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

The Whistle

No. 86, April 2016

Newsletter of Whistleblowers Australia (ISSN 2205-0299)

The problem of whistleblowing advocacy

Kim Sawyer

ADVOCACY of a minority position, or the position of a minority group, is often more difficult than playing devil's advocate. Successful advocacy of a minority position requires the majority to empathise. Persuading the majority depends on some of that majority renouncing their previous prejudices. However, prejudices are rusted on. Those who advocated for civil rights in the US in the 1960s, against apartheid in the 1970s, and for a free East Timor in the 1980s came to understand the importance of prejudices. And so it has been with whistleblowing.

Whistleblowing advocates confront more prejudices than most. The legitimacy of whistleblowing will always be questioned for a number of reasons. First, whistleblowers are not a homogeneous group. A person who declares themselves an Aboriginal, a Syrian, a gay or a Muslim is rarely questioned as to that declaration. But whistleblowers are. There is no registry to register someone as a bona fide whistleblower. Every whistleblower knows who they are, but not everyone else agrees. Secondly, there is the good-whistleblower versus bad-whistleblower problem. The good whistleblower is the one in the movies; the bad whistleblower is the one next door. Thirdly, the materiality of whistleblowing is often uncertain. Whistleblowing in life and death problems is material; but fraud, nepotism and conflict of interest are seen by many as just the cost of doing business. And finally the public interest is so poorly defined that protecting the public interest is also poorly defined. What this means in total is that whistleblowing is so heterogeneous and so dependent on the judgment of others that advocates have to confront a surplus of prejudices. It has taken many years of advocacy by many advocates to break down some of those prejudices. But many are still there.

In 1994, when I wrote a letter to a newspaper about whistleblowing, I had my first encounter with the double standards that apply to whistleblowing. Inserted next to the letter was a cartoon depicting a group of people with party hats on, sitting around a table blowing whistles. I had just lost my job, was fighting a court case, and had suffered the retaliation all whistleblowers experience. I didn't find the cartoon funny, but I suppose if you had never blown the whistle you may have. Would a cartoon have appeared if I had been an Aboriginal rights advocate or a climate change advocate? Probably not, but you can't afford to be too sensitive if you are a whistleblower.

Whistleblowing is different because while whistleblowing is good in principle, whistleblowers do not generate the empathy other minorities do, perhaps because we are seen to have chosen to become whistleblowers and are not born as whistleblowers, perhaps because we are not naturally likeable; perhaps because it's such a negative issue. And of course we lack empathy because we remind others of their indifference.

That whistleblowing advocacy is different has been illustrated for me by advocacy of the United States False Claims Act (FCA). The FCA is seen by many as the most powerful whistleblowing act on statute books anywhere. The FCA compensates whistleblowers on average 17% of the fraud recovered. It is an efficient act: for every one dollar spent on investigations using the FCA, twenty dollars are recovered. And it protects whistleblowers with prescribed safeguards. It should be an act with universal support. But it is not. I first became aware of the FCA in 1995. At the time, there had been two Senate inquiries into whistleblowing; yet the moral imperative to protect whistleblowers did not seem to be generally accepted. My advocacy for the FCA began under the precept that perhaps an economic imperative was required, both to compensate whistleblowers and to show the economic importance of whistleblowing. (As an aside I should note that language is important here. I use the word compensate rather than reward because compensate suggests compensation for risk, reward the possibility of bounty hunting.)

There was always a prejudice against compensating whistleblowers. The first Senate Committee in its report in 1994, for example, recommended against "a system of rewards for whistleblowing" and went to some lengths to project the FCA as possibly encouraging bounty hunting and improper motives. The prejudice against compensating whistleblowers has surfaced many times over the years. In 2004, for example, I wrote an opinion article in the Melbourne *Age* advocating the introduction of an Australian False Claims Act. Two days later, *The Age* led with an editorial entitled "Protect, not pay, whistleblowers" which concluded that "enticing whistleblowers by monetary rewards seems morally repugnant." It is unlikely that another type of advocacy would have led to the contrary opinion being expressed so forthrightly so soon after by the editor. Of course, not all whistleblowing advocates have supported a FCA. In 2008, when I appeared on Radio National's Law Report advocating an FCA, Professor AJ Brown suggested that incentives already existed for reporting wrongdoing within the Australian public sector and that an FCA "potentially sends some bad messages in terms of encouraging reports that otherwise wouldn't occur than being made for pecuniary motives."

There has always been some downside risk to an FCA, but it has been greatly exaggerated. The only systematic studies of the possibility of bounty hunting have shown negligible evidence; for example Dyck, Morse and Zingales (*Journal of Finance,* 2010). And the evidence as to the effectiveness of the FCA is overwhelming. In 1995 when I first became interested in

the FCA, cumulative fraud recoveries from the United States FCA totalled approximately $1 billion. Twenty years later those cumulative fraud recoveries exceed $48 billion. This explains why the group of corporations in the US penalized by the FCA, the so-called fraud lobby group, have lobbied so strongly against it. And it partly explains why Australia doesn't have an FCA.

Times are changing though. On November 7 last year, the Melbourne *Age* reported that the Chairman of the Australian Securities and Investments Corporation, Greg Medcraft, "has backed offering money to whistleblowers in recognition of the risks they took and the damage that could be done to their career prospects." An old prejudice, built on the possibility of bounty hunting and improper motives, is apparently breaking down and being replaced by the recognition that whistleblowers need to be compensated for risk. The hard evidence from the US False Claims Act has helped. But there also needs to be the recognition that Australia, like many countries, is confronting a fiscal problem. Budget deficits in the next few years are projected to be in excess of $40 billion annually. Every dollar will count. In 2011, I wrote a paper, "Lincoln's Law: An Analysis of an Australian False Claims Act," which estimated an Australian FCA could recover more than $1 billion of fraud over the next 10 years and deter billions of dollars more. The economic imperative for an Australian FCA is stronger now than it was in 1995.

Advocacy requires time. It is unlikely that whistleblowers will ever generate the empathy generated by Aborigines or refugees. Whistleblowers will always face prejudices because of who we are and what motivates us. But, by demonstrating how much we can save the country, an Australian False Claims Act can help to dilute some of those prejudices.

Kim Sawyer is a long-time whistleblower advocate and an honorary fellow at the University of Melbourne.

Tips on using FOI

Stacey Higgins

Freedom of Information (FOI)/Right to Information (RTI) and privacy legislation provides a legally enforceable right of access to documents held by government. It applies to Australian government ministers and most agencies.

Under the legislation any person has a right, with limited exceptions, to:

- access copies of documents held by government
- ask for information about you to be changed or annotated if it is incomplete, out of date, incorrect or misleading, and
- seek a review of a decision to refuse access to a document or not to amend your personal record.

To process an access request can take up to 30 days, though legislated or agreed extensions mean that it can take longer. There are charges involved for applying and processing.

PITFALLS

Cost
Broad applications for "all documents" can lead to high processing fees and end up encompassing documents that are irrelevant to your needs or already publicly available.

Time
Although timeframes are legislated, there are lots of issues that cause them to blow out, such as third party consultation requirements, charge estimates, requests for agreements to longer processing periods, and appeals to review decisions. Consequently, even a prompt FOI-request turnaround, conducted in good faith, may take several weeks or even months.

