality, beliefs and knowing when to walk away.

**Accountability
not up to scratch**

Jim Page

Cynthia's introduction

Jim is a PhD graduate and former academic of Southern Cross University. Jim will discuss some of the more crucial aspects of blowing the whistle, based on the events set out in a paper, which has been circulated for your information.

Jim's talk

Jim presented a paper dealing with corruption in Australian universities. He commenced by suggesting this may be much more common than might be imagined, and suggested some factors why this is the case.

He said that the corporate agenda, sometimes called a neoliberal agenda, meant that universities tend to be seen as money-making ventures. The diminution of public funding for universities has exacerbated the situation. As universities become more reliant on private sources, they become wary of

alienating external sources of funding, or indeed of failing students.

He suggested that there are internal structural factors encouraging corrupt conduct. Universities tend to be hierarchical organizations, which means you don't rock the boat if you happen to see something wrong. The reason is that you need the approval of your superiors for grants or renewal of contracts. The highly casualised university workforce also means that individuals will tend not to speak out, for fear of contracts not being renewed.

Jim also said there is generally weak governance for universities in Australia. Universities are technically governed by councils or senates, although the reality is that the governance is most often delegated to the CEO and/or senior management. Often there is very little actual scrutiny of what happens. Further, official investigating agencies in NSW, with some exceptions, tend to be reluctant to investigate universities, given their high social status.

Jim then presented a specific study of practices at Southern Cross University, in northern NSW, looking at how a recent whistleblower has been treated by the university, and the rigging of an investigation into whistleblowing reports by the university. It is hoped that this part of the paper, with a focus on accountability questions for Southern Cross University, will be published in an academic journal dealing with higher education management.

**National security
and the whistleblower**

Allan Kessing

Cynthia's introduction

Allan was a customs officer in 2005 when a damning report about airport security was leaked to the media. Opposition MP Anthony Albanese pushed the national security concerns for all they were worth based on the confidential insider information authored by Allan Kessing. The government was forced to invest hundreds of millions of dollars in an airport security upgrade and fingered Allan for the leak. He was convicted in May 2007 on circumstantial evidence for a breach of the Crimes Act and almost

reduced to penury. Allan denies leaking anything to anyone, other than to Anthony Albanese.

Since then national security concerns have taken on a whole new meaning under the current government and it's these developments that concern Allan today.

Allan's talk (Allan's speaking notes, edited by Brian)

A fundamental principle of the common law was enunciated in 1966 by Lord Denning, the Master of the Queen's Rolls (*Initial Services v Brown*). In his delightful language, the old curmudgeon ruled that a Servant cannot be required to conceal the malfeasance of his Master. However, this principle has been trampled by laws passed by the Australian parliament in the past year making it a criminal offence to reveal wrongdoing within the national security sector.

We cannot uninvent the surveillance state since it is intrinsic, systemic in the bureaucracy in modern society. However, it is a mistake to invoke Eric Blair's [George Orwell's] ominous book *1984*, with its ideas of Newspeak and Big Brother, because a point that is often missed is that it was not society in toto that was under total surveillance. It was only those who should, and did, know better because it is they who were more likely to be a problem to the system — certainly not the vast underclass where they went, furtively, to feel real life.

The communist symbol of hammer and sickle is meant to represent the *engineer's* hammer and the *peasant's* sickle, the urban and the rural. Like most symbolism, it propounds a blatant falsehood: no revolution ever comes from the rural population — it is always an urban phenomenon.

On the other hand, fascism, though it ultimately serves the richest in society, arises within the middle class. It is their fear of the numberless unwashed, the roiling multitude of poor threatening those on the lower rungs of the golden greased ladder, especially those *newly arrived* at modest prosperity. Fearful of losing their meagre gains to those below them, they can be co-opted in order to protect the far vaster interests of the truly wealthy.

Jay Gould, one of the robber-barons who built America's railways in the 19th Century, is quoted as saying "I can hire one half of the working class to kill the other half." These private militia, armed and dangerous, were deployed against strikers throughout the burgeoning modern infrastructure of railways, mines, wharves, factories — anywhere that capital required the concentrated labour of the masses but not their opinion. This was later formalised as the first private "detective" agency, Pinkertons.

As the West moves into a *post industrial* phase — to quote Bob Dylan, "They don't make nothin' here no more" — known as the service sector (which, we are assured is not at all akin to *taking in each other's laundry*). One of the few growing employment sectors will be in the quasi-Stasi "security" sector. The last time I looked at a meta-analysis of the Australian Bureau of Statistics figures, fully 10–15% of the workforce — depending on definition — is involved in ... err ... umm checking on their fellow citizens. Often quite forcibly. The vast majority though are purely regulatory, with the omnipotent force of the state/law deployed only for the most menacing. In the street of twitching curtains and watching windows, the squint of the envious and inadequate can always find offence.

When you fly overseas those black-clad functionaries who demand that you partially disrobe and then x-ray you and your cabin baggage (ask me about hold baggage) are not officials of any description. They are employees of a private security company, usually on zero-hour contracts if not subcontracted, with no more official standing (in an area defined in the 2nd Federal Parliamentary Act as being subject to specific security provisions) than the local pub or club bouncer.

It is pure theatre, designed by those who know the truth, purely to reassure the public. Not only is it ineffectual, but it is actively and definably dangerous.

There has never, ever been a terrorist detected at any check-in, anywhere on the planet since skyjackings were first invented in 1969 by Leila Khaled in the Jordanian desert — which harmed no-one except insurance company Munich Re. (There is a

single exception which, if required, I can detail and explain why its very success reinforces my theme.)

The idiot "shoe bomber" flew out of London's Heathrow, one of the most modern and security conscious airports in the known universe, without hassle. Fortunately he'd been wearing the shoes in the London rain for a week before boarding so, despite the utterly failed security, the shoes were sodden and didn't detonate. So if he'd sat quietly we'd have never known of the incident. It was only because he was so thick as to try to ignite his shoes with matches, that he became known.



The bum bomber — despite the US National Security Agency being warned by his diplomat father — sailed through three check-ins and transit lounges, including the final, *ne plus ultra* of technical whizzbangery, Schiphol in Amsterdam. A bloke was missed who, to *humint* [human intelligence], would have been flashing like a strobe light, with three red flags (origin, transit, passport).

I could go on but that would be to lose ourselves in detail. Which is more or less the point. Is this a cry of despair or capitulation to *force majeure*? Far from it. We cannot uninvent the technology of surveillance and monitoring because it is the basis of every aspect of modern life.

One of the evasions about weapons of mass destruction (WMD) after the invasion of Iraq was that, "Oh, you misunderstood, we weren't talking about nukes ... but gas." Never mind that poison gas requires the technology of the Victorian era, so any country with a fertiliser/pesticide industry is WMD-capable. The deadly gas Zyklon B was developed from Zyklon A, an insecticide.

If we demand to have smartphones, satellite-navigation and the Internet of Things then we have the precursors — authority will always take the chance to turn it into Zyklon B because of the

inherent advantage of means, money and manpower.

Since the Bronze Age, society has been constantly shifting between ownership of the technologies of oppression, the sword, armour, long bow, crossbow, gunpowder through standing armies (a very recent concept) to industrial warfare, carpet bombing to atomic weapons with the only possible apotheosis, mutually assured destruction, or MAD, from nuclear weapons arsenals.

Have we moved into a post free-speech world? Not just in this country with the bipartisan determination to criminalise the reporting of a crime (namely, whistleblowing about national security matters). This is ironic considering that withholding knowledge of a crime is a criminal offense with utterly draconian legislation recently passed in our federal parliament.

In the US, the Obama administration has pursued and convicted more whistleblowers than the total of the previous 50 years. In the matter of the CIA rendition/torture scandal the only person to go to gaol was the agent who revealed the abuses — not the abusers, most of whom have been promoted. The UK is no better and has long been the most CCTV-surveilled country in the world.

The terrible irony is that to deal with the "existential threat" posed by Islamic State, Obama contradicted Thomas Jefferson, one of the founding fathers of the United States, when he said, on a TV chat show, that citizens may have to give up some liberty to be safe. In contrast, Benjamin Franklin, another one of the founding fathers, said "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety."

Nicky Hager, the Kiwi author who revealed the global electronic spying system Echelon to the world in 1996, now advocates *not whistleblowing* — which almost inevitably results in the destruction of the individual without necessarily any comparable alteration to the (*structure at*) fault — but continual leaking, incrementally making society a better place. His reasoning is that the impact of a revelation from a whistleblower soon passes (with or without rectification).

However, when there is the continual possibility that abuses, corruption and culpable incompetence will become known, then, apart from rectification, one may even hope that such failings will diminish.

If we cannot uninvent or ban the technology, how can the balance be shifted? We not only already have a far more ubiquitous ID card and file than anything dreamed of in Kafka's fevered nightmares, but are spending big bucks for the privilege of making ourselves vulnerable.

Demand the right to have one's own file. It is not necessarily a right but a duty to protect oneself.

Taking stock

Dave Reid

Cynthia's introduction

Dave was a technical officer in the radioisotope production laboratory at the Australian Nuclear Science & Technology Organisation (ANSTO) in 2007, when he was elected as the occupational and health officer. He tangled with his boss and later the CEO after they failed to take a series of contamination incidents seriously. He took it to the regulator ARPANSA in 2009 and was suspended and later sacked in 2012. Dave took it up with the regulatory arm of the workers' compensation body Comcare; its report found he had been bullied for being a whistleblower. He sued and later settled up with ANSTO for denying his right to speak out in the workplace. In retaliation the ANSTO CEO took out, and later withdrew, a private AVO (apprehended violence order) against him. Dave subsequently applied for and won workers' compensation under the Comcare Act. The report by ARPANSA was in turn reviewed by the Department of Health and the accounting firm KPMG and led to changes to the laws governing how ANSTO is regulated by ARPANSA and in the workplace. Dave is set to move on.

