

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

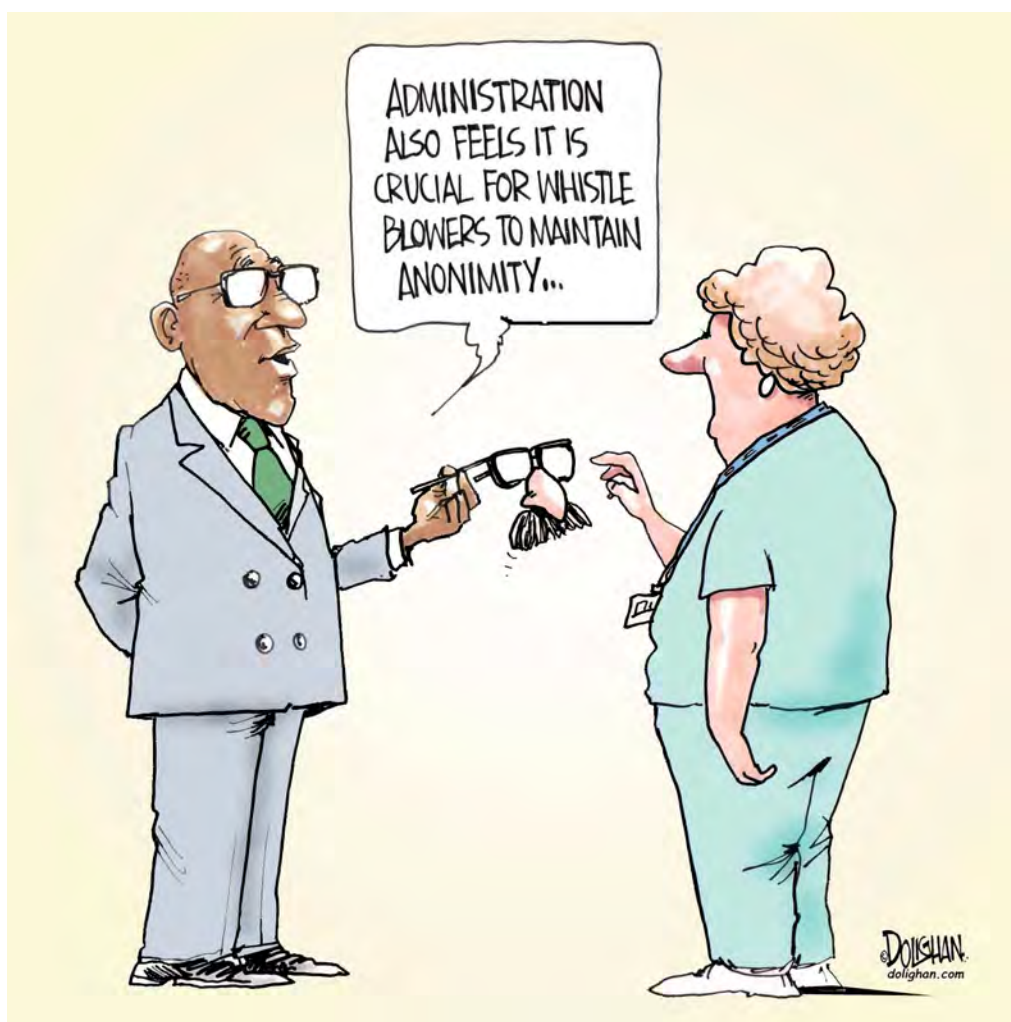
# *The*



# *Whistle*

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## Reviews and articles

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In October 2020, the publisher Hachette Australia apologised to Detective Inspector Jeff Little BM and withdrew from sale the book *Walking Towards Thunder* by Peter Fox.

Hachette Australia conceded that the book contained various false allegations.

Hachette Australia neglected to test the accuracy of the allegations upon which I relied when I wrote my review.

I retract and apologise for the views expressed in regard to the NSW Police and Cardinal George Pell in a review which was published in *The Whistle*, #101, in January 2020.

Maggie Dawkins

avoidance and possibly criminal activity. He went to his superiors in the bank. They didn't want to know. He went to tax authorities in Switzerland. They didn't want to know either. He went to the Swiss federal prosecutor, again with no result. He went to numerous journalists in Switzerland. They weren't interested. He eventually learned that banking secrecy, which enabled corruption, was sacred in Switzerland, and no one in the country was willing to expose problems.



Rudolf Elmer

Rudolf finally found a receptive audience — in other countries. Journalists in Britain saw him as a hero. Government bodies outside Switzerland were interested too, for good reason. Tax avoidance via Swiss banks was costing them billions of dollars in lost revenue.

Even with international support, Rudolf's path was difficult, to say the least. Like other whistleblowers, his employer did everything possible to discredit him. As well as losing his job, he was arrested and charged with stealing bank documents, and spent 200 days in prison. His career was destroyed. His family members were harassed by private investigators.

For those who have been following stories about corruption in financial services, Rudolf's story will not be surprising, except perhaps for the severity of the reprisals he suffered. The recent banking royal commission highlighted corrupt practices in Australian financial services. It also made more visible the vital role that whistleblowers have played, as well as the failure of regulators to deal with serious problems.

Jeff Morris's story is instructive. He reported problems to managers within the Commonwealth Bank, then went to the regulator, the Australian Security and Investments Commission. His reports went nowhere. It was only when he made contact with politicians and journalists that his concerns started to generate some pressure for change. This is all described in journalist Adele Ferguson's revealing book *Banking Bad*. Although Jeff was vindicated — his claims and his courage are now widely recognised — the saga took a terrible toll on him, destroying his career and damaging his health and relationships. (You can read more of Jeff's story in this issue of *The Whistle*.)

Jeff's story is all too common. It has been replicated in countries around the world. If you want to learn more about financial services whistleblowing, turn to Kate Kenny's new book *Whistleblowing: toward a new theory*.

Kenny interviewed finance-sector whistleblowers from Britain, Ireland, the US and Switzerland. One of them, mentioned above, was Rudolf Elmer. Their stories have remarkable similarities.

Nearly all of them worked in large financial organisations, in compliance positions in which they were expected to look for irregularities and violations of procedures. In other words, it was their job to detect and report problems. They didn't initially think of themselves as whistleblowers because, in a literal sense, by making reports they were simply doing their jobs. Some of them were legally required to report any problems they discovered. The majority of the individuals she interviewed had

been employed in watchdog roles; their formal job description involved finding and highlighting incidents of wrongdoing, whether this was as an internal auditor, a risk manager, a compliance officer, or an anti-money laundering officer. All occupied a senior position in their organization. (page 6)

In the past two decades, there have been massive levels of malpractice in financial services. Some of this malpractice, including making loans to customers who have no prospect of paying them off, directly led to the global financial crisis. Unknown to most of the public, there were warnings from the inside, perhaps not enough of

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#### BOOK REVIEW

### Learning from bank whistleblowers

A review of Kate Kenny's book  
*Whistleblowing*

Reviewed by Brian Martin

RUDOLF ELMER worked for the Swiss private bank Julius Bär for over 15 years. He started as an auditor and then in 1994 became chief operating officer at Julius Bär's Cayman Islands branch. He came across suspicious financial structures in the branch that enabled tax

them, but still a lot of them. But no one in authority seemed to want to know.