Refusal to deal with the application
If your application is too voluminous the agency may be able to refuse to deal with it on the basis that processing the application would result in a substantial diversion of agency resources.

Exemptions
FOI legislation contains a broad array of exemptions. For example, you do not have to be given access to Cabinet documents, documents relating to national security, material obtained in confidence, third party business affairs information (such as trade secrets or other commercially valuable information), third party personal information (such as third parties whose personal information is contained on your employee file) just to name a few. Exemptions may be embedded within sections of an act or listed in schedules to the rear of an act.

TIPS

The legislation
Check the legislation to ensure that the agency and type of documents you are seeking fall within the scope of the relevant act.

Disclosure logs
An agency disclosure log lists previously released information.

Information
No application fee or charges apply if you are seeking personal information (your medical records, details of employment, etc.). If you are seeking only your own personal information make it clear on your application and check whether you may need to apply for it under specific privacy/employment rather than FOI/RTI legislation.

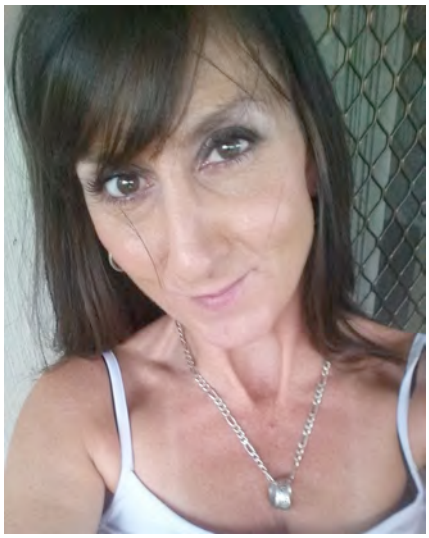
The documents you want
Ask yourself what material is or ought to be on the record and first consider whether, where and how this may be informally accessible, or even publicly available. The more you know about which documents you specifically do and do not want, the easier it is for agencies to search and find relevant documents and avoid time/cost pitfalls. Exclude from your application publicly available and other unnecessary documents (for example documents previously sent to or from you) to avoid unnecessary time/cost pitfalls. Use agency website enquiry services or correspond directly with the relevant business area within the department to ask questions and find out more about the titles and file reference numbers relevant to the documents that will hold the information you are seeking.

The documents you receive
A successful or semi-successful FOI request can be the springboard for follow-up: ringing individuals whose names appear on the files, asking further questions, getting fresh information, and using the information outlined in the statement-of-reasons letter to your future advantage.

Open data and agency websites
The information you are seeking could be publicly available. It can be helpful to check what is already out there. Use the enquiries function or send emails to keep track of enquiries and responses.

Information Commissioner websites
Guidelines which explain the main provisions and underlying principles of FOI/RTI/privacy legislation, review decisions and other resources are available on the Information Commissioner (and/or Ombudsman) website. Researching this material will give you an idea of how the legislation (including exemption provisions) is applied.

Communicate in a calm and friendly manner and try not to sound confronting
Remember the old adage, "You catch more flies with honey than with vinegar." The administrative staff you are dealing with have no personal involvement in any matter relating to your access application and are often also dealing with difficulties and delays in obtaining documents and relevant decision-making information from other areas within the agency. The better the rapport you develop with a person, the more inclined and motivated they will be in the course of processing your application. This is human nature; use it to your advantage!



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For a copy of this article including links to relevant Commonwealth and state legislation and agencies, as well as other useful information, contact Stacey at stacey.higgins@hotmail.com or Brian Martin at bmartin@uow.edu.au

Time for backward thinking to go

Cynthia Kardell

I recently made a submission to the statutory review of the Public Interest Disclosures Act (Commonwealth) 2013, referred to as "the Act." I have re-jigged some of it here, to explain why some very backward thinking has got to go. The federal public interest disclosure or PID system has continued, and even perfected, some of the self-serving practices that have historically allowed senior management to conceal wrongdoing by cherry-picking winners and losers at the expense of whistleblowers and open, ethical and accountable management.

The concept of what constitutes a public interest disclosure is not well understood, because all too often the whistleblower is wrongly treated as if he or she is a party to a personal grievance, when in fact they are a "disinterested" party, acting as if they are a part of the organisation's audit function. The flow-on effects can and do frustrate and isolate the whistleblower and make a nonsense of the preliminary assessment and subsequent investigative process.

Not surprisingly, the threshold issue in determining whether to investigate a PID almost invariably hinges on the credibility of the whistleblower rather than whether there is any credible evidence available in a preliminary sense that is likely to substantiate the alleged wrongdoing. It's a wrong practice, because even the most scurrilous individual can be right on the money when it comes to whether what they allege is right. It works against the Act's objectives and is heaven sent, for the wrongdoer. Inevitably, it lays the groundwork for self-serving and gossipy assumptions about the whistleblower, to kill off the PID and or to crystallise into mobbing and even worse forms of retaliation.

In over twenty years I've noticed when a whistleblower is quiet, patient and trusts in the organisation's ability to investigate itself, even in the face of continued wrongdoing, the whistleblower usually does not suffer detriment if the PID is what I will call "small beer." But if that small beer has the potential to threaten entrenched more senior interests, those interests usually gang up and push the whistleblower out with bogus but procedurally fair performance reviews, grief and illness and eventually, the forced settlement of a strongly contested Comcare claim for workplace injury.

I understand that small beer cases aren't usually investigated by agencies because they are not considered to be as financially cost-effective as using them as a trigger for eventual wider policy change. This is not unreasonable, but I think it can be really short-sighted when it ignores how a local reckoning can ripple out across the organisation if it is later openly backed up with a policy change. It ignores how we learn from our shared experiences and is a missed opportunity.

The whistleblower who rightly assumes, or even insists, that he or she be a part of the investigative process is quickly labelled an insubordinate nuisance and frustrated at every turn. First the employer demands full information, nominates a contact person and sets a deadline; then the whistleblower's reply is said to be lost, the contact asks for a copy, the contact person is changed, the first contact person threatens disciplinary action for failing to comply with a reasonable request to supply the information. Then disciplinary action is commenced despite the fact that the second contact confirms his receipt of the information. Yet, he can't deal with the disciplinary matter, because it is confidential. And on, and on it goes. The lost emails, feigned ignorance, promises not kept, threats and timely changes in personnel would do Kafka proud. It is so ordinary, and it is a disgrace. Individual incompetence and self-serving resentment are allowed to flourish, even encouraged, and develop into abusive "mobbing" with or without the wrongdoer's help.

The whistleblower who has gathered good documentary evidence of wrongdoing can reasonably expect strong resistance, ranging from sulky resentment all the way through to outright and direct aggression from the wrongdoer and or his or her mates who have the position, the power and the money at hand to thwart the PID and bury the whistleblower with it.

This whistleblower will use every avenue open to him or her internally and eventually take it elsewhere, by which time the whistleblower has been sacked and senior management has committed itself to denying the wrongdoing, even if it is not implicated in the actual wrongdoing itself. This is how corruption, becomes the top down cultural norm within an organisation. The wrongdoers are quietly pensioned off with their entitlements intact, a glowing reference and mutual silence guaranteed. Others, more senior, who covered it up to avoid so called "embarrassment," get a promotion in return for their silence because of how it would look if others knew, and often on the back of some very expensive legal advice. Subordinate staff, in the know, watch and learn that blowing the whistle is actually for clowns and fools.