Brian's notes on Dave's talk

Dave worked for ANSTO for 30 years in various roles, including in radioisotopes. When he returned to that area, he found safety standards had dropped, and offered to be the union representa-

tive. After contamination incidents, he went to various committees and regulators but nothing happened. He received some documents showing close personal connections between staff in ANSTO and ANSTO's regulator ARPANSA (Australian Radiation Protection and Nuclear Safety Agency).

Then there was new investigation, this time an independent one. After this, Dave was targeted in all the usual ways, including being accused of being a security threat, somewhere between a terrorist and a mugger. He lost his security clearance. The union got involved, a few politicians took up the issue, and there was media coverage.

Dave was offered a generous package, but when he asked for it in writing, this was refused. Others who wanted to speak out about problems were frightened off by what had happened to Dave.

One of the union officials was on a committee that gave ANSTO a clean bill of health despite the union knowing about corrupt behaviour. Documents were withheld.



ANSTO, ARPANSA or the union?

There was a contaminated pond at the site. Birds were drinking the water, and some of them died, but the problem was minimised by referring to only two birds, though it was likely that birds were dying elsewhere.

In one particular incident, a supervisor made a decision to insist on cutting a fuel element; this was a serious mistake and led to a major alarm. The incident was covered up. Subsequently, the responsible supervisor, who was never held to account for his mistake, became head of the nuclear regulator, thus further illustrating the close connections between ANSTO the organisation and the body that was supposed to regulate ANSTO.

Dave was adversely affected in many ways, on himself personally — loss of his job, massive costs, as well as stress — and on his family.

Dave's initiatives may have improved safety at work, but prospects are not good: a fear culture continued. Dave was disappointed with his co-workers, many of whom he had known for years: they were not willing to stand up to management. He was also disappointed with the union, especially having been a union supporter for many years. Basically, the union leaders protected ANSTO management rather than Dave.

Lots of money goes into reactor production of radioisotopes, with Senator Kim Carr as minister tossing in \$167,000. Meanwhile, technology is becoming available to produce the radioisotopes using cyclotrons, thus meaning that a reactor is not needed.

Dave has spent some years living in a caravan trying to get his head around everything that happened. He has two wonderful girls and possibly a grandchild on the way.

Would he do it again? He thinks, today, probably not. He is most disappointed with the union, with its officials acting against the workers. Looking back, it would have been better to leak rather than blow the whistle openly. By reporting matters to ANSTO and regulators, they knew what to do to cover up. They extracted information from Dave and, as he put it, "put him out to dry."

Reform takes longer

The mass poisoning of pets
by vets 1991–2015

Tom Lonsdale

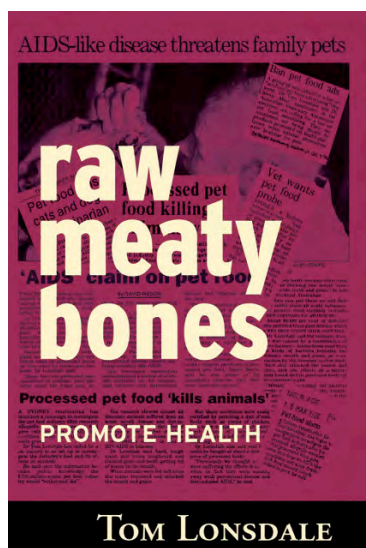
Cynthia's introduction

Tom is a qualified veterinarian. In the early 1990s, he blew the whistle on the harmful effects of manufactured pet foods and the cosy financial relationship between vets and pet-food manufacturers. He supported his claims with research done by him and his colleagues. Embarrassed, members of the Australian Veterinary Association brought several disciplinary actions against him before the NSW Board of Veterinary Surgeons. He turned his mind to forcing reform, developed his "raw meaty bones"

website and took to the speaker's circuit in the UK and USA. And with some success, but, as he'll tell you, today reform does take longer. After many years "on the road," today he again has his own veterinary practice.

Brian's notes on Tom's talk

Tom, a qualified veterinarian, challenged the connections between vets and pet food manufacturers, arguing that animals thrive on a different sort of diet, indicated by the title of his book, *Raw Meaty Bones Promote Health*. Tom and the others sharing his concerns initially thought that the battle against the profession and the companies wouldn't take all that long. In Tom's view, millions of the world's pets are suffering ill-health and premature death due to their diet.



As shown in the film *Super Size Me*, eating McDonald's for a month led Morgan Spurlock to gain 11 kilograms and become susceptible to stroke and cancer. Tom noted that McDonald's meals at least have variety. Imagine then being a dog or cat eating exactly the same diet every meal, not being able to brush your teeth and not being able to tell your carer that you're not feeling well. The vets don't notice anything special, because all the other pets are suffering similar problems.

It is commonly assumed that pets require air, water, food and, if needed, medicine. Air and water are usually okay, but the food is another question. What is labelled pet food includes carbohydrates and heat affected proteins, causing inflammation; it doesn't

clean teeth, leading to mouth rot; and it fails to satiate, leading to obesity. Junk pet-food is anti-medicinal, failing to stimulate the production of endorphins and appropriate digestive enzymes, contains no probiotics and does not elicit appropriate carnivore behaviour.

Most of the research into what vets advise is limited by being reductionist, meaning that it addresses only some narrow parameters while ignoring the broad context. There are fundamental failings in science, culture, education and practice, with an emphasis on preserving the image of vets. Meanwhile the media and politicians are deferential to the veterinary profession.

Vet students may not be the hope for the future, as they are driven by fear, love and hierarchy and don't want to hear anything contrary to the standard line. The way ahead is to learn from mistakes, but this is restrained by the aggressive counterattack from the profession. The learning potential, though, is huge, as there is an opportunity to fix corrupt relationships and overhaul the way research is carried out. The take-home message: never ever give up!

After he spoke, Tom showed an 18-minute film summarising the 24-year struggle. After raising concerns about junk pet food, especially its effects on teeth, he was investigated by the NSW vet regulators; he was not welcome and eventually expelled from the association. In an attempt to have the issues debated by the 23,000 vets registered in the UK, Tom stood for election to the Council of the Royal College of Veterinary Surgeons (RCVS). Last year in his promotional video, he named the main junk pet-food companies — Mars, Nestlé and Colgate-Palmolive. However, the RCVS banned the video: naming names is forbidden.

For more information, go to <http://www.rawmeatybones.com>

Dealing with stress and upset

Michael Cole

Cynthia's introduction

Michael is now retired. In 2001 he was a paediatrician at the Westmead

Hospital in Sydney. He blew the whistle on his boss Tarnow Mordi's clinical work, which was jeopardising the health and survival of too many newborn babies. His boss was eventually relieved of his clinical duties and moved on, into research, which was itself a problem. Michael suffered bogus performance review after review, initiated by his boss. He became ill and went on leave, later settling up with his employer on retiring. He set up a website (<http://www.westmeadhospitalwhistleblowers.com>) and began a part time law degree. He thinks he has learnt something about handling stress.

Brian's notes on Michael's talk

Michael, based on his whistleblowing experiences, learned about dealing with stress, in particular the stress from whistleblowing. The title slide of his talk was "Recovery from whistleblowing." It's much the same as post-traumatic stress disorder (PTSD). When you start repeatedly going over the same thing in your mind, it is stressful, making you grumpy with your loved ones. At the same time, you're in danger of losing your job and house, causing more relationship stresses.



Deal with stress constructively

Indeed, there are many cases in which whistleblowers lose their jobs, suffer mentally and physically, and then experience relationship breakups.

Better than cure is prevention: don't blow the whistle! But this advice isn't of much use to inadvertent whistleblowers, those who report some matter and are surprised when reprisals begin.

If you have an inkling of attacks beginning, if possible resign and avoid the situation. This is the best thing for your health and sanity.

Michael was bullied and complained about it for a year. Cynthia then told him he was a whistleblower, which was liberating: there was a reason for what was happening.

Jane, Michael's wife, would regularly ask, "Where's your head?" with the aim of finding out whether he was obsessing about the events and associated worries. Michael recommends trying to restrict your thinking about the events and worries to 10 minutes per day, or maybe up to an hour. The rest of the time you should focus on something else, indeed anything else.

The four wheels of the Rolls Royce of recovery are

1. Physical health (exercise, sleep, eating)
2. Psychological health (thought patterns, thinking time, family, support systems, spirituality, forgiveness). Rather than seeking retribution, which will eat you up psychologically, it's better to get on with your life and let nature take its course. Even better, try to forgive those who did the wrong thing.
3. Purpose/trajectory (find a purpose, set life on a trajectory, and leave the old purpose behind). Do a law degree!
4. Medication: One out of six Australians will suffer an anxiety disorder some time in their lives. If you had diabetes you would treat it (for life if necessary), wouldn't you? Find the right dose of the right drug. Don't be scared of the stigma of taking medication for mental problems.

Michael referred to materials from a website on "Skills for psychological recovery training."