For those employees who reported problems, what happened next is familiar. Their reports were ignored. In some cases, their reports were greeted favourably but nothing changed. Alternatively, they immediately suffered reprisals. The experience of Eileen Foster, who headed the fraud unit at large US mortgage lender Countrywide Financial, is instructive:

It was then that Eileen began to hear more and more stories about internal whistleblowers being punished and sometimes fired for raising concerns. In fact, internal reporting channels were used to identify and isolate potential whistleblowers rather than deal with the problems raised. In effect, people who were just doing their job — protecting Countrywide from potential prosecution as well as protecting the money-borrowing public — were being watched, singled out, and punished. As she would later note, she believed that Employee Relations was “engaged in the systematic cover-up of various types of fraud through terminating, harassing, and otherwise trying to silence employees who reported the underlying fraud and misconduct.” Staff in Employee Relations, she said, had “the ultimate power to silence the whistleblower. They were the controlling factor. Without them, it wouldn’t work.” (page 64)

Going to government regulators was often the next step. Again, the most common result was being ignored. For example, in Ireland the regulator used “light touch” methods to deal with problems, which meant relying on companies to report their own problems, and giving warnings but undertaking no prosecutions even for the worst abuses. Olivia Greene, who tried to expose loan practices that were putting banks at risk, learned to her detriment that light-touch regulation meant no action would be taken. The consequence of this regulatory inaction was collapse of the Irish financial sector, which was bailed out by the government at massive cost to future generations of Irish taxpayers.

Reprisals from their employers and unresponsive regulators: what next? All the individuals in Kenny’s study were high-profile: their stories had been covered in the media. Journalists sometimes were the first people to take their

concerns seriously. Media coverage made an enormous difference in transforming them from traitors into heroes.

One of Kenny’s most valuable insights is to highlight the importance of the whistleblower identity. An identity, or role, is a category like mother, neighbour, graduate, commuter or employee. It is a label that captures some facet of one’s relationship to other people and to social systems, and each label comes along with a set of assumptions. People have images in their head of what it means to be a mother, neighbour and so forth. The labels matter because they shape the way we think about ourselves and others.

To be called a whistleblower is to be given a particular label. To see oneself as a whistleblower is to adopt an identity for oneself. For the financial sector employees who had come under attack for doing their jobs, the label of whistleblower was not natural. It was applied to them by others, and then sometimes they adopted it. The whistleblower label and identity helped them understand their actions and to value what they had done.

Kenny notes that in the face of the relentless attack on their credibility by their employers, the individuals she studied adopted the role of professional. Referring to their professional competence provided a way of defending against denigration. In most cases, though, they did not seek out the label and role of whistleblower. That was thrust upon them, by employers or the media.

The role or identity of whistleblower has advantages and disadvantages. In the face of continual devaluation, it validates one’s actions. On the other hand, it positions a person as intentionally setting out to expose problems, with the connotations of being a malcontent or stirrer, which was far from the previous identity adopted by these financial employees.

Kenny devotes considerable attention to the psychological side of whistleblowing. She notes that during the process by which whistleblowers are ostracised by co-workers, fired, referred to psychiatrists and sometimes disowned by others, they sometimes take on this experience of exclusion in their own psyches. In other words, they start thinking about themselves in the same way that their antagonists treat

them. They start doubting themselves. After all, if everyone else in the company supports the management view that nothing’s wrong, then it’s natural for them to start doubting their own observations and their interpretations of documents.

You can read Kenny’s book *Whistleblowing* mainly for the stories of high-profile financial sector whistleblowers, gaining an insight into their experiences. This is straightforward, and is a valuable treatment, especially in showing the enormous power of banks and the incredible difficulties facing those whose job it is to try to save banks from their own folly.



There is another side to the book, indicated by the subtitle: *Toward a New Theory*. Kenny draws on the ideas of social theorists Michel Foucault and Judith Butler to interpret the experiences of whistleblowers. A key idea is that people are not isolated, independent individuals, but psychologically intertwined with others. People’s sense of their own selfhood derives from society.

Whistleblowing is commonly assumed to be a practice carried out by an autonomous individual acting alone. It is no such thing. Through striving for recognition, the whistleblower finds herself outside herself, caught up in the reflections granted by other people and by wider societal norms. She is not a bounded entity but rather a porous, radically social self. One person may happen to blow the whistle, but this is frequently the



result of a series of dialogues both internal and external with communities of other people. Whistleblowing is not the act of an individual; it is an intrinsically collective phenomenon, even when it appears as though only one person is speaking out. (pages 211–212)

Kenny hopes that this insight into the construction of people's sense of self can provide guidance for the challenges facing whistleblowers.

If you are a fan of Foucault and Butler, you will be able to appreciate Kenny's application of their ideas to whistleblowing. Otherwise, you may find her use of theory unsatisfying.

It is important to understand the dynamics of whistleblowing. From a scholarly point of view, this is worthwhile as an intellectual exercise. From a practical point of view, it is worthwhile if there is a payoff in terms of how to help organisations and societies respond better to warnings about dysfunction. The trouble is that there are dozens of different theoretical perspectives that might be used to interpret the whistleblowing experience, and some of these have more obvious applicability, for example the idea that power tends to corrupt or the idea that people identify with their organisations and display antagonism towards out-groups.

Kenny notes that managers try to turn the focus on the whistleblower and away from the concerns they raise. Curiously, though, her book *Whistleblowing* also has this focus. There have been hundreds of books about whistleblowers. Perhaps we need a few more about non-whistleblowers, those who know about corruption and keep quiet.

Kenny says that "society" is complacent about whistleblowers: people know that whistleblowers pay a penalty for their actions, but simply accept this as the way things are. I have to disagree. No doubt *some* people accept the usual scenario as inevitable, but others are upset and enraged by the injustice, which is one reason whistleblower stories are so newsworthy. It will be a great day when the media are uninterested in whistleblowing because it quietly leads to positive change, without a thought for reprisals. Just don't hold your breath.



Kate Kenny

Kate Kenny, *Whistleblowing: toward a new theory* (Harvard University Press, 2019)

Brian Martin is editor of *The Whistle*.

## Corrupted by design for profit

Cynthia Kardell

THIS TIME last year I was hoping the Hayne banking and financial services royal commission might — just might — prove to be the catalyst we needed for genuine change. This was despite the terms of reference being too narrow, the budget too tight and the timeframe too short. There was a niggling possibility that the theatre provided by a finger-waving commissioner and the devastating "Shock and Orr" exposure of witnesses might be the high-water mark, given that the government was still keen to deny and downplay the significance of the royal commission.



Rowena Orr, counsel assisting the royal commission, was noted for her devastating questioning of witnesses

After all, the government only gave in to rising demands for a commission when the banks wrote urging the prime minister to establish one that they could control, rather than the one being proposed by the Senate, which must

have cast fear into the hearts of the banks and the government. The PM spoke of his deep reluctance to do even this, when we all knew there was nothing to see here, because we all knew the market could be trusted to get it right. Yes, I mentally added — right for *them*! Not for the whistleblowers, not for those who were robbed or for those who were coerced into leaving their scruples at the door.