Powerful self-interest is the killer. It condones and covers up if it can be kept under wraps. Not being able to keep it under wraps is the key.

This is why, the balance of self interest at the top has to be skewed in the public interest, by (for example) applying legal and financial penalties for advising, authorising, whether by commission or omission, entering into and/or concealing the existence of a deed of agreement that binds the players to a script designed to conceal wrongdoing, even criminal activity, from any scrutiny.

So, all deeds of agreement in draft or as executed together with the PID information giving rise to the documents, and full information of all financial and legal costs arising, including those from stress related Comcare claims, should be required by law to be subject to annual audit by the Audit Office. The statistics should be collected, collated and widely disseminated within the organisation as a part of its preventative strategy. Infringements should be required to be a line item on the public statement of annual accounts or similar.

The related legislation applying to executive and senior management in the public and private sectors would also need to be changed.

More generally, the nub of any alleged wrongdoing, the appointment and name of the investigator, the investigator's full report and the management's decision as to its consequences should be required to be posted on a public record set up within the organisation for the purposes of the PID system (the "PID record"). Posts to the PID record must be contemporaneous with the events. Statistics on the whistleblower's and wrongdoer's post PID employment history must be kept and developed over time, as one of a number of possible indicators of ethical behaviour.

The investigator must be legally independent of the executive and senior management.

PIDs that disclose the alleged wrongdoing of the whistleblower's boss or more senior management should, by law be able to be disclosed directly to an external investigative body. If that body decided to refer it back to the agency management for its investigation, a notice providing its reasons should be required by law to be posted on the PID record.

In a nutshell, executive and senior management must openly walk the talk, every day and in every way.

The preliminary assessment and investigation of a PID should only be done by persons who are professionally qualified as or supervised by forensic investigators or auditors or similar, who are legally independent of management and its delegate to ensure that PID investigations are focussed on the PID and not the whistleblower's credibility.

This is why in-house legal counsel employed to act for and on behalf of the employer within the Human Resources (HR) function and the HR staff more generally should not have any part in a PID investigation, because of the potential for conflict between the employer's responsibilities and his or her self interest. In law, in-house counsel do not have the same professional independence as do their peers in legal practice. They are simply employees with a particular skill set. The conflicts usually play out as long running sagas of individual abuse and even mobbing, which can be avoided by taking account of the power relationships at play in any organisation.

I believe HR staff should only be required to assist whistleblowers with their pay, leave entitlements and Comcare claims.

What it comes down to is this. Whistleblowers must be treated openly with respect. They should be thanked and acknowledged for the service they provide to the agency in making a PID, with a copy to be placed on their file. Its receipt should not ever be confidential.

The PID system should be set up to empower whistleblowers, because it is

the only way that management can ensure their safety. We shouldn't be making them (by their conduct) responsible for their own safety. For example, we say, "You're to keep it under wraps. Stay out of his way. You'll be punished, if you don't." It's the sort of backward thinking that shames and blames women for being beaten up by their partners, rather than calling out the men for the crime that it is, and telling the women they don't have to cop it, to speak up. Management's message should be, "We want you to speak up. You're entitled to speak up. You're helping the PID system grow. It's the wrongdoer who brings us all down, and holds us all back. It's the wrongdoer who shames us."

Management should be required to openly document, cost and talk about the organisation's ethical failures because that is the way that we look after the future. We should be developing a culture of review, like those systems that operate in medical and hospital settings. We need to make a start right now and only then will it start to happen.

Forensic auditors and investigators should be required to work with whistleblowers, much like they would with one of their peers. Whistleblowers should be kept informed as of right. They should be able to contact the investigative team at will, or as other information comes to light.

Remember that if the facts needed to substantiate the alleged PID wrongdoing do not necessarily hinge on knowing the source of the PID, then there is less of a risk for the whistleblower — so long as the investigators don't let slip the whistleblower's identity! But either way, the alleged wrongdoer must be formally put on notice by the investigator that any attempt to find, chase down, intimidate or punish the whistleblower that comes to their notice would be investigated as a punishable offence under the Act.

This is not rocket science. It can easily become the norm. It should be the norm now.

It's only with reforms like these that executive and senior management can be pushed into always acting as they should on what they already know, but all too often choose to ignore: that is, ethical and legal practices are actually cost effective.

In short, senior and executive management has to be pushed into openly holding themselves to account, safe in the knowledge that ethical organisations are never free of wrongdoing. It is a myth to think otherwise. We need to grasp the idea and understand that it is the open way that management engages with its whistleblowers and deals with public interest disclosures that will mark it out as an ethical organisation.

Another issue raised by the statutory review is whether employment related grievances should receive protection under the Act. I think not, with one exception.

An employment related grievance is like a private litigation. The grievance is brought by the employee in his or her personal capacity, with the employer agency or institution being held vicariously liable for the injury or harm claimed to have been suffered by the employee. Here, the employee is the injured party with a personal interest in the outcome.

In a PID situation the agency or institution is the injured party, with the whistleblower bringing the claim (PID) against the wrongdoer on behalf of the public's interest, which interest lies in holding the alleged wrongdoer to account to the public for his or her actions. The public can be encapsulated by (for example) the agency, the state or the public at large.

Andrew Wilkie, former Commonwealth employee and now a member of parliament, claimed that the government had lied about evidence of weapons of mass destruction in Iraq. Toni Hoffman, a Queensland nurse, blew the whistle on Bundaberg surgeon Jayant Patel. Jeff Morris, NSW former financial adviser, claimed the Commonwealth Bank had knowingly provided fraudulent financial advice to its customers.

In law, the term given to a person who brings a claim on behalf of another party or interest is a relator, which term is used in false claims actions brought by whistleblowers on behalf of the state in the USA. In our system we are more familiar with the function of a relator as it applies to (for example) the director of public prosecutions in bringing criminal prosecutions on our behalf, and increasingly we are seeing it played out in terms of a whistleblower going public in the media.

There are a few exceptions to the rule that PID whistleblowers should not have a personal interest in bringing the claim: (1) where the, whistleblower is one of a class of persons, who are also personally injured by the wrongdoing (for example, the Myers cleaner who blew the whistle on systemic wage fraud); (2) where the whistleblower is also involved in the wrongdoing (for example, Kathy Jackson, former official of the Health Services Union) and (3), where malice drives bringing the PID. None of these exceptions negate the PID being accepted, treated and protected as a PID.

PIDs can and should be distinguished from employment related grievances on the facts alleged by the disclosure and they need to be, so that they can be properly handled, investigated and resolved and not wrongly treated as grievances by management with the potential to frustrate the process and harm the discloser.

There is one exception to the rule that employment related grievances should not be protected or treated as a PID under the Act. The exception is an employment related grievance, received from an employee in his or her personal capacity, who claims to have suffered injury or detriment as a consequence of having made a PID.

Cynthia Kardell

Cynthia Kardell is a lawyer and president of Whistleblowers Australia.

Media watch

Ex-spokeswoman for UN criminal tribunal detained at prison housing criminals she exposed

Raphael Satter
Associated Press, 29 March 2016

Florence Hartmann being arrested
Robin van Lonkhuijsen/AFP/Getty Images

PARIS — A U.N. spokeswoman-turned-whistleblower is behind bars at the same prison complex with many of the war criminals she spent her career trying to expose, her lawyer said Monday, as journalists and victims' advocates rallied to her side.