Michael said whistleblowers are driven by altruism, are committed and even obsessive, emphasise rights, are stubborn and uncompromising, and willing to go against social conventions. This description led to a vigorous discussion about the psychological characteristics of whistleblowers (perhaps being stubborn is better called being persistent), the nature of doubting, people's duty of care, cultural differences in responses to dissent, and the need to rebel against repressive laws.

Rules for leaking

An activity organised by Brian Martin

Twenty people (besides me) were present. We formed groups of 4 by numbering off from 1 to 5. To each group I gave a copy of my leaking article (*The Whistle*, January 2015), plus two copies of one of the three leaking scenarios (see below). For this first phase, I gave groups 15 minutes to answer the questions, visiting groups to see how they were going.

Then I gave two copies of a counter-leaking scenario to each group, but not the counter to the one they received for the first scenario.

After another 15 minutes, I asked each group to send two members to other groups to compare notes.

There was good engagement with the material. The key theme came across: think about what the "other side" will do.

Before breaking into groups, there were moans about not wanting to work in groups. But after getting started, it all went well.

One needed improvement: the private investigator counter-leaking scenario needs to add the information that the PI has been illegally (corruptly) paying police for information, and owes a favour to the police to keep the business going.

Leaking scenario 1

A friend of yours has a job at a detention centre for asylum seekers, and tells you about abuses by some of the guards, as well as the deplorable conditions. Your friend is well aware that speaking out could mean a loss of his job and even up to two years in prison, and cannot afford this risk, but would like to do something. What is your advice on how to leak? What information should he collect? Who should he leak to? How?

Leaking scenario 2

A friend of yours works in a company receiving national security contracts, and has obtained evidence that shoddy equipment is being supplied and used, compromising the effectiveness of anti-terrorism efforts. Your friend is well aware that speaking out could mean a loss of her career and perhaps even years in prison, and cannot afford this risk, but would like to do some-

thing. What is your advice on how to leak? What information should she collect? Who should she leak to? How?

Leaking scenario 3

A friend of yours is a junior police officer. When attending burglary scenes, she sees her colleagues taking money and goods from houses for their own use: they laugh and say the insurance company will pay. Your friend knows that speaking out could lead to reprisals, perhaps including physical assault and frame-ups, and cannot afford this risk, but would like to do something. What is your advice on how to leak? What information should she collect? Who should she leak to? How?

Counter-leaking scenario 1

You work for the Australian Border Force. It appears that someone at a detention centre for asylum seekers has been leaking information to the media. Your task is to track down the leaker. How do you proceed? What information do you collect? How do you obtain it?

Counter-leaking scenario 2

You work for a government national security unit. You have been given the task of tracking down the person who has been providing documents to WikiLeaks about equipment supplied to your unit. How do you proceed? What information do you collect? How do you obtain it?

Counter-leaking scenario 3

You work as a private investigator, and regularly obtain information from friends in the police. One of your police friends asks a favour: track down the person in his command who has been leaking information about alleged police corruption. How do you proceed? What information do you collect? How do you obtain it?



WBA AGM

Whistleblowers Australia Annual General Meeting

15th November 2015

North Parramatta, Sydney NSW

1. Meeting opened at 9.10am

Meeting opened by Cynthia Kardell,
President

Minutes taken by Jeannie Berger

2. Attendees: Cynthia Kardell, Jeannie Berger, Lynn Simpson, Brian Martin, Feliks Perera, Robina Cosser, Geoff Turner, Stacey Higgins, John Murray, Michael Cole, Karl Pelechowski, Ken Smith, Tom Lonsdale, Lesley Killen, Rosie Williams, Ross Sullivan, Virginia Heaps, Graham Schorer, Alan Smith, Jim Page, Cathy Chase, Tim Morrison, Richard Kingsley.

3. Apologies: Yve De Britt, Lotte Fog, David Forster, Rosemary Greaves, Katrina McLean, Margaret Love, Toni Hoffman, Jack McGlone, Gail Mensinga, Frances Scholtz, Jane Cole, Carol O'Connor.

4. Previous Minutes, AGM 2014

Cynthia Kardell referred to copies of the draft minutes, published in the January 2015 edition of *The Whistle*.

Cynthia invited a motion that the minutes be accepted as a true and accurate record of the 2014 AGM.

Proposed: Feliks Perera

Seconded: Stacey Higgins

Passed

4(1) Business arising (nil)

5. Election of office bearers

5(1) Position of president

Cynthia Kardell, nominee for position of national president, stood down for Brian Martin to act as chair. Because there were no other nominees, Cynthia was declared elected.

5(2) Other office bearer positions (Cynthia resumed the chair.)

The following, being the only nominees, were declared elected.

Vice President: Brian Martin

Junior Vice President: Robina Cosser

Treasurer: Feliks Perera

Secretary: Jeannie Berger

National Director: Margaret Love

5(3) Ordinary committee members (6 positions)

Because there were no other nominees, the following were declared elected.

Michael Cole

Stacey Higgins

Toni Hoffman

Katrina McLean

Lynn Simpson

Geoff Turner



Some committee members
prefer to remain anonymous

6. Public Officer

Margaret Banas has agreed to remain the public officer. Cynthia asked the meeting to acknowledge and thank Margaret Banas for her continuing support and good work.

6(2) Cynthia Kardell invited a motion that the AGM nominates and authorises Margaret Banas, the public officer to complete and sign the required submission of Form 12A to the Department of Fair Trading on behalf of the organisation, together with the lodgement fee, as provided by the Treasurer.

Proposed: Feliks Perera

Seconded: Lesley Killen

Passed

7. Treasurer's Report: Feliks Perera

7(1) Feliks tabled a financial statement for 12-month period ending 30 June 2015. A motion was put forward to accept the financial statement.

Moved: Robina Cosser

Seconded: Lesley Killen

Passed

Feliks' report

It is my pleasure to present to you the accounts for the financial year ending 30th June 2015.

This year, our expenses were more than our income by \$501.85.

Our membership subscriptions were slightly higher than the previous year, and thanks to the generosity of our membership, the donations received were much higher than 2014. The income from the fixed deposit investment was also down, due to low bank interest rates.

However, our balance sheet looks very strong with a balance in our bank account of \$10,021.35 and a fixed deposit investment of \$13,389.81.

I appeal to the membership to bring in at least one more member for the financial year 2015/2016. There have been many inquiries about our work, but few have responded to join the association. It is our dedication to the cause of whistleblowing that will inspire others to join us and support our work.

My sincere thanks also go out to those members who have not only sent in their membership fees, but also generously supported the association with donations. I hope you will continue to support the work your association will undertake in the years to come.

My sincere thanks also go to members of our committee for their support and trust in me.

ANNUAL ACCOUNTS TO YEAR ENDING 30 JUNE 2015

INCOME

SUBSCRIPTIONS, \$2,700.00

DONATIONS, \$1,499.44

INTEREST ON FIXED DEPOSIT, \$389.91

INTEREST ON CURRENT \$3.15

TOTAL INCOME, \$4,592.40

EXPENDITURE

WHISTLE PRODUCTION COSTS,
\$2,803.91

2014 CONFERENCE SUBSIDY
\$1,967.90

RETURN TO BRANCH, NSW \$250.00

B MARTIN BOOKS, \$646.65

ANNUAL RETURN FEES, \$53.00

WEBSITE FEES, \$19.44

TOTAL EXPENSES, \$5,094.25

EXCESS OF EXPENDITURE OVER
INCOME –(\$501.85)

BALANCE SHEET, 30 JUNE 2015

ACCUMULATED FUND BROUGHT

FORWARD FROM 2014, \$23,663.01

LESS EXCESS OF EXPENDITURE OVER

INCOME FOR THE YEAR –(\$501.85)

SUNDRY ACCRUALS \$250.00

TOTAL, \$23,411.16

ASSETS

FIXED DEPOSIT INVESTMENT

\$13,389.81

BALANCE AT NATIONAL BANK,

\$10021.35

TOTAL \$23,411.16



8. Other Reports

8(1) Cynthia Kardell, President

This year has thankfully been like others before it. I receive at least two or three telephone calls per week plus emails from potential whistleblowers and roughly in equal numbers from the public and private sector. It is also pleasing so many continue to see our organisation as a source of unbiased, sound information.

I've done a number of interviews on the phone and in person, but most haven't survived the cut, presumably because others were more newsworthy on the day.

One telephone call and an email I received are worth mentioning here. A woman rang me to complain that Whistleblowers Australia had wrongly posted private information about her on our website. Around the same time, a public health agency asked whether we had supplied confidential information to it pursuant to the Public Interest Disclosures Act. Both had assumed they were dealing with WBA, because of the use of the domain name

whistleblowersaustralia.com. Both ultimately accepted that WBA was not the culprit.

I discovered that a "for profit" organisation operated and owned by Alex Tees, a solicitor and former office bearer of NSW Branch in the 1990s, was wrongly trading on our name and reputation. I wrote to Alex Tees. He ignored me. eNom.com, the business that registered the domain name, was more helpful, but unwilling to cancel the domain name without a court order or similar direction. Fortunately, the website host Vistaprint.com was persuaded to quarantine or "freeze" his website. I kept Alex Tees in the loop throughout.

Now, if you go to whistleblowersaustralia.com you get the information that the relevant website has been frozen. Alex Tees remains the registered owner of the domain name until 20 December, when it expires. I will remind eNom.com closer to the day that any request for renewal should be refused. This is not the first time that someone has tried to piggyback on our name for profit and I am assuming it won't be the last. So, we will be posting a statement on our website and Facebook page to the effect that we are not affiliated with or a part of any other organisation and not responsible for the conduct of others.