The government had steadfastly ignored its own John "Wacka" Williams for years, except to boast about the Coalition being a broad church. But when he teamed up with Commonwealth Bank whistleblower Jeff Morris and *Sydney Morning Herald* journalist Adele Ferguson in 2013, the sands started to shift as other whistleblowers came forward. And in a relatively short time it became very clear that Wacka's concerns were just the tip of the iceberg.

Between them they sparked media investigations into the four big banks and financial services industry, revealing how negligent financial advice had ripped about half a billion dollars out of their customers' retirement portfolios and crooked insurance packages had decimated loyal but seriously ill customers. Other whistleblowers followed with the news that AMP had been charging dead customers, Westpac was laundering millions of dollars in overseas transfers, some to known paedophiles, and worse, all of them had been coercing their employees into accepting systemic, incentivized fraud as the *normal cost of doing business*. Financial advice and wealth group IOOF Holdings had deliberately devised a scam to defraud its investors, telling the Hayne commission it "passed the pub test" because no-one had complained about it.

It seemed the mafia were operating the much vaunted free market.

If you were thinking it couldn't have got any worse, you'd have been wrong, because that *cost of doing business* was also deliberately reduced over years by industry-wide wage theft and underpayment. Journalist Adele Ferguson nailed it on *The Drum* recently with "It's theft. It's wage fraud. If you're deliberately not paying someone what they should be paid, you're stealing from them."

It's easy to lose sight of just how pervasive this theft has become,

because there's been so much of it laid out in the press. You'll remember 7-Eleven, Pizza Hut and Dominos have all been caught out stealing. And then there are the celebrity chefs, Adriano Zumbo and George Calombaris, who were very publicly forced to pay their staff back millions, claiming it was a simple mistake. None of these are fly-by-night operations. They're well known and have enjoyed our trust. So where were their accountants, lawyers and auditors? These are just some of the many stories still begging to be told.



George Calombaris

Another burgeoning problem has emerged over the last two years courtesy of the petrol station and convenience store chain On the Run (OTR) scam, which was recently embroiled in allegations of underpayment of wages and sham traineeships when a class action law firm flagged it was investigating the company. OTR is now headed up by former 7-Eleven chief executive Warren Wilmot. Remember the 7-Eleven scam. It was one of the first caught out stealing. It was "paying its workers, some of them students, as little as \$5 an hour. Some were blackmailed, threatened with deportation if they spoke up or kidded into believing they were on a good wicket" (*Sydney Morning Herald*). Welcome to the brave new world!

Another example. One of those involved in the IOOF scandal has been retained by AMP to craft its recovery. Remember the AMP? As if you could forget it. It had a very lucrative billion-dollar "fees for no service" racket in full swing before it was exposed in the press. ASIC — the Australian Securities and Investments Commission, the government regulator — says some of AMP's executives may face criminal charges. But then, that was last February, so please don't hold your breath. It is likely pigs will fly before that

happens so obviously something else has to change.

There is no sense that this is slowing down anytime soon, when the Grill'd burger chain scandal was recently exposed, with hundreds of current and former workers contacting media with stories of being overworked and not paid.



This is serious stuff. I doubt even the recommendations made by the Hayne commission will do the job when we still don't know the half of it. Where were the legal, accounting and insolvency firms when these rorts were being bedded down? Lawyers, accountants and auditors whether in-house or not exist to advise, devise and implement policy, so why did government content itself with just examining their delivery?

Is it that one of the greatest neoliberal myths of our time is about to come tumbling down? That free markets aren't after all what they've been cracked up to be?

Even today the government is quick to remind us that business knows best and, if it is left to do its thing it will create jobs and security for all. Its largesse will trickle down as it always has. Right? Well no. It is *myth making* on a huge scale, which is why they never let up on it. You can expect the rhetoric to become even more strident and more punishing, with thinly veiled threats should you waver from their cause.

The thing is, sensible even robust red tape has always been the thing that saved it (the myth) from extinction, but with the passage of time as government whittles away at what remains, we seem to be reaching a tipping point. That tipping point is certainly where large global entities rival nation states. Where we don't know who owns them or where they pay tax if they pay tax at all. Where we can no longer regulate

them even if we wanted to, without owning up to the fact that fair and reasonable tax is what powers our democracies.

Tax, when it is fairly and equitably raised, collected and properly used to sustain a civil society, is a public good but, to encourage a sense of grievance, we are being conned into believing we shouldn't have to pay tax. Why? You can't con those who understand why it is a myth, but you can con those who feel cheated thinking about the squillions being squirrelled away illegally, when they can't do the same. Once you've got people thinking it is okay to grab what you can, the only thing left to do is come down hard on those who you don't want to share with. Those who won't be bought! Jeff Morris and the IOOF whistleblower can tell you a thing or two about that.

It's a nasty world, but there it is — the free market. Looking at the way many employees have left their scruples at the door to stay in a job, we're more than halfway to where we'll do anything for a promise and the odd freebie. In ancient Rome the price for being ripped off all year was a free circus, with some bread and wine. So how far have we come and where do we want to go?

The government is also clamping down on those who won't be bought. Whistleblowers David McBride, Patrick Boyle and Witness K and his lawyer Bernard Collaery can attest to that. Their trials will be held in secret to guard against us knowing how the government deliberately corrupted *civil service* for their personal and political profit. It's a jealous, cruel act designed to coerce and completely cow the wider public service into lickspittle subservience. It is operating like the executive of some of our large corporations, which by design, purpose and operation are entirely undemocratic, unless forced to be so through our laws and regulation — that is, red and green tape in the service of the public's interest.

Not one senior bank or financial services executive has faced a courtroom yet.

Cynthia Kardell is president of Whistleblowers Australia.

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## WBA conference

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WBA's annual conference and AGM were held at the Uniting Church Convention Centre, North Parramatta, Sydney on 23–24 November 2019.

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### Conference

#### Saturday 23 November

- 9:00 Welcome: Cynthia Kardell
- 9:15 IOOF whistleblower
- 9:55 Lynn Simpson, live exports whistleblower, "If at first you don't succeed"
- 10:35 Morning tea
- 11:05 Richard Gates, "On the human condition"
- 11:45 Peter Fox, NSW police whistleblower, "On walking towards thunder"
- 12:25 Lunch
- 1:45 Brian Toohey, "Whistleblowing in a time of media ambiguity"
- 2:25 Quentin Dempster, "The Frankenstein effect: why whistleblowers are needed now, more than ever"
- 3:05 Afternoon tea
- 3:35 Jeff Morris, CBA whistleblower, "After the banking royal commission"
- 4:05 Michael Cole on ASIC corporate whistleblower policy

### AGM and discussions

#### Sunday 24 November

- 9:00 Annual General Meeting
- 10:35 Morning tea
- 11:05 Discussion
- 12:25 Lunch
- 1:45 More discussion
- 2:25 Discussion continued
- 3:05 Afternoon tea
- 3:35 A final wrap, with jam and wine



### If at first you don't succeed ...

Lynn Simpson

AS A WHISTLEBLOWER in 2019 there are a few take home messages I have learnt.