Florence Hartmann, who is now a freelance journalist, was grabbed by guards outside the U.N. war crimes tribunal last Thursday as the court convicted Bosnian Serb leader Radovan Karadzic of helping to organize atrocities during Bosnia's 1992-95 war. Widows of the Srebrenica massacre victims and other Bosnians tried in vain to prevent her detention.

The reasoning behind her detention has not been made explicit but her attorney Guenael Mettraux said Monday it was almost certainly an attempt by the U.N. to make her serve out a previous sentence for contempt of court. Messages seeking comment from the International Criminal Tribunal for the Former Yugoslavia were not immediately returned.

Mettraux said Hartmann remains in U.N. custody in Scheveningen prison, home to many alleged and convicted war criminals, and "is locked up until further notice."

Security guards grab Hartmann
Robin van Lonkhuijsen/AFP/Getty Images

Her dramatic detention is the culmination of years of bad blood between Hartman and the tribunal she once served.

As the Balkans correspondent for *Le Monde,* France's leading daily, Hartmann played a role in exposing the war crimes being committed in Bosnia. She later joined the tribunal as a spokeswoman for its prosecutor, Carla del Ponte.

But Hartmann became a thorn in its side after she left the tribunal and published a book alleging that the court had reached a secret accommodation with Serbia over the fate of various damning documents. The tribunal convicted her in 2009 for publishing confidential material, giving her a fine which was later converted into a seven-day prison sentence.

In an editorial, *Le Monde*'s director Jerome Fenoglio said her detention was a scandal, saying her only crime was to show how the court had improperly swept evidence under the rug.

"The penalty inflicted on her for whistleblowing is totally disproportionate," he wrote.

Edward Snowden Australian tour dogged by corporate boycotts

Andrew Masterson
Sydney Morning Herald, 5 March 2016

STEP ONE: book guest speaker. Step two: pay guest speaker. How hard can it be?

Well, if the guest speaker is Edward Snowden, the man who spilled the secrets of the US espionage complex, the answer is: pretty hard.

Think Inc is an "edu-tainment" company that specialises in bringing prominent intellectuals to Australia for speaking tours. Their latest venture is a virtual tour by Snowden, currently in hiding in Russia and one of the most wanted men on the planet, who will appear via video link. His physical absence, however, has not been enough to prevent two foreign exchange companies, a large venue, and a major credit card company from refusing to be associated with the tour.

Sydney-based Desh Amila, 34, is one half of Think Inc. Amila and his partner, Suzi Jamil, 24, are currently escorting US string theorist Dr Brian Greene around the country, and past guests have included cosmologist Neil deGrasse Tyson, theoretical physicist Michio Kaku, neuroscientist Sam Harris and former Islamist-turned-UK-politician Maajid Nawaz. Through various arcane means last year, they managed to make contact with Snowden and convince him to speak. That's where the problems started.

Amila said that once contact had been made with Mr Snowden and agreement reached on the tour, Think Inc had attempted in December to lodge a deposit into a bank account nominated by Snowden's lawyer.

The company chosen to handle the transfer, UK-based and Australian registered foreign exchange company World First Pty Ltd, at first agreed to make the transaction, but then sent an email advising that it was "unable to facilitate payment to the named individual due to compliance restriction."

"We called the company after that and we were told by an account

manager that because the company refused to make payments to people like drug dealers and criminals they thus couldn't send funds to Edward Snowden," said Amila.

Jamil, who has a law degree, explained that Snowden has never been convicted of a crime but the company remained unswayed.

Edward Snowden on a live video feed.
Photo: Marco Garcia

World First later sent an email to Amila, which stated that the funds had been refused because of "a high degree of reputational risk in completing the requested transfer." A second foreign exchange company with whom Think Inc had previously worked also refused to process the payment, Jamil said. It, too, cited "reputational risk."

"So we ended up literally giving the money to a man who knew a man who knew Edward Snowden's lawyer," said Desh Amila.

"We were pretty worried. But it reached him eventually."

Sealing the deal, however, turned out not to be the end of the problems.

A day before Think Inc was due to announce the Snowden tour one of the venues booked — HBF Stadium in Perth — pulled out. The venue operators told Amila the cancellation was due to delays in finalising a contract. Jamil said the she was told in a telephone call that the stadium's board of directors was concerned about being associated with Snowden.

A second venue, the Perth Convention and Exhibition Centre, agreed to host the event.

Before making the tour announcement, Think Inc concluded a deal with online seller Ticketek to handle ticket sales. Shortly afterwards, the seller put Jamil and Amila in contact with an executive from credit card giant Visa, who said the corporation wanted to be a sponsor of the tour.

Visa then sent through an email that stated the company was "keen to get a pre-sale locked away for the upcoming Edward Snowden show." According to Amila, 48 hours later the company withdrew the offer to sponsor, with no explanation.

The tour, which kicks off on Friday, May 20, in Perth, is now sponsored by the Monash University Castan Centre for Human Rights Law.

The problems encountered in organising the Snowden events are not the first Jamil and Amila have encountered in bring their guests to Australia. In January police were needed to guard them and their guests — Sam Harris and Maajid Nawaz — after threats thought to be from Islamists were made on Twitter, calling for an assault on the Everest Theatre, in Sydney's Seymour Centre, where the pair was appearing.

Going to the watchdogs

Quentin Dempster
The Saturday Paper
20–26 February 2016, p. 7

THE CASE for a federal ICAC is compelling. With highly skilled forensic accountants, metadata analysts and IT specialists; phone tap, covert surveillance and search warrant powers to gather evidence; and the power to compel attendance at preliminary in-camera interrogation, a federal commission against corruption could start to correct the myth that there is little or no corruption at the Commonwealth level.

David Ipp, QC, and Tony Fitzgerald, QC – two former judicial officers commissioned by New South Wales and Queensland respectively, who have exposed deep-seated political and administrative corruption within those jurisdictions – both say the malaise does not stop at the state border.

"The possibility of corruption exists wherever a dishonest public official has power or authority to grant benefits, such as licences, approvals, subsidies, contracts, et cetera," Fitzgerald told *The Saturday Paper*. "And dishonesty is a common human flaw."

While Fitzgerald has concerns about what form a federal corruption commission should take, he agrees with Ipp's public remarks on the issue: "The establishment of a federal anti-graft commission, I think, is very important. There is no reason to believe that the persons who occupy seats in the federal parliament are inherently better than those who occupy seats in the NSW state parliament … and there is a huge amount of lobbying. It is far more substantial … than anything in the states."

John Mant, who for 40 years was a public administrator, town planner and ministerial adviser, as well as an acting ICAC commissioner, told *The Saturday Paper* a federal Independent Commission Against Corruption was needed.

Mant said the Commonwealth public service culture, which stemmed from federation in 1901, was always different from the colonial and clannish state administrations. But both had fundamentally changed through increasingly politicised hierarchies.

The Commonwealth now has wider and more diverse engagement, too, with approvals, monopolies, supply, service and procurement contracts, grants and tenders.

"Things have changed so much," Mant told me, "that I now would strongly support the need for a federal ICAC."

Although fraud and malfeasance have been picked up through internal audits and the work of the state auditors-general and the independent Australian National Audit Office, invariably this was done reactively.