<http://whistleblowersaustralia.com> as of 3 January 2016. The small print at the bottom states "This Domain Name Has Expired."

At a political level, things are looking a bit bleak. The government has enacted draconian laws to enable it to track a whistleblower's movements and contacts more easily through his or her digital footprint. My advice is to

avoid creating a digital footprint where leaking is warranted and particularly where stiff jail terms can apply. Similarly, now that new laws criminalise the professional obligations of medical and healthcare whistleblowers, they should think about exerting their not insignificant power in new and innovative ways as a collective. Doctors and nurses came together very publicly recently to say we will not discharge the refugees in our care back into detention. Ironically, in the private sector moves are afoot for laws to compensate whistleblowers for the loss sustained in bringing corporate wrongdoing down. On balance, it is not a time for despair but to be better prepared and more strategic. Then, leak.

8(2) Jeannie Berger, Secretary

Memberships are steady. This year we have remained stable with 137 members. Cynthia sends out *The Whistle* to a larger group of people than financial members. We send to some nonfinancial members and to all state/parliamentary libraries. There is a requirement to send publications to the National Library and the NSW State Library. All up approximately 200 *Whistles* are sent out. The primary goal is to spread the word.

8(3) Geoff Turner, Communications

I continue to maintain and update the WBA website. Our email system has not changed. Emails sent to our main contact address go to Cynthia and myself. As Cynthia mentioned in her report regarding the fraudulent website, there are various online facilities you can look up, other than the official ones such as APNIC. For those interested, you can find out information like who owns the website, who the registrar is and who the hosting company is. That enables you to track people down to sort out problems such as people who shouldn't be running websites, e.g., running a site using Whistleblowers Australia name.

If anyone wants to find out about technical stuff like this type of information, please give me a shout and I can help out.

8(4) **Brian Martin**, International liaison and *The Whistle*

Looking worldwide at organisations primarily made up of whistleblowers, Whistleblowers Australia is the longest standing national body. There are groups in Europe and the US. There is a new group called Whistleblowers UK. There are also several different groups in the US, including the Government Accountability Project and many others. However, as far as I know, there is no single coordinating body or network to link all these groups together. I have networked informally with individuals and groups in a few other countries. It appears they have as much to learn from us as we do from them.

The Whistle is running smoothly and I encourage members to submit stories for publication. Because whistleblower stories can be long and complicated, I suggest writing about what you have learned in the process.

8(5) **Robina Cosser**, Vice president and Schools contact

Robina discussed her website <http://www.theteachersareblowingtheirwhistles.com/>. There have been at least 586,000 views of her webpages.

The Teachers Are Blowing Their Whistles!

WHY ARE QUEENSLAND TEACHERS SO AFRAID?

The benefits of a website

We all know how stressful it is for whistleblowers to explain the same situation over and over, starting the story again with each new public servant. And we all know the stress of dealing with the lies, the falsified records, the payback allegations and the continual changes in the official story. A website relieves you of much of this stress. If you have a website, you can tell your story once and you can tell it clearly. Links to your supporting documents can be given. You can relax. Having a website is a bit like having a very fond mother standing beside you who will not stop talking about your disclosure, what has happened to you, the injustice you

have experienced, etc. Meanwhile, you are able to carry on with your life, lunching with friends, reading books that interest you, even spending two months in Spain — and while you are having a life, your very fond mother is busy all night and all day, telling people all around the world about your story. I really believe that a website is a huge benefit to a whistleblower. And public servants take websites seriously. They respond well to requests for information. They check the website regularly.

The media also use websites as a resource, as do students and researchers. A website is a sort of free media at a time when our mainstream media is increasingly constricted, mainstream reporters are moving into government jobs as media liaison positions, and “news” is often just government propaganda.

There is a need for a website for Australian universities. I have only one page on my website about workplace bullying in Australian universities. It is one of the most popular pages. It is obvious to me that there is a need for a website to support people who are being bullied at work in Australian universities.

Current issues in education

There seems to be a problem Australia-wide with the type of people who are being selected and appointed to the senior public service. When I began my websites I was under the impression that the systemic problems in the education department that I was dealing with were caused by a particular political party. Now I believe that the public service promotion system, and the senior public service in particular, may be the systemic problem. For example, in Queensland, the former Director-General of Education and the Gold Coast District Director has been accused of nepotism. The General Manager of Human Resources of the Northern Territory Department of Education was forced to publish an apology to a teacher after setting up a fake Facebook page using the teacher’s name. In Victoria, the deputy secretary of the Education Department, the department’s finance boss, a regional director and several principals were allegedly involved in a web of corrup-

tion involving millions of dollars meant to be used in Victorian schools.

The promotion system in the Queensland Department of Education

In Queensland the new Labor government has put union reps back on promotion appointment boards. This may introduce a union bias, a political bias and a bias towards men. Many women are too busy working the “second shift” at home to go to union meetings. They do not have the opportunity to build mateship bonds at union meetings. There is a need for the Queensland College of Teachers to research the outcomes of this change. There is a need for a lot of research into what is going on in our schools. But research only seems to be approved if the outcome is liable to be uncontroversial.

We need to research why the results of Australian-born students are so poor

There are so many stories of students, who have spent many years in refugee camps, migrating to Australia and doing brilliantly in our schools. The Australian education system obviously works well for these significantly disadvantaged students. We need to understand why our Australian-born students fail to thrive in our schools.

The awards system

The awards system seems to be being used to create government-approved “good news” media releases. My experience suggests to me that the awards system (Australia Day, etc.) may also be being abused to reward compliance with corruption. There is a lot of interest in this page of my website.

8(7) Agenda items and motions (previously notified)
None put forward.

8(7i) AGM 2016 in Sydney

8(7ii) Priorities in 2016

Brian will continue concentrating on leaking issues and countering anti-whistleblower laws whilst Cynthia will be looking at legislation and the False Claims Act (USA).

9. AGM closed 12:45PM

It is about time we protected whistleblowers

Adele Ferguson
Sydney Morning Herald
7 November 2015

WHY shouldn't you reward the whistleblower?

It is a question ASIC chairman Greg Medcraft posed at a recent parliamentary joint committee hearing in Canberra, along with the notion that they should be compensated, potentially, for their lifetime.

This discussion around the treatment of whistleblowers is set to explode in the next few weeks as the Senate economics committee spear-headed by Senator Sam Dastyari releases a discussion paper into corporate whistleblowers, canvassing ways to beef up the legislation and discuss rewards.

It is about time. As a nation we need to protect corporate insiders who risk everything to expose wrongdoing for the good of the public.

With the government slashing the budget of ASIC, Australia needs to step up to the plate on whistleblowers and encourage more to expose misconduct.

Whistleblowers make a difference

From personal experience, the whistleblowers who have come to Fairfax Media have had a profound impact on the company, industry, the law and the lives of victims.

The 7-Eleven whistleblower has helped bring change to the company, including an independent panel to pay compensation for wage fraud, change the business model and move towards a more open and transparent culture.

Likewise, CBA whistleblower Jeff Morris helped bring change to the financial planning industry. Victims of shoddy advice have so far received compensation of more than \$50 million. The NAB whistleblower brought huge change and the IOOF whistleblower has triggered an ASIC inquiry. The list goes on.

But how many other corporate employees are sitting on scandals but too concerned to come forward?

Fear holds them back

Earlier this week I received an email that reminded me of what we are potentially missing out on. The email was written by a current employee of a big financial institution offering information that would "provide parliamentary and governmental bodies with the power to take unprecedented action against ...".

The sticking point was fear of losing his job and the financial consequences.

"If I make this information available to you and the public, I will be terminated and my career will be dead in the water."

He asked for compensation for his information. Like most media outlets, Fairfax Media doesn't pay for stories, so he opted to stay silent.

"While I would be ensuring that customers (people I do not know) are appropriately compensated I would be self-imposing financial hardship on myself. I am not in a financial position to do this," he said.



Adele Ferguson

American system works

In the United States whistleblowers are better protected and rewarded for their information. Depending on the agency and the crime, whistleblowers can earn up to 30 per cent of the penalties or legal costs of the misconduct exposed. It enabled one whistleblower to earn a record \$US30 million in 2014.

Not surprisingly, the US has far more whistleblowers than Australia. Since amendments to the False Claims

Act were introduced in 1986, more than \$US44 billion has been recovered through lawsuits filed under the act. Whistleblowers have been paid more than \$US4.7 billion for their role in assisting with the recoveries.

In Australia, whistleblowers suffer stress, isolation, anxiety and a potentially huge financial cost in terms of lost income if they lose their job. They do it because their sense of justice outweighs everything else.

The truth is if we want whistleblowers to provide information, they need to be treated as heroes instead of pariahs.

As Medcraft said in his speech to the Parliament: "If somebody is doing the wrong thing, that affects your brand. Then, frankly, you should be rewarding the whistleblower. The person doing the wrong thing is potentially attacking the fundamentals of your business."

Change should come

Hopefully the discussion paper on whistleblowers to be released by Senator Dastyari later this year, along with the strong comments by ASIC's Medcraft, will result in change.

But if change is to come and compensation is to be paid, there also need to be stiffer penalties for corporate misconduct.

Perhaps a fund set up, similar to what the SEC has done with its investor protection fund, "established by Congress at no cost to taxpayers or harmed investors." According to an SEC press statement "The fund is financed through monetary sanctions paid by securities law violators to the SEC. Money is not taken or withheld from harmed investors to pay whistleblower awards."

The discussion paper will trigger fierce debate about the merits and pitfalls of compensating whistleblowers.