We are not the first, therefore we have the luxury of learning likely repercussions from others' experiences. Knowledge is power. Learn everything you can. Treat your new path as a whistleblower like research: buy books, study cases. Learn from others' mistakes and wins. Learn how to best defend and protect yourself.

Why, how, when. I was a veterinarian in the live export trade. Since 2001 I have been raising concerns to the Australian Government regarding the welfare and health implications of the animals involved. All seemed to fall on deaf ears. Roll forward to 2012 and I was contracted by the government to help rewrite improved animal welfare legislation for live export. Exporters didn't like my involvement, so the government caved to industry pressure and threw me under the bus. But not before "leaking" a submission I had confidentially submitted, including 44 pages of images of animal cruelty and failed legislation.

I quickly learned how a person became known as a whistleblower while simply doing their job well and speaking up for the "voiceless" animals.

Most importantly; I learned never to trust or work for the government ever again.

With nothing left to lose I began on a path of lawyers, medical practitioners and media.

I settled out of court with the Department of Agriculture after a three and a half year fight, leaving with injuries — political, psychological and physical — that money could not fix.

Needing a new, meaningful path for my life I turned to advocacy of the issue I had been removed from. I recommend the catharsis that comes with spreading the word of your situation if there is an interested audience.

The audience could be via traditional media: TV, radio or newspapers. However today we all have a platform

on social media if we choose to build it. Love it or hate it, social media can make or break you ... or, on a fickle day, both. Read the comments, learn the knowledge gaps and misconceptions.



Lynn speaking at the conference

"Rumors excite the stupid, facts excite the smart." Drown out the stupid with facts, enlist the smart to perpetuate the truth. For example, when I first spoke of live export needing to end there was an uproar from mainstream rural constituents. Mistakenly thinking the trade was essential for rural Australia, I learnt and pointed out that less than 5% of sheep exports goes live, less than 6% of cattle go live. The remainder are chilled and frozen in a box, processed under strict regulations in Australia.

Give the facts and weed out the "fake news."

Make the most of a frustrating situation. Know that legal and government action works at a glacial pace. Don't despair. Use the opportunity to learn more, collect evidence, really think through all angles of your situation. Whistleblowing tends to follow a recipe — only the themes change.

Don't fight insomnia, use it as your brain intends: think things through, write things down, exercise if needed and gain traction and peace of mind moving forward.



Find your tribe: like-minded people who understand your situation and challenges without judgement.

My situation concerned an international issue, so I had to find an international audience. I was fortunate enough to gain some media traction and even when I did not want to I performed like a trained seal, giving interviews, talks, lectures, responding to social media (both good and bad), and writing articles for magazines and opinion pieces. Keep in mind our journalists are both fearful of personal implications, but also grateful for free copy that you produce with your neck on the line.

I was internationally vindicated with every new exposé that was released. International momentum and movement grow exponentially with every disaster or exposé that occurs.

Major steps forward include the Australian Government reviewing its own ability to regulate the trade and essentially giving itself a fail. Now for the first time we also have a major exporter, responsible for more than 1.5 million of their sheep ending up dead and thrown into the world's oceans as wastage, being charged with animal cruelty and awaiting sentencing.

Finding my tribe in the whistleblowing and animal advocacy world has eased the burden and made persistence pay off.

The trade is slowly declining. Social acceptance is dramatically diminished: the writing is on the wall. The end of this trade is looming with growing social, political, environment and medical (public food safety) pressures against it all based on increased awareness.

In January 2020 the UN will be implementing a new regulation on ship exhausts and their air pollution levels. This seemingly obscure regulation should prove to give a net animal welfare win globally as many of the live export ships are old and will not be able to comply. I predict a massive reduction of the small number (135) of ships in the international fleet. This new regulation, along with growing social disdain and low future confidence in this business model will help end the trade.

There is no easy fix to the issues we face. Determination, facts and support are the most valuable tools you can have. It's not a race. Go at your own pace.

Remember; if you get tired, take a break and look after yourself, don't quit.

## On walking towards thunder

Notes on Peter Fox's talk  
by Brian Martin

When growing up, Peter only wanted to be a cop. He served as a NSW police detective for 36 years, and was passionate about his job.



Peter speaking at the conference

Then he blew the whistle on institutional child sexual abuse. Peter observed that no police force in the country appeared to be doing anything about it. His experience was that child sexual abuse was a major problem in the church, especially the Catholic Church. Peter knew a number of priests, good priests, ones who were concerned about what was happening in the church and who were supportive of doing something about the problem.

He didn't plan to be a whistleblower. People speak out because it's right, and don't think, "Is my arse covered?" Peter went to internal affairs, the first of several unproductive avenues. Whistleblowers don't know the legalities concerning speaking out. 95% of whistleblowers are not protected because they don't know about the legalities and how public interest disclosure acts are

framed. Peter has been through all the standard things experienced by whistleblowers. He saw four psychiatrists and was on medication for years.

Writing his book took four or five years. He didn't care about sales or readers: he just knew it was valuable for him to write it. It was a form of therapy. He feels better and has stopped taking medication. Having the book out there has done him a lot of good.

The publishing process was a learning experience. The lawyers insisted on taking out about 20% of his book, explaining that although the facts could be supported, if they went to court they would lose financially even if they won the case. As a result, there are quite a few things that can't be made public. That wasn't as important as getting the story of child sexual abuse out there.

When writing the book, Peter obtained advice from a writer. One of Peter's grandchildren was keen about the English language and asked for the first copy of his book. Peter had thought about who might receive the first book, but considering his story was written to protect children, he thought it appropriate his granddaughter received the first. An important part is making a change so that kids in the future are safer.

Reprisals continue. When Peter sees other cops, he waits for them to initiate a handshake, having learned not to put out his hand first because some refuse to shake it. On the other hand, he has supporters among cops. He's given talks, especially in the Hunter Valley. At many, police attend and tell him they appreciate what he did.

Peter said that for whistleblowers, it's the same story, over and over. The public are overwhelmingly in support of what they've done, however politicians remain fearful of whistleblowers, but realise they need to be seen to be taking care of them. Politicians who pass whistleblower acts consult academics and others — but don't consult whistleblowers themselves. Public Interest Disclosure Acts end up providing little protection for whistleblowers.

By way of example Peter said, like many others, he was proud of Australia's role in obtaining independence for East Timor. Then the government bugged East Timorese offices on behalf of a company. The prosecutions of Witness K and his lawyer are yet further examples of the government punishing



whistleblowers and intimidating other potential whistleblowers.

Acts to protect whistleblowers are being passed at the same time as the government prosecutes whistleblowers. And how do governments control regulatory bodies such as the Police Integrity Commission? They cut their funding. Governments don't want bad publicity, so they quietly reduce the capacity of these bodies to expose corruption.