In modern corruption-busting, the resources and powers of traditional Westminster auditors-general are limited. "Greater discretionary power requires greater transparency … particularly with a significant increase in political intervention in the processes of government," Mant said.

Auditors-general can help, though. David Ipp's ICAC seconded expert staff from then NSW auditor-general, Peter Achterstraat, in its 2014 investigation into the mines department, which exposed cronyism and coalmine exploration licence corruption at a ministerial level.

"Together with our own investigators they worked enormously hard and with great skill and dedication to unearth corruption that had been very carefully concealed," Ipp said.

A standing corruption commission can act on tipoffs from audit and law

enforcement agencies, concerned informants and from the general public. Public hearings often produce additional information when the public can see where an investigation is headed.

Under an ICAC Act, all senior public officials are statutorily obliged to report their reasonable suspicions about individual or systemic corruption. Protocols are in place to give anonymity to informants, to eliminate any physical or employment risks that may be initiated by those under suspicion.

An ICAC hotline and one-click online tipoff s can trigger immediate covert operations to investigate corruption in real time if the information received is reliable, enabling phone taps and hidden cameras to catch suspects "chockers and starkers" – a pejorative term for evidence of the highest probative value. The indicia that serious or systemic corruption may already infect the Commonwealth's operations come from the following non-exhaustive list, compiled with the help of anti-corruption informants and investigative journalists.

First is the malfeasance and fraud now apparent within the nationally subsidised vocational education VET FEE-HELP system, where allegedly shonky training organisations induce students with free laptops to take on courses that a reported majority do not finish. FEE-HELP's cost to taxpayers has reached $1.6 billion a year.

Then there is corruption within the department of immigration, where cash-for-visas bribery has been rife. In 2013 an ABC investigation exposed internal audits showing a 50 per cent fraud rate covering passports, visas and IDs. In 2015 a Brisbane court case exposed a $500,000 visa scam where bribes were paid through intermediaries to a corrupt immigration official.

In tax, the system of private binding rulings and other discretionary powers of senior tax officials creates a significant corruption risk. The 2008 conviction of then assistant taxation commissioner Nick Petroulias exposed the Australian Taxation Office's vulnerability.

Worthy of a federal ICAC would have been the billions spent in the Gillard government's school-building projects and the Rudd government's roof insulation stimulus spending with poor implementation controls.

So, too, the fabrication of job-placement data in nationally subsidised private-sector employment agencies. There are also the recent allegations of private schools subsidised by the Commonwealth Department of Education granting personal loans to school board directors for non-school-related activities.

The slush funding of political parties and individual candidates by powerful vested interests – a practice once described in the United States as virtually "forcing every member of Congress to become a crook" – is certainly worth investigation by such a body. The poorly regulated political lobbying industry, and the poorly policed party political donations regime, are continuously contentious. Stuart Robert's forced resignation from the Turnbull cabinet last week exposed an example of contemporary contempt for the Westminster convention that a minister must so order his/her affairs that no conflict arises, or appears to arise, between a minister's public duties and private interests.

In defence, materiel procurement bribery in contract and tender evaluation worth billions, exposed in the US as a continual corruption risk, would benefit from oversight.

In forestry, there are the recent revelations exposing contractors who agree to exit the industry in return for taxpayer-funded compensation payments but nevertheless continue under questionable dispensations.

One of the problems with the current system is that fraud is too rarely referred on for prosecution. In a 2011 series for *The Sydney Morning Herald,* investigative journalist Linton Besser found that internal audits often failed to expose deliberately concealed corruption, writing off cases as "failures of compliance" that had now been attended to rather than referring the fraud to the Australian Federal Police. In the six years to 2011, Besser found, almost a thousand investigations into bureaucrats were terminated because the bureaucrat being investigated had resigned during the course of the inquiry.

Whistleblowers Australia's national president, Cynthia Kardell, said that systemic corruption was rarely exposed through the case histories of Commonwealth employees who made public interest disclosures. "We've found that it is standard procedure from human resources departments to effectively bury any insistent complainant by staging their workplace exits through their rapidly declining mental health."

The current campaign by strident elements of the Sydney-based Murdoch press to discredit the NSW ICAC over its investigation into the alleged perversion of justice by deputy senior Crown prosecutor Margaret Cunneen, SC, has transfixed the city's legal, media and political milieu. But this highly diverting bunfight will not affect the survival of ICAC. After a High Court ruling on Cunneen v ICAC provoked a review by Murray Gleeson, QC, and Bruce McClintock, SC, ICAC's continued existence was legislatively assured by the Baird government, with support from Labor. An amendment was also made to constrain ICAC's corrupt conduct declarations to uncodified "serious" corruption only.

In now supporting the need for a federal corruption commission, Tony Fitzgerald said the NSW ICAC's practice of making declarative "corrupt conduct" findings against individuals was problematic. ICAC is an administrative tribunal and not a court, and its capacity to make findings that a court cannot later uphold is a central criticism.

"Such a declaration, which for

investigative and prosecutorial purposes adds nothing, is likely to destroy the reputation of the person affected, even if that person is later not charged or is acquitted," Fitzgerald said. "Moreover, I regard it as fundamentally incompatible with the notion of fair trial, which underpins our criminal justice system."

In his groundbreaking Queensland corruption inquiry in the 1980s, Fitzgerald made no "corrupt conduct" findings as such against any person, including former premier Sir Joh Bjelke-Petersen and former police commissioner Sir Terence Lewis.

But the factual details of their conduct, including the delivery and receipt of cash in bags, was published in his final report. A special prosecutor was then established by the Queensland government to formulate criminal charges and launch prosecutions. So a special prosecutor in concert with a standing federal corruption commission to expose Commonwealth corruption may evolve as a more procedurally fair methodology through the current national debate.

Resistance to a federal corruption commission is expected to be intense from within the political parties and the Murdoch press because, as in NSW, its very existence would confront Australia's corruptible and influence-peddling political and commercial cultures.

Examples of corruption will be fobbed off as "just a few bad apples". As in NSW, such an investigative body will be likened to a "star chamber" or a Russian show trial. But the need and the benefits are manifest.

The Palmer United Party's senator for Western Australia, Dio Wang, has flagged his intention to amend the title and scope of the Turnbull government's Australian Building and Construction Commission to cover all public sector, agency and political corruption, as well as trade union standover and kickback practices. The ABCC Bill is currently in committee stages before the federal parliament.

The NSW ICAC, with a budget of $25 million, assesses an annual state public-sector budget of $70 billion. With the Commonwealth's annual expenditure now running at $434 billion, the case for an adequately funded countermeasure for a culture vulnerable to corruption would seem to be self-evident.

Quentin Dempster is a journalist based in Sydney.

University of Sydney veterinary faculty overhauls sponsorship code of ethics

James Thomas
ABC, 24 March 2016

ELEANOR HALL: The University of Sydney is overhauling its corporate sponsorship arrangements in response to revelations by the ABC about links between the Veterinary Science Faculty and large pet food companies.

Academics within the faculty have told the ABC that staff and students are deeply concerned that corporate sponsorships have been influencing the independence of research at the university and that this review is long overdue.

The draft document, obtained by the ABC, shows that the university acknowledges "gifts and sponsorship, no matter how small, have been shown to influence recipients."

James Thomas has more.

JAMES THOMAS: Today is a day of celebration for the Sydney University Veterinary Faculty. It's been named one of the world's top 10 vet science faculties.