In the US a popular line of argument is the one prosecuted by a senior executive at the US Association of Corporate Counsel: "that bounties create a risk that whistleblowers are actually working against the interests of compliance because their motivation doesn't become, 'Let's fix it', or 'This is wrong'. It becomes 'How can I

collect?”

It is too simplistic an argument, steeped in vested interest, but arguments are needed if change is to come.

Whistleblowers are sacked

IOOF highlighted the need for change.

Months before coming to Fairfax Media, an employee at IOOF outlined his allegations to the company secretary, who was also responsible for the whistleblower policy in the company. He told the head of investigations and followed up his concerns with three directors on the board.

He went on stress leave then lodged a bullying and harassment claim with the Fair Work Commission. This claim's allegations included requests by his boss to cheat on compliance modules, front-running and faulty research reports.

During the Fair Work process, IOOF sacked him on the grounds of “serious misconduct” including “vexatious allegations” against his boss within the meaning of the IOOF No Bullying Policy.

He then became the subject of a vicious smear across the investment community as well as background briefings to the media. The smear campaign was designed to diminish his credibility and therefore what he was alleging, despite rock solid evidence in the form of internal documents.

“Some reports I have heard from credible sources suggested that I was an extortionist; a kidnapper; not a whistleblower; a thief; a cat burglar who somehow knew that sensitive information existed and broke into the office of ... and stole them. These claims are currently being investigated by ASIC and I hope there is some closure on the matter,” the IOOF whistleblower said.

I received correspondence from a senior IOOF representative which canvassed similar allegations about the whistleblower.

For the whistleblowers at NAB and 7-Eleven who went straight to the media, bypassing the regulators and the company, their identities have been protected yet they managed to help bring huge change.

In the discussion on how to improve the protection of corporate whistleblowers, the role of the media should not be overlooked or shut down. It is

too important in airing scandals, righting wrongs and improving transparency.

Troublemakers and traitors — it's no fun being a whistleblower

Jeanette Van Akkeren
and Julie-Anne Tarr

The Conversation, 19 November 2015



Former Commonwealth Bank employee Jeff Morris struggled for years to reveal breaches by his employer. AAP/Stefan Postles

DEATH threats, smear campaigns and financial ruin — it may sound like a John Grisham novel, but the sad reality is that this has been the consequence for many public and corporate whistleblowers.

The personal risks associated with blowing the whistle on less than honest corporate practices can be devastating — just ask ex-CBA's Jeff Morris, whose attempts to reveal wrong-doing by the bank have come at a significant cost.

It seems that whistleblowers are regarded as troublemakers by their employers and traitors by fellow workers and it is this attitude, alongside a lack of financial incentive that, according to the Australian and Securities Investment Commission (ASIC)'s Greg Medcraft, has prevented people from stepping forward when wrongdoing is discovered.

Legislative reforms to combat fraud, bribery and corruption were designed to better defend against corporate scandals such as Enron, WorldCom and HIH Insurance. In both Australia and the US, substantial attention was

paid to whistleblower reforms and are touted as the ‘best defence’ against fraud.

As Lord Low of Dalston so eloquently suggested to UK parliament: “... we now have to rely on the whistleblowers as our last defence against the corporate culture which thrives on malfeasance.”

However, undermining reforms in the US and Australia is the ongoing fear of reprisals, job losses, harassment and yes, even death threats for whistleblowers.

The legal situation in Australia

Whistleblower provisions form a part of the Corporations Act 2001 (Commonwealth) and protect officers, employees and company contractors. ASIC enforces the Act, and requires whistleblowers to make a “qualifying disclosure,” that is, they have the “burden of proof” on whether the corporate misconduct they are reporting breaches the above two Acts.

It is much more straightforward for the public sector. The Public Interest Disclosure Act 2013 (Commonwealth) protects public employees and encourages and facilitates disclosure of suspected corporate wrongdoing. It also supports and protects whistleblowers from adverse consequences and ensures disclosures are properly investigated.

However, private sector whistleblowers are not provided with the same level of protection. They are afforded some protection against retaliation through civil remedies and include the right to seek reinstatement of employment. There are also criminal sanctions that apply should a whistleblower be sued for breach of contractual or secrecy obligations or for defamation should a smear campaign ensue.

However, compared to the protection for government sector employees, there is a lack of comprehensive whistleblower protection in the Australian corporate landscape. Moreover, it is not even compulsory for companies to set up internal whistleblower programs.

There is also the cultural aspect of what it means to be a whistleblower. In Australia (similar in many other countries) it is not acceptable to “dob in a mate.” The overall impact is a reduction in the effectiveness of the legisla-

tion and helps to explain why whistleblowing is not as effective in exposing corporate misconduct as its architects or supporters would like.

United States legislation

The US, on the other hand, has an incentive scheme offering “financial compensation” to whistleblowers who uncover fraudulent acts, which can be quite lucrative if the law suit is successful and when large sums are involved. In fact, as recently as 2014, one whistleblower received a staggering \$US30 million reward.

Known as the Dodd Frank Act (2011), rewards of between 10%–30% of a US Securities Exchange Commission enforcement settlement is given to a person if voluntarily providing information on corporate and securities fraud.

Whistleblower legislation in the US falls mainly under the Sarbanes-Oxley (SOX) Act (2002) where you will find anti-retaliation measures (S.806), criminal penalties to deter reprisals against whistleblowers (S.1107), and less stringent burdens of proof for whistleblowers (S.806), especially when compared to those in Australia.

What is alarming is that even with the additional protection offered by SOX for corporate whistleblowers, the *Wall Street Journal* identified 300 whistleblower employees who had filed claims against their previous employer for being penalised and none had been reinstated.

The verdict

Whistleblower programs are seen as a positive step towards reducing incidences of corporate wrongdoing. However, there is much evidence that despite the efforts of legislators across many countries, more is needed. In the US, there is ongoing discussion and recommendations for more reforms for anti-fraud and whistleblower legislation.

In Australia, the Senate Economics Committee will soon be releasing a discussion paper outlining how to improve whistleblower protection laws and ASIC has publicly called for further reforms.

Most important is the need for protection against reprisals, as well as the need for action to be taken when dodgy practices are reported — the

Queensland Health Barlow fraud case demonstrates the latter very well.

Providing incentives could help to overcome an employee’s reluctance to report wrongdoing as they do in the US. As ASIC boss Medcraft states, whistleblowers need to be properly supported and compensated, potentially for their lifetime earnings.

To get there, however, KordaMentha suggest a number of strategies, including an anonymous whistleblower hotline, a culture of openness and employee support, management responsiveness to whistleblowing and protection against reprisals.

Let’s hope the next round of legislation provides the incentives, protection and corporate processes needed to minimise corporate misconduct and protect those who seek to fight the good fight.

Volkswagen sets emissions scandal amnesty deadline

BBC, 12 November 2015



GERMAN carmaker Volkswagen has set a 30 November deadline for staff with knowledge about its diesel emissions test cheating to come forward.

Workers who get in touch with internal investigators by then will be exempt from dismissal, according to a letter from VW brand chief Herbert Diess.

US regulators found VW put in software that turned on emissions controls when the car was being tested.

Some 11 million vehicles worldwide are affected by the scandal.

Mr Diess said the offer was being made in the interests of “full and swift clarification.”

“Rest assured”

VW said it would not sack workers for what they might reveal, but they might

be transferred to other duties.

“Employees covered by collective bargaining agreements who get in touch promptly, but no later than November 30, 2015 ... and ... may rest assured that the company will waive consequences under labour law such as the termination of employment, and will not make any claim for damages,” the letter said.

Last week, Europe’s biggest carmaker also admitted to cheating on carbon dioxide emissions certifications.

VW has put aside €6.7bn (£4.7bn) to meet the cost of recalling the diesel vehicles worldwide that were fitted with so called “defeat devices” that circumvented tests for emissions of nitrogen oxides.

Analysis: Theo Leggett, BBC business reporter

This offer shows the difficulty Volkswagen is facing.

It has appointed the American law firm Jones Day to carry out a thorough internal investigation into the emissions scandal. That is expected to take several months — yet the company needs to draw a line under the affair as quickly as possible, in order to focus on mending its battered reputation.

At the same time, the dirty laundry keeps on piling up. Last week’s revelation of “irregularities” in the measurement of CO₂ emissions was a case in point.

Hence the amnesty for whistleblowers. Any concerted effort to deceive regulators would have needed input from engineers and technicians. They may have valuable knowledge to share, which could speed up the process dramatically.

The offer does not apply to managers. So if it turns out that deception was authorised at a high level, those responsible can still expect to be punished.

Journalists treated as spies

An interview with Julian Assange,
reported in *Le Soir* (Belgium), 24
October 2015

Le Soir's introduction

IN TEN YEARS, whistleblowers have earned titles of nobility. They are called Manning (Cablegate), Snowden (mass spying NSA) or Deltour (LuxLeaks); they became pillars of democratic resistance. But laws are inadequately defended, and the media relay do not always use the technologies needed to protect whistleblowers' anonymity. From his constant refuge in the Embassy of Ecuador in London, WikiLeaks founder Julian Assange will Monday night be the guest of the Festival des Libertés duplex to discuss "Political transparency and protection of privacy." We asked him what the emergency in protecting whistleblowers was.

Question: For the protection of whistleblowers, where is the urgency? Should we first improve laws or technologies?

Assange: We should do both, because it is rare that protection is based only on one of the two domains. And we should improve both at the same time because each domain that is not adequate will be occupied by the "other side."