Peter said it's becoming harder and harder to be a whistleblower. You can't win every battle. It's the big ones that count.

See page 2 for a review of Peter's book.

## Whistleblowing in a time of media ambiguity

Brian Toohey

I'M NOT SURE anyone in this room could hope to match Edward Snowden's chutzpah on his way to becoming the greatest whistleblower in the history of intelligence services. Snowden was a contract employee of the National Security Agency — the most powerful signals intelligence organisation in the world — when he realised that it often failed to back up its advanced computerised systems and programs. So he offered his bosses a solution. They readily accepted his proposal to build a comprehensive backup system and let him run it. He subsequently copied huge volumes of highly sensitive information from this database and took them with him when he left the NSA in 2013. He now lives in Moscow, a vibrant and fascinating city.



Brian speaking at the conference

In his memoir *Permanent Record*, Snowden said he was motivated by the discovery that the NSA was building the most extensive global mass surveillance system ever devised. The goal was to collect, analyse and store everything. His leaks showed that the bulk interception of American citizens communications data broke US law, but not that of foreigners, including Australians.



Turning to Australian whistleblowers, I'm sure you don't need further proof that the government is not sincere about protecting you. If it were, it would not be prosecuting witness K and his lawyer. What witness K did was clearly in the public interest. He exposed illegal behaviour by Australia in stealing petroleum resources from the tiny impoverished nation of Timor-Leste. Those responsible should have been charged for what amounted to commercial espionage on a grand scale. Likewise, the government is determined to punish the ATO whistleblower Richard Boyle and the Defence whistleblower David McBride. The latter helped expose alleged war crimes committed by Australian special forces in Afghanistan.

The metadata law — requiring telecommunications companies to store the digital fingerprints of all their customers — made life extremely difficult for whistleblowers trying to get in touch with journalists. Snowden described this law as an unprecedented act by a “nominally” democratic government.

The noose tightened further when the anti-encryption law passed Parliament after only four sitting days in

December 2018. It was a complex bill that required a lot more scrutiny — especially as it seems to allow security agencies, acting without a judicial warrant, to force tech companies to weaken their computer systems to reveal unencrypted data. The Russian government, often considered autocratic, doesn't have a similar law.

A special law involving what is called a Secret Intelligence Operation highlights the draconian treatment of whistleblowers compared to journalists. During a SIO, this law allows the intelligence agencies and police to commit what would otherwise be criminal acts, including acts of violence short of murder and other extreme forms of physical harm. Initially, nothing could be reported about what happens during an SIO. But the Turnbull government — in a rare move — changed the law to basically exempt journalists. However, a whistleblower in one of the security organisations who witnesses seriously violent acts or other abuses of power can be charged if they reveal what happened. In a just society, whistleblowers would be lauded for exposing serious abuses of power, not jailed.

The introduction of the SIO law was a petulant reaction to the finding by New South Wales Supreme Court judge Michael Adams in 2007 that two ASIO officers committed criminal offences of false imprisonment and kidnapping of a young medical student. So long as they do not use excessive violence, the security services are now exempt from crimes which apply to everyone else in Australia.

In another example, the Australian Federal Police in August 2016 presumed it had the right to raid Parliament House, access its IT system and seize thousands of documents in an effort to find the source and recipient of leaks that told the national broadband network's ultimate owners — the public — that delays and costs were rising. After the AFP was criticised for trying to hunt down the leak of information that was not even classified, a new law emerged in 2018 that made it a criminal offence to receive or publish anything considered “harmful,” whether classified or not. The contrast with the restraint shown in the earlier era is striking. After I published the top-secret Hope Report on the Australian Secret Intelligence Service in 1981, Prime

Minister Malcolm Fraser told ASIO head Harvey Barnett to tap my office phone in Parliament House. Barnett refused on the grounds that ASIO should not intrude on Parliament House as it was the pinnacle of our parliamentary system of government. That pinnacle now belongs to the security services.

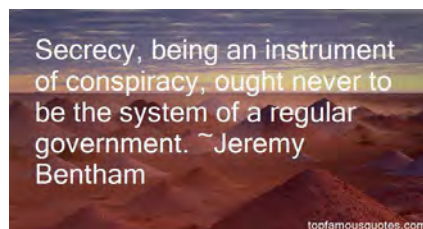
Snowden makes a distinction between governments leaking classified information and whistleblowers exposing wrongdoing. He says unnamed senior government officials often leak classified information to journalists to “advance their own agenda and the efforts of their agency or party.” US intelligence officials even leaked a detailed account of a conference call in August 2013 between the then al Qaeda leader (Ayman al-Zawahiri) and his global affiliates. Snowden suggests their motivation was to deflect attention from criticism of the mass surveillance program he had just disclosed. The leak alerted al Qaeda to change to a more secure communications system, but no one was charged, despite the damage done to US counter terrorist efforts.



Likewise, tame journalists in Australia are often briefed by intelligence and other officials. The head of the department Michael Pezzullo recently told a Parliamentary committee that he briefed what he called two dozen “wise” journalists on national security matters. Many journalists who rely on secret briefings based on intelligence information assume that what they report is accurate, despite the lesson of how the US used phony US intelligence about weapons of mass destruction to justify the disastrous 2003 invasion of Iraq. The head of the British intelligence service Richard Dearlove told a meeting of Tony Blair’s colleagues in

2002 after a visit to the US — “The intelligence is being fitted around the policy [to invade]”. A large-scale leak by a whistleblower might have prevented the 2003 invasion.

It is important to understand that no intelligence leak has ever killed anyone in Australia. Keeping intelligence secret has killed large numbers of innocent people in drone strikes, assassinations and wars. Nor has any Australian ever been convicted of an espionage offence. As recently reported, the government has secretly prosecuted, convicted and jailed an Australian citizen in the ACT for unknown offences. Alleged foreign intelligence officers are deported rather than face the uncertain outcome of a trial in Australia.



In these circumstances, expanding the espionage and secrecy laws should not have been necessary. Nevertheless, the government has brought in an avalanche of new security laws, including ones that have increased the length of sentences and broadened the definition of espionage. In contrast, when Bob Menzies was Prime Minister he threw out the entire draft of his attorney general’s new espionage bill and did not amend it. Likewise, political leaders saw no need for special terrorism laws when the existing murder laws were sufficient. There were 154 terrorism incidents, many involving death or injury, from 1966 to September 11, 2001. In 1977 three people were killed and 11 injured by a bomb outside the Hilton hotel where 12 foreign leaders were staying for a conference. Fraser saw no need to introduce special terrorism laws, let alone try to wedge Labor over who was toughest.

It is important to understand that the secrecy in which security agencies work breeds incompetence. In 1995, the deputy head of ASIO Gerard Walsh attracted huge media attention by publicly stating that the leaking of intelligence had led to two people being

murdered in Australia. Journalists reported this claim as true. Back then, a sceptical attorney general — now an extinct breed — asked Walsh for evidence. When he failed to produce any, the AG Michael Lavarch made this public. Naturally enough, after Walsh resigned from ASIO, he could be found commenting as an “expert” on security matters in the pages of *The Australian*.