But that recognition has been overshadowed by a controversy involving links between the faculty and large pet food companies.

Elaborate sponsorships between the University of Sydney and pet food giants such as Hills and Royal Canin have been going on for years.

Dr Richard Malik is a small animal specialist with the University of Sydney.

RICHARD MALIK: That really, really pisses me off. And I am very happy to say that. That is when you really sell your soul to the devil.

JAMES THOMAS: The deals involve product placement at the university's veterinary hospital, sponsoring student social events and even allowing pet food employees to deliver lectures on animal nutrition to students.

Earlier this week the ABC revealed a study published in the Australian Veterinary Journal showed some supermarket cat foods were harmful.

But the study didn't reveal the names of the potentially dangerous products, nor their manufacturers.

Dr Malik questioned why the study withheld the names of those companies and whether they may have been corporate sponsors.

RICHARD MALIK: I worry that the relationship between the multinational pet food companies and the university might compromise directions of research and the way that it is reported and the way it influences veterinarians.

JAMES THOMAS: The university denied corporate influence or funding of the study but acknowledged sponsorships with two major brands, Hills and Royal Canin.

Dr Malik says there are deep ructions developing over pet food sponsorships at the university.

RICHARD MALIK: I can tell you almost all of the staff members at the university don't think it is a good idea.

JAMES THOMAS: The ABC has been leaked a draft copy of a Sydney University document which sets new rules around corporate sponsorship.

The document states its aim is to:

SYDNEY UNI DOCUMENT (voice-over): Manage potential, perceived or actual conflict of interest associated with sponsorship.

JAMES THOMAS: The document then goes onto to suggest that veterinary students should no longer:

SYDNEY UNI DOCUMENT (voice-over): Wear or display the logo or branding of any sponsor as part of their work clothing.

JAMES THOMAS: And that companies should no longer be granted exclusive "research engagement" with university staff.

The document which is seen by staff as a crucial ethics overhaul for the faculty, concludes on a cautionary note.

SYDNEY UNI DOCUMENT (voice-over): Staff and students are reminded that all sponsorship arrangements with the University, a publicly funded institution, are matters of public interest and subject to potential freedom of information requests.

JAMES THOMAS: But thus far the university has been reluctant to release sponsorship details under Freedom of Information (FOI).

Veterinarian Tom Lonsdale has been putting in FOI requests to universities around Australia for years. He's had some success, but Sydney University is holding out.

TOM LONSDALE: The University of Sydney have dug in. They employed a barrister and solicitor and they've been fighting through the New South Wales Civil Administrative Tribunal to keep their deal secret.

JAMES THOMAS: The excuse that they gave me for not naming the products in the sample were, that it was seen by the scientific community as clearly a preliminary pilot study.

TOM LONSDALE: Oh.

JAMES THOMAS: Can you react to those various justifications for not naming the products?

TOM LONSDALE: Well they're absurd. I mean, if they were going to stand by what they wrote then they would be prepared to publish the names.

It's ridiculous now to start to denigrate their own research project. I mean, they must have spent endless hours in the lab and quite a lot of money and then gone through the peer review process to make sure that this is kosher, authentic, and fit for public consumption.

So, for them now to turn around and say, "Well actually we don't stand by our own work," is absurd.

JAMES THOMAS: The university vice-chancellor and the dean of the Veterinary Faculty declined interview requests.

ELEANOR HALL: James Thomas with that story.

Whistleblowing in Romania

Christine Leşcu and Luana Pleşea
Radio România Internațional
30 March 2016

While Romania has one of the best whistleblower laws in the world, "this law is useless unless more people are willing to speak out", according to whistleblower Claudiu Tutulan.

Motorway building under scrutiny in Romania following revelations by whistleblowers

The concept of "whistleblower" was introduced in Romania under Law 571 that was passed in 2004. At the time, Romania was closing EU accession talks and the law was designed to ensure the anonymity and protection of civil servants who exposed abnormalities and illegal activities that may have been carried out within their organisation in financial or ethical nature.

A more detailed definition of the term is provided by legal advisor Codru Vrabie, a member of the Funky Citizens Association and one of the individuals who helped draft the 2004 law:

> A whistleblower is an employee or public servant acting in good faith who, when they see something abnormal happening in his or her organisation, reports these facts to the management so the situation can be addressed. If this person does not have confidence that the problem can be solved within the organisation, he or she may speak to others outside the organisation.

Consequentially, whistleblowers have been protected under Romanian law for more than ten years. In fact, the whistleblower law has recently been described as one of the best in international law from the Regional Anti-Corruption Initiative, an initiative set up under the Stability Pact for South Eastern Europe. We asked Codru Vrabie whether people have spoken out in Romania under protection by this law:

> I personally know of 50 cases, but there are many more across Romania. In my opinion, we have had between 300 and 500 whistleblowers in Romania in the last 12 years. There are no official figures on the subject, so I cannot give you a precise figure. Public institutions in Romania have not put in place specific procedures on the protection of whistleblowers, so they don't report these cases. Nor do legal courts in this country contain information about Law 571 in their databases, because the law is only mentioned if invoked specifically by the defence, and not if it is the subject of a trial.

Recent events on the activities of the National Company of Motorways and National Roads are a good opportunity to see how the whistleblower law is applied and in what circumstances a whistleblower can act in Romania. While working as a commercial manager with this company in 2013, Liviu Costache discovered that tolls collected for passing certain bridges were being stolen. He started to investigate the case, but instead of receiving support from company management,

he was dismissed altogether. In his case, the whistleblower law was ignored. Liviu Costache explains:

> What is really worrying is that the authorities, and I'm referring specifically to the National Company of Motorways and National Roads, are trying to introduce confidentiality clauses in their internal regulations and in the employment contracts to prevent employees from speaking out. For example, we received a warning because we spoke out in a television programme, claiming the things we said weren't true, which they were. Proof of that is the fact that the former general manager of the National Company of Motorways and National Roads is currently under investigation and subject to legal restrictions pending trial. What is even more worrying is that you have to ask for the general manager's permission to speak in public. This is a serious infringement of the Constitution, which guarantees the right to free expression.

Nevertheless, Liviu Costache is optimistic about the outcome of the court cases in which he is involved.

Meanwhile, the former general manager of the National Company of Motorways and National Roads Narcis Neaga has been dismissed and is now under investigation by the National Anti-Corruption Directorate and subject to legal restrictions pending trial. This has been possible because two people spoke out: Alin Goga, a former investment manager at the Craiova Regional Roads and Bridges Authority and his colleague, Claudiu Tutulan. In a television programme, the former revealed certain abnormalities related to the construction of a section of the motorway linking Sibiu to Orastie. This section of the road is today closed for repair works. Alin Goga says, however, that his revelations under the whistleblower law did not change much:

> Things are moving very slowly and the persons responsible according to a transport ministry report are still in office. And this is not right. I did everything according to the book, first reporting the situation to the then general manager, but he wouldn't listen and refused to take any action. After I spoke out on television they threatened me and said they would sue me. They still haven't, by the way. No one protects you in Romania. This whistleblower law is useless. Although the law clearly stipulates that it applies to national companies like Motorway and Road Company, its management ignored this fact because the general manager alone decided it did not apply in our case.