Question: In addition to lobbying for laws to protect whistleblowers, this presupposes, for newspaper editors, an upgrade of privacy technologies, and our readers — the general public — better education in protecting communications. What positive experiences have you learned in recent years?

Assange: Obviously, when we talk about protection of sources, material and technological realities are more important than laws. If there is a possibility for intelligence agencies or investigative services of a state or transnational private company to intercept your communication with one source, they will, whether the law authorises this or not. The growth of electronic surveillance makes technical protection increasingly difficult. My recommendation for people who do not have ten years of experience in cryptography is that they return to the old methods: for example, use tradi-

tional mail. For example, sources can meet at conferences. These are old techniques used for intelligence operations, but journalists are treated by intelligence services as spies.



Whistle editor's note

There was English-language report of Assange's interview with *Le Soir* ("Use snail mail to thwart spies, Assange tells journalists," *Yahoo! News*, 24 October 2015). Following the report were numerous comments by readers. Here is my assessment of the comments.

- There were very few useful suggestions for secure communication.
- There were lots of criticisms of using the postal service as an alternative to electronic communication, with claims that all letters are photographed, that using a government service to get around government surveillance is silly, etc. Only a few commenters seemed to grasp the point that a lack of total security doesn't mean there are no differences between methods of communication. Even fewer mentioned the significance of Assange's point, namely that journalists and leakers need to be thinking ahead about the risks and choosing a safer (though never totally safe) option.
- There were many ad hominem attacks on Assange, typically calling him a rapist (though he has only been accused of rape, not charged or convicted) and self-aggrandising. This hostility to Assange was amazingly bitter. It shows the method of devaluation at its clearest, with the focus on Assange rather than the efforts of WikiLeaks.
- A few commenters rebutted the claim that WikiLeaks only reveals US secrets, one of them listing the numerous countries for which WikiLeaks has published disclosures.

Snowden: Clinton made 'false claim' about whistleblower protection

Speaking via satellite at a
privacy conference at Bard
College in New York, Snowden
disputed Clinton's claim that he
bypassed whistleblower
protections

Tom McCarthy

The Guardian, 16 October 2015



Edward Snowden speaks at Bard
College in New York on Friday.
Photograph: Beka Goedde

EDWARD SNOWDEN has accused Hillary Clinton of "a lack of political courage" for her assertion during the Democratic presidential debate this week that the whistleblower had bypassed options for disclosing illegal government spying programs that would have protected him and not violated the law.

Speaking via satellite at a privacy conference at New York's Bard College on Friday, Snowden said: "Hillary Clinton's claims are false here."

"This is important, right?" Snowden told an audience at the Hannah Arendt Center at Bard College. "Truth should matter in politics, and courage should matter in politics, because we need change. Everyone knows we need change. And we have been aggrieved and in many ways misled by political leaders in the past."

Before Snowden spoke, Clinton repeated the claim on Friday, at a campaign appearance in New Hampshire. After a voter said Snowden was "close to a patriot," BuzzFeed reported, Clinton disagreed and said he could have received whistleblower protections but instead chose to break the law.

"He broke the laws of the United States," Clinton said at the debate on Tuesday. "He could have been a

whistleblower. He could have gotten all of the protections of being a whistleblower. He could have raised all the issues that he has raised. And I think there would have been a positive response to that.”

Multiple passes at fact-checking Clinton’s claim this week have concluded that “the protections of being a whistleblower” do not exist in the real world and did not apply to Snowden. A 1989 whistleblower law, for example, does not apply to intelligence community employees. A separate law for would-be intelligence whistleblowers has been deemed a trap because it has led not to protections but to prosecutions.

“There is, I think, in many ways a lack of political courage in the established class that we expect to champion [our rights],” Snowden said at Bard, to enthusiastic applause.

The second US Circuit Court of Appeals in Manhattan ruled in May that the dragnet phone metadata collection program exposed by Snowden was indeed illegal.

In a wide-ranging question-and-answer session that lasted the better part of two hours, Snowden also rejected the premise of a question at the debate as to whether he was a hero or traitor. He discussed his Twitter habits, criticized Facebook for taking the side of the government over the side of users, and he praised the unidentified whistleblower who provided documents relating to drone warfare published on Thursday in an exposé by *The Intercept*.

“Thanks to some extraordinary whistleblower who provided this information to the Intercept, we now know that these drone attacks that claimed the lives of innocents, 90% of the time, nine out of 10 of those killed are not the intended targets,” Snowden said.

He dismissed the hero-or-traitor question, which CNN host Anderson Cooper posed at the presidential debate.

“I reject both [labels],” Snowden said. “Because even though people say being a hero would be a good thing, it’s other-izing, it’s distancing, it’s ‘This person did something I could never do in that situation’ — that’s absolutely not true.”

Asked about being a privacy advo-

cate who has nonetheless become active on Twitter, Snowden said he uses Tor and other “privacy-enhancing technologies” to protect his personal information when he uses social media.



He did not appear to be a Facebook user. “They’re really unwilling to make a commitment to the user,” Snowden said of the site. “They really need to decide who they work for — the government, or the people who use their services.”

Asked whether he was willing to face charges for leaking classified material, Snowden said that the law under which he has been charged, the Espionage Act of 1917, would not allow him to make the case that he had acted in the public good.

Snowden said he had been in contact with the government — apparently not recently — about how some kind of plea deal would work.

“They said ‘Well, we won’t torture you’,” Snowden said. “‘But we haven’t got beyond that.’”

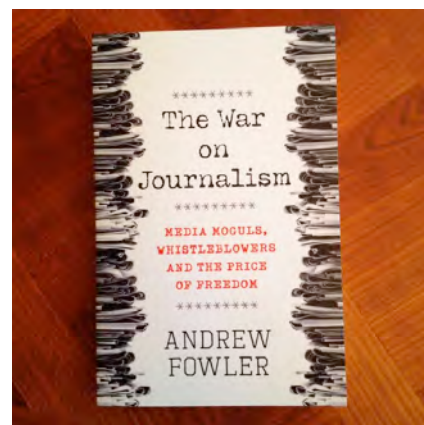
Maintaining privacy and protecting sources

Andrew Fowler

The War on Journalism: Media Moguls, Whistleblowers and the Price of Freedom (Sydney: William Heinemann, 2015), pp. 237–239

A COMPUTER science engineer and an expert in encryption, [Jérémie] Zimmermann is amazed at the lack of security employed by most journalists to protect sources. In a café near his office in the 11th arrondissement — an area of Paris akin to Sydney’s Newtown, its narrow streets crammed with writers, filmmakers, journalists and internet activists — Zimmermann ran through some techniques for

maintaining privacy and protecting sources. There are obvious ones, like using the phone to make an arrangement to get together and then at the meeting setting up a coded system which allows you to meet the source at a different place next time. Writing down the name of the new location will prevent you being overheard.



Mobile phone

Switch off “Location Services,” especially if you are going to meet a contact. If the phone is ever seized it will reveal exactly where you have been and at what time and for how long. Better still, leave the mobile phone at home or in the office.

If you need to have the mobile with you when you meet a contact, if feasible, seal it in a zip-lock bag and place it in the freezer. No phone signal can exit or enter the fridge. (Don’t forget it when you leave; place your car keys in the bag as well, as a reminder.)

Note that there is the distinct possibility that your mobile phone can be tracked, even if it is turned off and the battery is removed. Zimmermann explains that if you take the battery out of your phone and then reinsert it, the clock still works — telling the correct time. That means the phone still holds a charge after the battery is removed. According to Zimmermann, if there is a bit of power there is a way to selectively turn on the phone, whether it is for recording or just sending one signal to the network saying here is my geographical location. If you have an iPhone forget about this, because the battery cannot be removed. Even if the phone is turned off it is possible for intelligence agencies like the NSA [US National Security Agency] to turn it on

again and listen to nearby conversations.

Email

Send email messages using PGP [Pretty Good Privacy]; use instant messaging with the record of conversation turned off. It was Chelsea Manning's failure to tick the box which led to her record of conversation being accessible to the FBI and the US military.

Understand that if you use an email address based in the United States anything you write will be accessible by the US military and/or government. If you use a local email address, then your country's military, intelligence agencies or government will be able to get access.

If you use Skype, Viber or any of the other voice- and video-based systems, your entire communication will all be accessible by US authorities.

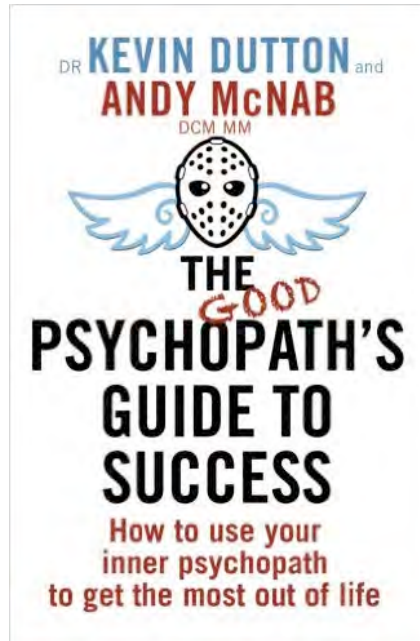
Concealing electronic communications

If you want to hide from the NSA — or any other intelligence agency — for a short time, say one week because you want to publish something in two weeks, a public wi-fi in a cyber café and a fresh second-hand computer bought for \$100 should be sufficient. If you need longer a good option is a system called Tails — an anonymous encrypted system that runs through the Tor Project — which routes information around the world and is almost impossible to trace. Zimmermann says it would take longer than two weeks to track your location if you use this system. But he warns that you must maintain perfect control of both the computer and the USB. No going to the swimming pool and leaving it in the locker, and it must even come to bed with you. Taking such measures, known as operational security, should give a journalist long enough to get their material broadcast or published.