Intelligence assessments made in secret inherently suffer from the lack of outside scrutiny that would normally detect errors of fact or logic. Yet intelligence agencies these days often dominate traditional policy-making by departments such as Foreign Affairs and sometimes Treasury.

Not all journalists have been straining at the leash to promote freedom of speech, despite the media campaign to defend free speech and a free press. To take just one example, David Wroe relied on an unnamed source to write a page 1 report in the *Sydney Morning Herald* in December 2017 stating that Paul Keating would have to register as an agent of foreign influence because he was on the outside advisory board of China’s Development Bank. This was no secret — but the article failed to mention that dozens of foreign dignitaries have been on the board for an annual fee of \$3000. So what was the journalist’s evidence that made Keating an agent of foreign influence? It was pathetic: that he had recently given a speech favouring a more independent foreign policy. So do millions of other Australians. All have a right to freely express this opinion. But Wroe did not defend Keating’s right to do so.

The media repeatedly report that China is behind a cyber attack without presenting any evidence. The census website collapsed on August 9, 2016 because it couldn’t cope with the volume of census forms submitted. The ABC repeatedly reported during that day that the crash was due to a foreign denial of service, despite the fact that authoritative information was widely available early that morning that there had been no such attack. That night Peter Jennings, head of the Australian Strategic Policy Institute, told the ABC’s 7.30 program that the Chinese government was most likely responsible. Jennings has continued to appear on the ABC as an expert.



In this context, it is worth noting that in 2017 WikiLeaks, founded by great Australian publisher and journalist Julian Assange, published an analysis of leaked CIA documents showing that it could make a cyber attack look like it came from particular server in, say, Russia, when it didn't. Presumably Russia and China can do the same. The media should not run speculation about the source of a cyber attack when it could be from anywhere.

Many journalists, with encouragement from ASIO et cetera, claim that someone allegedly "linked to" the Communist Party of China had potentially compromised an Australian politician — in one case, the unlikely target was Tony Abbott. What does "linked to" mean? There are around 92 million members of the Communist Party of China. Most have as much influence on the Communist Party as a member of the New South Wales Labor Party branch — namely nil. Incidentally, the Communist Party of China could just as easily, and just as inaccurately, be called the Capitalist Party of China.



My favourite claim about our perilous future is ASIO's reported warning in 2017 that China has placed several Manchurian Candidates in Australian politics. I thought I'd identified one at the last election, the Liberal's Gladys Liu. Because of the confusing roles of the Manchurian candidate in the movie and the novel, I couldn't decide whether she was supposed to kill the PM or become the PM.

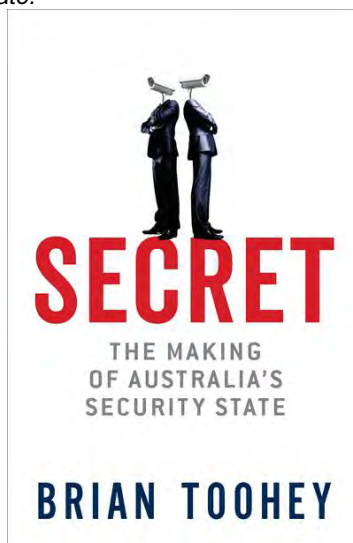
The influence of the intelligence agencies and some think tanks has led the Australian media to treat China as such a newsworthy enemy that more important events unfolding elsewhere in Asia can be basically ignored. A prime example is Kashmir.

In a speech in New Delhi on 9 January 2019, the Foreign Minister Marise Payne, overlooking our part in

the illegal invasion of Iraq, said that one of the common values India and Australia share is that they are "firm believers that might is not right." Shortly afterwards, India deployed large numbers of troops to suppress the Islamic majority in Kashmir, expel foreigners, cut outside communications, arbitrarily imprison political leaders and large numbers of young men. It also repealed the constitution's guarantee of Kashmir's semi-autonomous status. The Indian Prime Minister Narendra Modi explicitly emphasises the "supremacy" of the Hindu religion, despite having 200 million Muslims among its population. In implementing his philosophy of Hindu supremacy, Modi is also removing large numbers of Muslims from their homes elsewhere in India. This is a profoundly disturbing change to India's character and values compared to its long-standing policy of trying to build a tolerant India.

I want to end on a note of caution. Not everyone handles the immense pressure on whistleblowers if they identify themselves. Sometimes it's unavoidable. On other occasions, it can be better if a journalist gets the story out while protecting the source. A final consideration is that any potential whistleblower in the national-security area should think twice before confiding in one of Pezzullo's two dozen "wise" journalists. Both you and the journalist might never know who is listening in, or where you might end up, and for how long.

Brian Toohey is the author of *Secret: The Making of Australia's Security State*.



## ***The Frankenstein effect — why whistleblowers are needed now, more than ever***

Quentin Dempster

IF WE'RE not properly informed ... we can create monsters.

This is called *the Frankenstein effect*.

Whether you're a taxpayer, a citizen, a consumer or a shareholder expecting to live in a free and fair society with peace and prosperity, you certainly need whistleblowers and the journalists prepared to seek out and publish their revelations.

And as we observe the plight of Julian Assange, an Australian journalist now facing extradition to the United States and prolonged incarceration, or Edward Snowden, the US National Security Agency whistleblower living under an asylum seeker visa in a flat in Moscow, we all need to focus on what's at stake for all of us.



Quentin speaking at the conference

As we observe the Australian Government's prosecution of Witness K and Bernard Collaery over ASIS covert surveillance of Timor L'Este (not for our security but for our avaricious advantage); ATO small business garnishee whistleblower Richard Boyle; and *Afghan Files* war crimes whistleblower David McBride, the issues of duplicitous secrecy, overreach and abuse of power stare us in the face.

Also coming soon we're expecting the Australian Federal Police prosecu-



tion of News Corp journalist Annika Smethurst's alleged informant behind her revelation of a possible Australian Signals Directorate role in mass domestic surveillance, said to be required to "keep us safe." You'll remember the AFP conducted another search warrant raid of the Canberra house of a government employee just three months after the Smethurst raid.

I am indebted to Edward Snowden for the term *the Frankenstein effect*.

Secrecy can create monsters.

Secrecy by government in the righteous name of national security can mislead a polity.

Secrecy can kill ... and put at unnecessary risk the lives of civilians, and particularly the lives of our young soldiers, sailors, airmen and women.



In his exceptional book *Permanent Record* (published by Macmillan in Australia) Edward Snowden said *the Frankenstein effect* was a term widely cited in the US intelligence community. Its more popular but cynical military derivative was the term "blowback": "situations in which policy decisions intended to advance American interests end up harming them ... irreparably." Prominent examples given by intelligence analysts included American funding and training of the mujahideen to fight the Soviets in Afghanistan which resulted in the radicalisation of Osama bin Laden and the founding of al-Qaeda "as well as the de-Baathification of the Saddam Hussein-era Iraqi military which resulted in the rise of the Islamic State."

As we watched Islamic State's horrendous but pixelated beheading videos on network TV here in Australia most Australians still would not be consciously aware that we, as part of the "coalition of the willing" comprising prime ministers John Howard, Tony Blair and President George W. Bush, had created this monster.