In 2013, Claudiu Tutulan also reported many abnormalities after inspecting the commercial areas along national and European roads. Although he discovered that the company was losing millions of euros, the whistleblower law did not protect him from abuse by his company's management. Claudiu Tululan tells us what happened:

> Although I invoked the whistleblower law no. 571 of 2004, I became the subject of an internal inquest and was even threatened that I would be sacked. I received two warnings although I told them that, according to the whistleblower law, they had to cooperate with the investigation launched by the media and provide explanations. They simply didn't care about the law. They started to send me away on a business trip, but wouldn't cover my expenses and they cut my salary by 220 euros. Although I had bank rates to pay and family and kids to take care of, I didn't want to give up. It's only now that Mr. Neaga, the general manager of the National Company of Motorways and National Roads, is finally being investigated by the National Anti-Corruption Directorate. The problem is that the whistleblower law is useless unless more people are willing to speak out. If we don't, it's our children who will suffer in the long term.

The three whistleblower stories we have presented today are also the subject of a theatre production entitled "Ordinary People" written and directed by Gianina Carbunariu.

Teenage girls were groomed with McDonald's burgers and drugs and raped by gangs of men

Amanda Killelea
The Mirror (UK), 28 March 2016

Jayne Senior worked with vulnerable girls in Rotherham and repeatedly alerted authorities to her fears about organised abuse but had to turn whistleblower to stop it.

Good Housekeeping Women of the Year Award winner Jayne Senior

FOR 14 YEARS Jayne Senior tried to help girls who were being groomed, raped, trafficked and tortured by groups of abusive, violent men in Rotherham. Youth worker Jayne told the girls she would always be there for them, but she had no idea of the lengths she would have to go to keep that promise.

Girls like Paula who was just 14 years old — yet she was expected to have sex with countless older men and be a virtual slave to her "boyfriend", who was in fact her groomer.

Debbie who had been sexually abused by her alcoholic mother's various boyfriends from the age of four, eventually meeting a man at the age of 14 who got her into drugs and forced her out on to the streets to sell sex.

And as shocking as those stories are, they were just the tip of the iceberg. An official report into what happened in Rotherham found that at least 1,400 girls had been abused in similar ways.

But for years nobody did anything about it — despite Jayne flagging up her concerns at every turn.

Shelley Davies, Basharat Hussain, Karen MacGregor, Qurban Ali, Bannaras Hussain and Arshid Hussain were part of the gang that groomed, raped and prostituted teenage girls in Rotherham

As the manager of youth project Risky Business, which was set up to work with vulnerable children in the area, she heard horrific accounts of abuse and kept notes and details of perpetrators, passing detailed information about the men involved to council officers and police in the belief they would take action.

Shockingly the authorities failed to act and did their best to silence Jayne. In the end she risked arrest to make the truth known and became a whistleblower, sharing information with The Times investigative reporter Andrew Norfolk.

And after years of being blocked at every turn and eventually being forced out of her job, Jayne's tireless fight for truth and justice succeeded last month when three drug dealing brothers — known locally as Mad Ash, Bash and Bono Hussain — were convicted of offences going back to 1997.

Not only that, but a report by former senior social worker Alexis Jay into the scandal and cover-up completely backed Jayne and her team's efforts — and found severe failings by the police and Rotherham council to protect the vulnerable children who were being abused under their noses.

The ringleader, Arshid Hussain, was jailed at Sheffield Crown Court
South Yorkshire Police/PA

But for Jayne Senior her own personal vindication was not important — it was finally getting justice for the girls who had suffered so much that gave her the most satisfaction.

She says: "I never did this for me. It is really hard to explain. I am an adult and I have never had to experience what any of those children had to.

"I always knew that those children were telling the truth and on the day of sentencing the whole world knew. And to see that power in that room, you can't explain the emotion. It was just exhilarating."

Married mum of three Jayne was born and bred in Rotherham. Despite marrying and having her first child whilst still in her teens, she began working at youth clubs and worked her way up until she eventually took on a post at Risky Business, working with girls at risk of sexual abuse.

Rotherham was scene of sex abuse over many years

Jayne and her team soon saw a terrifying pattern emerging.

Girls as young as 11 were being befriended by usually Asian boys of a similar age. Soon older men would appear with "gifts" of drugs, cigarettes, alcohol and takeaways.

Jayne says: "Our girls were talking about meeting men, travelling around in their fancy cars, being offered free drinks and soft drugs, being taken to McDonald's and treated to food.

"To them, they were living a life far removed from the day-to-day reality of school and home. Such men were — and are — clever.

"By this stage, a lot of information had been extracted from the girls: where they lived, which school they went to, what their parents did, what music and films they liked — the lot.

"Just recently, a woman I'd helped for years summed this up to me when she said: 'They knew every single thing about me — and all I knew about them was their nicknames'."

Eventually the girls would be told they had to pay for these gifts with sex. Soon some girls were being driven across the country to meet other men where they would be raped several times.

Horrified by what they were hearing, Jayne and her team flagged it up with police — only to be told that there wasn't enough evidence.

And some in authority even laid blame with the girls themselves.

Good Housekeeping Women of the Year Award winner Jayne Senior (centre)

Jayne says: "There were lots of ways the girls were described — child prostitutes. How can you put those two words in the same sentence together?

"They were said to be making informed choices, they were facilitating their own abuse by going back. I don't want to live in a world where children are responsible for stopping their own abuse. It is up to adults to empower them to do that."

Jayne and her team saw the same names of abusers cropping up again and again — and it was contentious as they were nearly all Asian men.

But she says the authorities didn't seem to want to act for fear of treading on sensitive cultural issues.

Jayne Senior, Rotherham whistleblower, has been praised

Eventually Risky Business was given an electronic dropbox, known as "box

five", where they could add details such as nicknames, car registration numbers, and testimonies from the girls.

Finally they thought they were getting somewhere — but years later they discovered that the box was no more than a digital wastepaper basket that wasn't checked.

In 2008 a junior police officer took some evidence from Jayne and logged it onto the Police National Computer where it was accessed by Sheffield Police.

This led to the conviction of five men, but other subsequent cases fell apart.

In 2010 a girl called Laura Wilson, who Jayne had worked with for years, was found murdered. Jayne had identified her as at risk and flagged it up with the authorities.

Laura was just 17 when she was killed by her boyfriend after he discovered her baby, which he thought was his, was actually fathered by his older uncle.

Although Jayne had aired concerns about Laura for years, the blame for failings in Laura's case was lain at her team's door. Risky Business closed down and a disillusioned Jayne left the council.

It was then when she was contacted by Andrew Norfolk that she felt she had no choice but to turn whistleblower.

She says: "After speaking to him it was my darkest moment ever. I had never told lies, I had always told the truth.

"But only me and my husband knew I had spoken to him, and when people asked me if it was me I had to lie, and I struggled with that. I had a 12-year-old son at home and I couldn't bear the thought of me being arrested and him seeing that."

Even now after the Jay report has seen heads roll at Rotherham Council, some of the abusers jailed, and the emotional impact it has had on Jayne and her family, she still hasn't given up her fight.

She is still determined to help mend her broken town — and the many hundreds of victims.

But she also wants lessons to be learned from what happened so that in future generations, no other children have to go through the same horrors.

Jayne Senior with David Cameron

"Rotherham has been done now and we have to mend and move forward," she explains. "I think we have done a massive disservice to our ethnic communities. If we had gone in there 10, 11, 12 years ago and actually raised awareness and worked with those communities we might be in a different place now.