Even then, warns Zimmermann, the communication will not be safe for all time. If something is protected by clever technology today, the NSA can store it until such time as they acquire the capability to break into it and open it.

From con-sensus to non-sensus

Kevin Dutton and Andy McNab, *The Good Psychopath's Guide to Success* (London: Corgi, 2015), pp. 173–175



[THERE are many] ways in which our deep-rooted tendency to follow the crowd can cost us money. Foremost among these is the perilous phenomenon of groupthink. Groupthink is what happens when groups — committees, task forces, think tanks, families, you name it — fail to critically evaluate the ideas they come up with because of a desire to minimize conflict.

We've all been there.

The pitch everyone thought ticked all the right boxes ... but which turned out to tick all the wrong ones. The practical joke everyone agreed seemed a great idea at the time but which ended up a total disaster (stand up Messrs Ross and Brand).

"The Iraq invasion in 2003?" Andy offers. "There was certainly a lot of what you're talking about going on after 9/11."

Maybe.

The result is less than optimal decision-making — sometimes on a disastrous scale — facilitated by the members of whichever group is in question setting aside doubts and personal reservations in favour of smooth, swift, unanimous consensus. The causes are well documented. The process has been studied extensively

by psychologists over the years and a number of contributing factors have been identified.

These include:

- A dominant, charismatic leader.
- Bombardment with positive pointers (especially those which are difficult to verify or debate).
- External pressures to "get the job done."
- The discouragement, or active snuffing out, of dissenting perspectives and viewpoints.

No group is immune to the paralyzing psychological nerve agent that is groupthink. But in some groups, of course, it can be way more costly than others.

Investment bankers, security analysts, business leaders, technological innovators, and political and religious alliances all have a bit more to lose than a bunch of diners in an all-you-can-eat Indian restaurant if they fail to think independently of each other and instead protect, reinforce or exaggerate their group's prevailing mindset.

"You wonder why fund managers can't beat the S and P 500?" our old friend Gordon Gekko asks in *Wall Street*. "Because they're sheep. And sheep get slaughtered ... Gimme guys who are poor, smart, and hungry — and no feelings. You win a few, you lose a few, but you keep on fighting. And if you need a friend, get a dog."

No danger of *him* getting swallowed by the group!

Fortunately, however — though unfortunately, perhaps, for Mr Gekko — groupthink may be remedied by a very simple antidote: the incidence of one, lone dissenting voice in the ranks.

The presence of a Devil's Advocate.

"When Asch ran his study [of conformity] a second time, for instance," I tell Andy, as he picks up Robert Robinson's 1947 Nobel Prize for Chemistry from the mantelpiece over the fire, "all it took was one of his eight co-conspirators to break rank and blurt out the correct answer and the power of the group was gone."

"The real volunteer made the right choice every time."

But, in everyday life, it's easier said than done.

To stick your head above the parapet; to risk being bollocked, or barracked, or belittled by the boss, or

the chairperson or the “acknowledged expert in the field” takes considerable fortitude — as Ed Snowden and any number of whistleblowers and entrepreneurs before him have discovered to their cost.

Added to which you may, in fact, be wrong. And they might actually be right. At the time you just don’t know. All you have to go on is the courage of your convictions.

“You know, the intelligence services operate along exactly these lines in the fight against terrorism,” Andy points out, putting the Nobel gong back carefully into its case and returning it to the mantelpiece. “At grass roots level it’s a psychological struggle, not an armed one. It’s a piece of piss to radicalize someone. Even the IRA [Irish Republican Army] found it easy to get young guys to become suicide bombers. But both politically and tactically it was an outrageous no-no, so in the end they decided not to use them.

“But the recruiting job itself was easy. They just got a group of like-minded people in a room, showed them some propaganda, told them a bit about the cause and, over time, their positions hardened and they became more extreme.

“You can do it anywhere to anyone. It’s not just a hardline Islamist thing. Sure, some of the recruits will fall by the wayside and decide they want a life. But others won’t and before you know it they’re sniffing round the rucksacks in Black’s. Mind you, it’s also easy to throw a spanner in the works — though the secret’s knowing where and when to throw it. If you get it right, all you have to do is plant someone in the group, organization or whatever it is who questions the cause or the propaganda, and that’s it. Then the whole thing goes down like a pack of cards.”

You can drown in a group.
Until it springs a leak.

CLASSIC ARTICLE

Our real secret service Whistle-blowers — we need them, but do we like them?

Ben Hills

Sydney Morning Herald

4 April 1992, p. 38

What kind of people would meet furtively on a Saturday morning hundreds of kilometres from home, charter a houseboat, and motor to a secluded cove where, under cover of darkness, they make plans to change the course of public administration in Australia?

THE COLD WAR may be over, James Bond may have hung up his Walther PPK, but espionage of a different sort is alive if unwell — the business of spying on the bureaucracy from within, and revealing its secrets. And the nine people who set sail on the good ship *Luxury Sirius* on Lake Macquarie the other weekend were well aware of the extreme prejudice that can result.



On course ... Whistle-blowers Jean Lennane, Bill Dobson, John McNicol, Chris Howe, Bill Toomer, Keith Potter, Robert Curtis and Bruce Hamilton.

Among them were men (and one woman) who had been sacked or turned into non-people, made to idle out their working lives at desks with no telephone or paperwork, whose families had been split up by arbitrary transfers, who had been driven to the brink of insanity by ritual humiliation from the people they sought to expose.

“Honest public officials are the major potential source of the information needed to reduce public maladministration and misconduct,” said one man who ought to know — Tony Fitzgerald, whose devastating report cut a swathe through corrupt police, the judiciary and Parliament and laid the institutional foundations

for what is now virtually a new State of Queensland.

But whistle-blowing comes at a price, and the people who met on Lake Macquarie early last month — a lawyer, an accountant, two doctors, as well as a number of former public servants — came together to formalise an organisation called Whistleblowers Anonymous, designed to protect whistle-blowers, to investigate and publicise wrongdoing in both private and government enterprises, and to lobby for legislation to protect people from victimisation.

They were introduced by a man named John McNicol, an improbable sort of hero — a 64-year-old Scottish-born journalist who worked for such august titles as *Hardware* and *Homewear Retailer*, before finishing up on the press staff of then-Attorney General Lionel Murphy in the early 1970s. Retired after a heart attack for 10 years now, McNicol runs a small PR agency called *Judicator* from his home in Canberra.

McNicol’s interest in whistleblowers (he was never one himself, in spite of the wonderful opportunities presented by Murphy’s raid on ASIO, among other controversies of the Whitlam years) was rekindled last year when he bumped into a man he knew nearly 20 years ago when he was working for the Defence Department.

Dave (like many whistle-blowers he does not want to be identified, so we’ll call him that) had been directed to doctor a report recommending that some Navy frigates be built in the United States rather than in Australia. He had refused, and after taking the issue up with his superiors, he had been sidelined, isolated, had his mental health questioned, and was finally forced to take early retirement. More than a decade later he is still fighting for compensation.

“It was absolutely outrageous the way this man had been treated,” says McNicol. “I decided to see if there was any interest in starting some sort of organisation to help these people ... I was overwhelmed with the response.”

It began with a column in a country newspaper, was picked up last winter by *Public Eye*, a paper circulating among the Canberra bureaucrats, and was pounced on by talkback radio. In a matter of months, McNicol had made

contact with a couple of dozen people who wanted to help form the organisation ... and more than 100 in the public service and in large companies who wanted advice on how to go about exposing various rorts.

Jean Lennane needs little introduction to readers of this newspaper. In January last year she sprang into the headlines attacking State Government health cutbacks, which she said included the planned closure of the detoxification unit at Rozelle Hospital.



Jean Lennane

What was unusual about this attack was that Dr Lennane, a 51-year-old psychiatrist specialising in drug abuse, was director of the unit and a public servant who was not supposed to make public comments. She also failed to endear herself to the bureaucrats by stating that the decision-making ability of senior people in the Health Department was affected by their heavy drinking.

The department came down on her like a ton of bricks. "Please explains" arrived by the truckload — including five letters in a single day. When she refused to shut up, she was handed a letter one morning terminating her employment — in effect, she would have forfeited around \$150,000 in superannuation.

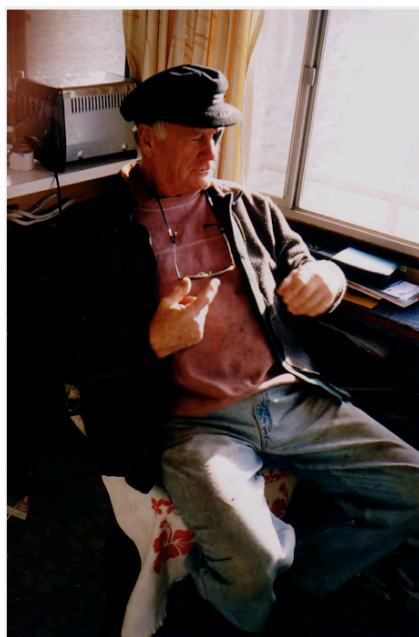
Fortunately for Dr Lennane, she had made some allies along the way. The usually conservative Australian Medical Association backed her up, saying the sacking was outrageous. Her union, the Public Medical Officers' Association, also came to her help, saying that she had been the victim of

a "campaign of harassment and victimisation" and mounting a claim against the dismissal.