We helped to create the awful psychopathology of what counter terrorism agencies soon called "jihadi recruitment" around the world. And, resonating from that, what soon turned out to be acts of random or copycat terror by people claiming to be jihadis.

And now we confront ... the white supremacist Islamic reprisal phenomenon with the gun massacre atrocity at the mosques of Christchurch, New Zealand.

That's one example of *the Frankenstein effect*.



Now all the wonderful public spaces of our beautiful cities in peace-loving Australia and New Zealand, Canada, the United Kingdom and the US are dotted with ugly bollards — concrete and metal barriers — placed there as counter terrorism measures against a white supremacist or someone in their ute claiming to be a jihadi.

Now we are in the era of mass warrantless surveillance, the retention of our meta data, telephony and online, our complete digital footprints, the interoperability of facial recognition here and around the world. We are destroying our right to privacy because of our fear of terror ... a terror monster we helped to create.

Only one analyst from the Five Eyes intelligence community — that's Australia, the US, New Zealand, Canada and the UK — had the courage to blow the whistle on the fabricated WMD (weapons of mass destruction) justifica-

tion for the 2003 invasion of Iraq: Andrew Wilkie, now a federal parliamentarian.

It is reassuring to see Wilkie and now Centre Alliance Senator Rex Patrick in the current federal parliament doing all they can to strengthen this country's public interest disclosure laws, including in the contentious areas of national security disclosures in the public interest.

Old Lazarus himself (prime minister John Howard) and some in the media tried to discredit Andrew Wilkie after he blew the whistle. But Wilkie has been well and truly vindicated.

It's significant that recent Lowy Institute foreign policy specialists brought to Australia, including the great David Ignatius of *The Washington Post* and Nicholas Burns (currently Joe Biden's chief foreign policy adviser) have acknowledged that the war in Vietnam and the invasion of Iraq post 9/11 were lethal US follies, undermining America's credibility in the world.

It was analyst Daniel Ellsberg who blew the whistle on the monumental misjudgement of the US and Australia's war in Vietnam. As I've noted elsewhere, on his death bed, Robert McNamara, former US secretary of defence in the Kennedy and Johnson administrations, made what *Time* magazine called one of the greatest apologies of all time: "We were wrong on Vietnam," said McNamara. "We owe it to future generations to explain why." Fifty-eight thousand American military personnel, more than 500 Australian and New Zealand military personnel, hundreds of thousands of North and South Vietnamese and Cambodian soldiers and civilians were killed. Yes ... Mr McNamara ... we owe it to future generations to explain why.

Ellsberg ... Wilkie ... Assange ... Snowden.

I've included the contentious Julian Assange in this because as the founder of WikiLeaks he is both a journalist/publisher and a facilitator of whistleblowing. WikiLeaks has brought with it the transformation of journalism itself through the global digital revolution and its encrypted drop box innovation, designed to protect the identity of whistleblowers and informants. Assange provocatively called WikiLeaks the

PIA — “the people’s intelligence agency.”



Now all serious media organisations have encrypted drop boxes. They are not foolproof, of course, and informants seeking to use the anonymity provided should be wary of exposure of their identities through other surveillance methods. It was reassuring to see that the whistleblower who dropped the famous Panama Papers, massive data files exposing global tax avoidance by corporations and individuals through tax haven law firm Mossack Fonseca, still enjoys anonymity. The coordinated effort by investigative journalists and their media outlets exposed the failure of governments all over the world to secure the integrity of their tax collection systems.

By 2015 WikiLeaks had published 2,325,961 diplomatic cables and US State Department records comprising two billion words, including the Afghan War Diary, the Cablegate cables and Iraq War Logs. It is a massive trove of internal state literature which exposed what Assange called the “anatomy of US Empire” and the downsides, the “immiseration” and collateral damage for people standing in the way of American power. WikiLeaks exposed war crimes and atrocities and in particular, you’ll remember, the confronting *Collateral Murder* video where unarmed civilians including two Reuters staffers were summarily executed by helicopter gunship. Now Assange is facing extradition to the United States with the help of the Boris Johnson UK government. Our Australian government, “joined at the hip” to the USA as Malcolm Turnbull has reminded us, will not intervene.

In all good conscience we must recognise the courage of the whistleblowers who have put their lives, liberty and reputations on the line to inform the world about what is really going on. We must recognise the work of the journalists and their publishers who applied the

public’s fundamental right to know in their editorial judgements.

Yes ... in case you think I’m Putin’s bitch or a running dog of Xi Jinping ... there are no whistleblower protection or public interest disclosure laws to speak of in Russia or China.



If you breach state secrecy there, claiming public interest or not, you’re more likely to be jailed indefinitely without public trial ... or executed. They jail journalists in Turkey. Paramilitary death squads kill them or the government can jail them in the Philippines. They run them out of the country in Malaysia. You can see the death and incarceration toll on the International Federation of Journalists’ and other global press freedom websites each week.

Like everyone in this room I’m a post World War Two baby. As an Australian, I love Americans and every time I meet one I thank them for their sacrifice in helping to save Australia from Japanese invasion. My late father, a second world war soldier serving in Palestine and later Milne Bay, Papua New Guinea, always told me: “Quentin ... without the Yanks we would have been over-run by the Japs.” He’d talk about the Aussie stand at Kokoda of course, and the American blood sacrifices at Iwo Jima and the other islands, but in particular Dad always mentioned the Battle of the Coral Sea, an incredible over-the-horizon naval battle in which US and Australian warships crippled the Japanese navy, helping to stop the aggressive Japanese advance through the Pacific.

So apart from my hopefully objective editorial judgement I do not come at the contemporary issues of national security, whistleblowing and journalism with any anti-American bias. America helped to rebuild Japan and Germany along functioning democratic lines, including, please note, strong public broadcasters. It’s just that since

the second world war our American friends, with Australia’s uncritical support, have embarked on offensive follies in Vietnam and Iraq and have ruthlessly misbehaved in other regions including Central and South America. This has not been civilised conduct by a superpower claiming moral authority. It has been conduct unbecoming a superpower, to put it politely. It has been tragic. It has been lethal. It needs fearlessly to be exposed to its polity and the politics of its allies.

As a journalist I’ve dealt with many whistleblowers over the years. Usually they’re heavily traumatised. But some relieve their suffering by a very black sense of humour as they confront their own possible destruction.



I do not have the benefit of a psychiatrist’s report or any psychological assessment of Julian Assange. He might be a self-centred contrarian narcissist or what ASIO once would have called a “subversive” or “bomb thrower” or “anarchist.” But if you read what Assange has actually written it makes plausible, analytical and historical sense alongside all the documents he has published from WikiLeaks’ informants which expose the raw hypocrisies and cover-ups of the nation state, particularly the United States of America.