"Religion doesn't rape, and skin colour doesn't rape. People do. The vast majority of those communities are shocked and horrified about what has happened.

"We have got to get away from the idea that it wouldn't happen to my child; it is always somebody else's. We can't stereotype victims of CSE — we come across everything.

Broken and Betrayed by Jayne Senior details her part in unearthing the Rotherham sex scandal

"The attitude is that they are girls who grew up in care or came from broken families, and that is not actually the case.

"We did work with girls in care and children from families who didn't give a damn, but we also worked with children whose parents actively did everything in their power to protect their children and stop this happening.

"Mums and dads who are out every night searching for their daughters, trying their best.

"What we need to do now is raise the bar in talking about this and raise awareness. Because Rotherham has been exposed, it doesn't mean this has gone away.

"Rotherham is not unique. We see this over and over again across the UK."

Jayne is adamant that children should be educated about the dangers of child sexual exploitation in schools, so that they can see the warning signs before it is too late.

"I am still shocked and astounded that this is not part of mandatory education in schools. Rotherham came up with 1,400, which was a conservative number, so how many people do we not know about who haven't come forward for various reasons?

"The one place where we could be getting this message across from a very young age is in schools.

"This is controversial, but I think we should be going into schools and talking to children from the age of five, not about child sexual exploitation, not about grooming, not about abuse, but about relationships. What does 'no' mean? How do I recognise equality? If something is not right where do I go to get help?"

Now she has written a book about her experiences in the hope that it could not only help other victims of abuse, but also those in authorities to make sure they are doing everything in their power to protect children from this horrific sexual abuse.

"In the last 18 months since the Jay report, it has been quite a lonely place to be. But I have had to keep going, because those children are now young women.

"They and their families are asking for help and we have to give it to them. Yes we want justice for everyone, but we also want them to mend and show people that there is life after abuse.

"I have been inundated with people who had been victims of this and people who had been in a similar situation to me and who wanted my advice on what to do.

Good Housekeeping Women of the Year Award winner Jayne Senior

"I thought that if I write this book and every senior manager in every position of authority who can make a difference think to themselves we are going to go back and check that what we are doing is right or can we improve it, because we don't want to be in a situation like Rotherham. That's why I did it."

Broken and Betrayed is published by Pan and is out now.

CLASSIC ARTICLE

Campaigner coy at the sound of the whistle

Norman Abjorensen
The Canberra Times
27 March 1993, page 3

FOR A HIGH-PROFILE whistleblower, John McNicol is remarkably coy when he hears the sound of the whistle.

Mr McNicol, 65, the national director and immediate past president of Whistleblowers Anonymous, is the driving force behind a two-day national conference on whistleblowing which opens at the National Library today.

At a press conference yesterday, he spoke of the need to encourage whistleblowers and to build in more accountability in something akin to a National Code of Ethics. To this end, he foreshadowed the establishment of an Australian Institute of Public Integrity.

The softly-spoken rotund man with rolling brogue was at pains yesterday to defend his credibility.

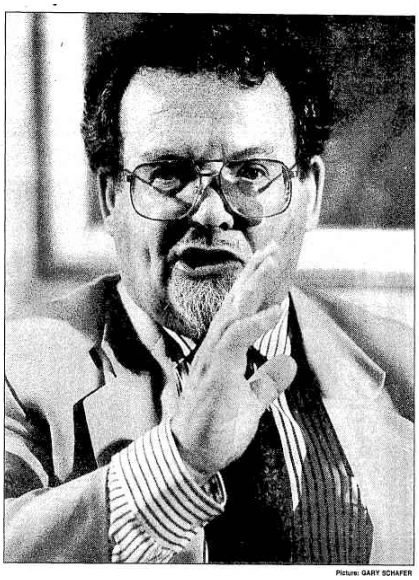
In an occasional paper circulated to journalists on whistleblower protection legislation, Mr McNicol listed after his name the letters BD, FSA (Scot), MIPRA, JP.

Asked about the BD (Bachelor of Divinity), Mr McNicol replied that it was from "an American university," and he volunteered that he had been a Baptist minister at Wimbledon in London.

When asked to name the university from which he had obtained his degree, Mr McNicol declined. Asked why he had previously indicated it was conferred by the University of London, Mr McNicol said he had never made this claim.

However, in a directory entitled *Who's Who in Australia and the Far East* published in 1989, Mr McNicol is listed, described as a journalist and public relations consultant. Under education is the entry: "Wick Academy; BD, London University, England."

An earlier publication, *Who's Who in the Commonwealth,* in which Mr McNicol is described as a journalist and publisher, lists under education: "Wick Academy, Scotland; London University."



Picture: GARY SCHAFER

The national director of Whistleblowers Anonymous, John McNicol, at yesterday's press conference.

According to a letter from the International Biographical Centre, compiler of the directories, the information was supplied by Mr McNicol.

Further, a letter from the University of London, dated November 1992, and signed by Miss U. Garmann, of the university's support services and student records, examinations division, says, "On the information given I have been unable to find any record in the name of John McNicol and so, cannot verify the award to him of a Bachelor of Divinity from the University of London."

As for his claimed membership of the International Public Relations Association, the association's president, Jim Pritchitt, in a letter of August 18 last, said that he had been advised "that we do not have a Mr McNicol as being a present or recent past member of the International Public Relations Association." However, this did not preclude his having been a member "at a very early time, or while resident in another country."

When asked about this by *The Canberra Times,* Mr McNicol said he was now "retired" but had been a foundation member of the association in Canberra in 1975.

The Canberra Times produced a letterhead with a 1987 date on it stating that John McNicol was joint managing director of Capital Campaigners Pty Ltd. A corporate affairs search revealed that the "company" had never been incorporated and Mr McNicol was not entitled to call himself a director.

Mr McNicol said that "the company was never incorporated because it went out of business."

He said the questions being put to him were "improper … as far as my credentials are concerned, I've got nothing to hide."

Mr McNicol said he did not think questions about his credentials would undermine the conference which he had organised.

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

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Associate editor: Don Eldridge
Thanks to Cynthia Kardell and Margaret Love for proofreading.

WBA conference and AGM

This year's conference will be on Saturday 19 November and the annual general meeting on the 20th. The venue will be the same as in recent years: Uniting Church Ministry Convention Centre on Masons Drive, North Parramatta, Sydney. Make your flight bookings now to reduce costs.

Oil industry corruption

Beginning on 31 March, the *Sydney Morning Herald* began a major exposé of corruption in the oil industry involving companies making bribes to obtain lucrative contracts. Investigative reporter Nick McKenzie tells about the elaborate precautions required to meet an industry whistleblower in Europe:

"Months earlier, this informant had sent me an anonymous letter telling me to place an advertisement in French newspaper *Le Figaro*. My ad needed to include the code name Monte Christo.

"When my ad ran, I was contacted via a phone subscribed in a false SIM card. After weeks of negotiation, a rendezvous was arranged.

"From the steak restaurant where we met, my informant directed me on a journey that involved more confidential sources and secret communication. Late last year, I was finally given access to hundreds of thousands of confidential documents from oil industry deals." (*Sydney Morning Herald,* 2–3 April, page 25).

The lesson here is that the bigger the story, the more careful leakers need to be to ensure the integrity and commitment of journalists and to keep secret their own identity.

Whistleblowers Australia membership

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