At the end of the day, the department's bureaucrats — after a crude attempt to blackmail her into silence with the threat to block her superannuation — agreed to allow Dr Lennane to resign. Now in private practice, she continues to speak out publicly against health budget cuts: "I was lucky in that I adopted a high profile. Other people who blow the whistle can get severely damaged ... they get severe anxiety and depression; they become obsessive because of what has been done to them."

Sharing barbecued chops and a glass of white wine with Jean Lennane on the houseboat is someone who suffered from exactly that. Bill Toomer is not the kind of man to seek a headline, but he took time to summarise his case — the full story is a blue-bound volume, complete with documentary appendices.

He was, he says, a health inspector for the then Department of Primary Industry in the 1960s and 1970s. Based in Geelong, then Fremantle, his main task was to inspect grain ships for rats and other vermin, to see whether they should be fumigated before being loaded. Unfortunately for Bill Toomer, he was a bit too conscientious at his job for the liking of the ship operators, who first offered him bribes, then apparently put pressure on his bosses.



Bill Toomer, about 2004

Bill was first transferred to Port Hedland (which doesn't get any grain ships) which split the family and eventually caused his marriage to break down. Then he was transferred again to an office job where he was given a desk with no phone or papers on it, and told he had to seek permission to leave the room. He was then sent to psychiatrists, and finally forced to take early retirement.

That was in 1980. Since then, Bill Toomer has been seeking compensation for the way in which he was persecuted. But still the bureaucracy fights on — he estimates that his progress through various courts and tribunals (including a marathon 44-day hearing by the Administrative Appeals Tribunal) has cost an extraordinary \$4 million. And it is not over yet.

So that's the health cut-backs and the rat-infested bilges. Where do the false teeth come in? Enter from the starboard galley, clutching a plate of tossed green salad, Dr Chris Howe, Newcastle plastic surgeon and whistleblower extraordinaire who played an important part in the Government's decision last August to sack the board of the Hunter Area Health Service — the organisation responsible for running hospitals in the region, administering a budget of \$300 million and a staff of 680.

Just before Christmas 1990 Dr Howe decided to go public — a letter to the *Newcastle Herald* — with his concerns about the incompetence of the board, its budget blow-outs, and the nepotism involved in appointing relatives to various plum jobs. Among the inefficiencies — a huge backlog of old people waiting for false teeth because dental technicians at the hospital were mysteriously able to make only five or six sets a week, instead of that number per day in private clinics.

"I recognised that it was going to take a lot out of me, but it was something that had to be done," says Dr Howe. He underestimated just how much flak he would have to take: the authority threatened to sue him and the paper, and his position as head of the melanoma unit at Royal Newcastle Hospital was also threatened.

In the end, Dr Howe's position was vindicated when a government inquiry

found “a litany of management failures” which had led to a \$5 million budget blow-out; the board was sacked and an administrator appointed. “It was a good result, but I don’t know if I would have been able to tackle it without the support of my circle of friends,” says Dr Howe, who was elected president of the Hunter Medical Association as a result of the row.

And the false teeth? The administrator, Dr Tim Smyth, confirmed the inquiry had found “the dental clinic needed a bomb under it, although there was no evidence of corruption.” He says the director of the unit had resigned on the spot, the chief technician had taken a redundancy package, and he was expecting a considerable increase in productivity this year. In marked contrast with Dr Lennane’s former bosses, he says he was grateful to the whistle-blowers.

But, as we have seen, not all whistle-blowing has such a happy ending.

With the official retirement from the Senate last month of the Western Australian Greens Senator Jo Vallentine, Federal Parliament lost not only its first environment MP, but also its only campaigner for legislation to protect whistle-blowers.



Jo Vallentine, about 2011

In her last formal speech — unreported, as was most of what Senator Vallentine said in her eight years in the job — she moved the second reading of a bill to establish a whistleblowers’ protection agency with the power to conduct investigations, and to protect public servants who expose fraud and corruption.

She pointed out that under Commonwealth law there are no fewer than 150 separate secrecy provisions,

including the draconian section 70 of the 1914 Crimes Act which provides a two-year jail sentence for any “unauthorised disclosure of information” by a current or former public servant. She also reminded anyone who happened to be dozing in the Senate at the time of Tony Fitzgerald’s comment that “the task of exposure (has) become impossible for all but the exceptionally courageous or reckless.”

Dr Vallentine’s replacement, a Perth psychologist named Christabel Chamarette, says the bill is also on her priority list, but she does not know when she will get an opportunity to reintroduce it. Nor whether it will get the support it needs from one of the major parties to become law.

Queensland, in fact, has already pioneered whistle-blower protection legislation in Australia, although not in a form which is satisfactory to Whistleblowers Anonymous. In October 1990, following the recommendation in the Fitzgerald Report, the Premier, Wayne Goss, introduced legislation making victimisation of whistle-blowers illegal, and allowing Supreme Court injunctions to be taken out to prevent it.

The catch is that the whistle has to be blown to either Queensland’s Criminal Justice Commission or to the Electoral and Administrative Review Commission to qualify the blower for protection. If he goes to the newspapers or to Four Corners — which, if past experience is any guide, are a more effective way of exposing corruption than going to “the authorities” — he gets no protection, unless it is a matter of “serious, specific and immediate danger to the health or safety of the public.”

John Hatton, the South Coast MP and NSW’s most indefatigable whistleblower, describes this as unsatisfactory. Hatton and the other Independent MPs who hold the balance of power in the NSW Parliament have just struck a deal with Premier Nick Greiner under which whistle-blower legislation will be introduced here.



John Hatton in 2010

Hatton has been campaigning for something like this for years — in fact, since 1978 when a Department of Motor Transport licence tester named Alan Barry, and a group of his colleagues, came forward to expose a bribery racket in driving licences, overweight trucks and taxi licences.

In spite of a scathing report confirming the allegations, none of the corrupt officers were charged and the only person sacked was Barry himself, dismissed, he says on a trumped-up charge of fiddling his expenses. Another whistle-blower, according to John Hatton, was framed on a bribery charge, and a third, a woman, became a “mental wreck” after sexual harassment by her colleagues.

“If we had had something like this (legislation), corruption would never have been allowed to flourish in this State like it has,” says Hatton.

He says the legislation — which may be introduced as soon as next May — “is not the be-all and end-all but, in conjunction with ICAC and the Ombudsman, it is as close as you will get.”

As for Whistleblowers Anonymous, nothing of any great substance has emerged yet, in spite of some unfortunately hyperbolic statements about “\$500 million in corruption in the Defence forces alone.” But give them time.

“We are talking about a real sea-change, a complete change in bureaucratic culture,” says McNicol. “It is not going to happen overnight, but we believe it will happen, and we believe we can play a role.”

Whistleblowers Australia contacts

Postal address PO Box U129, Wollongong NSW 2500
Website <http://www.whistleblowers.org.au/>

New South Wales

“Caring & sharing” meetings We listen to your story, provide feedback and possibly guidance for your next few steps. Held by arrangement at 7.00pm on the 2nd and 4th Tuesday nights of each month, Presbyterian Church (Crypt), 7-A Campbell Street, Balmain 2041. Ring beforehand to arrange a meeting.

Contact Cynthia Kardell, phone 02 9484 6895, ckardell@iprimus.com.au

Wollongong contact Brian Martin, phone 02 4221 3763.

Website <http://www.bmartin.cc/dissent/>

Queensland contacts Feliks Perera, phone 07 5448 8218, feliksfrommarcoola@gmail.com; Greg McMahon, phone 07 3378 7232, jarmin@ozemail.com.au

Tasmania Whistleblowers Tasmania contact, Isla MacGregor, phone 03 6239 1054, opal@intas.net.au

Schools and teachers contact Robina Cosser, robina@theteachersareblowingtheirwhistles.com

Whistle

Editor: Brian Martin, bmartin@uow.edu.au

Phones 02 4221 3763, 02 4228 7860

Address: PO Box U129, Wollongong NSW 2500

Associate editor: Don Eldridge

Thanks to Cynthia Kardell and Margaret Love for proofreading.

Thoughts on loyalty

As noble a standard as loyalty sets, there is simply too much fear, self-doubt, opportunism, ambition, and, occasionally, principled thinking in the human mind to expect people to adhere to it. To be sure, there are people famous for loyalty, but they are often loyal to a fault, and a supposed virtue becomes pathetic, stupid, and sometimes criminal.

Of course, the worst manifestations occur when institutions or governments mandate loyalty with phrases like “the national interest” (Kennedy kept journalists silent with that trick) or with loyalty oaths. During the McCarthy shame [in the 1950s], graduate students were required to sign loyalty oaths when they applied for government grants. A dean at Harvard defended this practice as being merely pro forma — of no greater significance than licking the stamps for the application envelopes. At a faculty meeting, the great Italian scholar Renato Poggioli stood up and commented: “Mr. Dean, I am from fascist Italy, and I will tell you something. First you lick the stamps, then you lick something else.”

— Roger Rosenblatt, *Rules for Aging: A Wry and Witty Guide to Life* (Harcourt, 2000), pp. 43–44



Whistleblowers Australia membership

Membership of WBA involves an annual fee of \$25, payable to Whistleblowers Australia. 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.

To subscribe to *The Whistle* but not join WBA, 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, feliksfrommarcoola@gmail.com