Hillary Clinton thinks he’s a tool of the Russians. It’s the ingrate Donald Trump administration, the alleged beneficiary of WikiLeaks’ dump of Mrs Clinton’s emails, which now seeks to have Assange brought before a court in Virginia, locked up and the key thrown away. The now-public indictment “United States versus Julian Paul Assange” is based on the 2010 Chelsea Manning revelations. The recent Mueller investigation did not recommend Assange’s prosecution for any alleged pro-Putin activities to interfere in the 2016 US presidential election.

I think we need to give Julian Assange the benefit of any doubt. He's a journalist and a publisher and a facilitator of whistleblowing.

So ... if the Ramsay Centre in Australia is determined to highlight the enlightenment it claims always glows from Western Civilisation — concepts like the separation of powers, the rule of law, freedom of speech and of religion — we can expect to see its Ramsay directors, including Lazarus himself, join our campaign to protect press freedom and public interest whistleblowers... can't we?



A contribution to the world from Western civilisation

We can expect Rupert Murdoch and his creation *Fox News* (the loudest voice) and beneficiaries of the US Constitution's First Amendment enshrining freedom of the Press to join our campaign to stop the extradition and incarceration of Julian Assange ... can't we?

*The Washington Post* and *The New York Times* are with us. They have editorialised that Assange deserves first amendment protections as a journalist and the publisher of WikiLeaks. They have editorialised their support for the conscientious Edward Snowden.

When the US Supreme Court found for these publications over Daniel Ellsberg's leaked top secret classified Pentagon Papers in the 1970s, national security, whistleblowing and journalism as part of western civilisation were beautifully described by the US District Court judge who had originally rejected the Nixon administration's application for a restraining injunction:

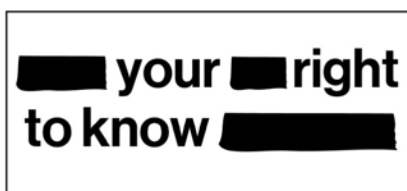
"The security of the Nation is not at the ramparts alone. Security also lies in the value of our free institutions. A cantankerous press, an obstinate press, a ubiquitous press must be suffered by those in authority in order to preserve the even greater values of freedom of

expression and the right of the people to know."

*The New York Times* and *The Washington Post* then published the Pentagon Papers without any further government interference or negotiation on what they could or could not publish. There you had it: Freedom of the Press. After Nixon's "plumbers" and their dirty tricks were exposed upending Ellsberg's psychiatrist's office, the whistleblower himself was vindicated and did not face further prosecution. Daniel Ellsberg wasn't a traitor or a subversive. He was a conscientious government employee who blew the whistle on administrations consistently lying to the American people and making strategic misjudgements.

In the Ecuadorian Embassy in London Julian Assange was covertly surveilled by a Spanish security contractor who, it's alleged, passed on audio and video recordings of Assange's conversations, including with his therapist and his lawyers, to the CIA. More dirty tricks.

Here in Australia this year after the News Corp and ABC AFP search warrant raids, our mainstream media executives including from News Corp, Nine and the ABC, have been in to see Attorney General Christian Porter. They have asked for six reforms: the right to contest a search warrant application covering the homes and offices of journalists and media organisations; exemption of journalists from national security laws enacted over the last seven years that would put them in jail for receiving and disclosing classified information (doing their jobs); reform of whistleblower protections for public interest disclosures; a new regime to limit which documents can be stamped secret; a properly functioning FOI (freedom of information) regime; and defamation law reform for the digital era.



We now await the response of Mr Porter, Prime Minister Scott Morrison

and his federal cabinet with great interest. Journalists and publishers in Australia should not be having to negotiate with government what they can or cannot publish in the public interest. We need, in practice, the equivalent of a US first amendment so we can all move on from the unpleasantness of 2019. There are no search warrant raids of journalists or media organisations in the USA. Why do they occur in Australia? Those prosecutions of Witness K, Bernard Collaery, Richard Boyle and David McBride should be discontinued. So too any prosecution of Annika Smethurst's alleged informant.

You'd think as we all watch the ordeal of the people of Hong Kong having to fight for their democratic rights against the totalitarian "break your bones" authority of Xi Jinping's China and its politburo that all our Australian government security and law enforcement agencies would reconsider the exercise of their claimed independent discretions when it comes to local whistleblowers and journalists. Security of the nation does not start with secrecy. It starts with transparency and accountability engendering public trust.

As the newly formed Centre for Public Integrity, headed by former royal commissioner Tony Fitzgerald QC, has recently asserted in a discussion paper: in our democracy it is the "people who are sovereign" and that the integrity of our key institutions — the parliament, the judiciary, executive government, law enforcement, the public service, consumer market regulators and a free media — safeguard that sovereignty by upholding accountability, open government, just laws and impartial dispute resolution.

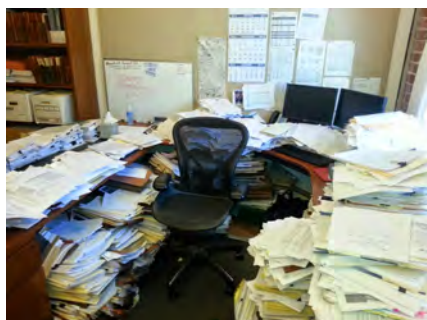
In this regard whistleblowing is now needed more than ever as all our institutions are placed under more political and resourcing pressure.

I express my grateful thanks to Whistleblowers Australia for its advocacy for public integrity in Australia over the last 28 years. Yes we do have laws which are designed to protect whistleblowers in all states and territories and more recently from 2013, the Commonwealth. But the actual experience of whistleblowers themselves has indicated major reform is still necessary.



In his recent Henry Parkes Oration, Professor A. J. Brown, from Griffith University's Centre for Governance and Public Policy, noted progress in whistleblower protections in corporation law to the benefit of consumers and shareholders. He said:

But this does not change the fact — indeed it reinforces it — that despite the strengths in the new Corporations Act protections, overall, our whistleblowing laws currently amount to a well motivated but largely dysfunctional mess. Many agencies and companies succeed in recognising and protecting whistleblowers, but often despite the relevant laws, not because of them. And they are undermined by the tide of confused, inconsistent secrecy provisions in which government continues to embark, often apparently without realising what it is doing.



In all the mess, it's your responsibility to find the right whistleblower law.

Whistleblowers Australia has identified from its membership case histories the misuse of the laws. In some cases we have established what could be called "trap doors" for whistleblowers. Unless you comply with the strict pathway to protection of your livelihood, or your anonymity, you put yourself at risk. And that pathway can drag you ever closer to the departure door and your alienation from your workplace, putting your mental health in jeopardy. According to Whistleblowers Australia national president Cynthia Kardell's excellent recent submission, some organisations still react violently to whistleblowers. Some can find themselves under immediate performance review and soon sacked. "Employers deploy a series of bogus performance reviews after the disclosure is made to cover their tracks." When confronted they say that the performance review was not a reprisal.

Cynthia says Section 13 (3) of the Public Interest Disclosures Act is wrong headed and needs to go. This section allows the forcible relocation of a whistleblower against their will, rather than removing the person who is the cause of the public interest disclosure in the first place. "Section 13 (3) is heaven sent for the employer who wants to clothe their actions in false concern and a respectability they don't deserve."

Professor A. J. Brown has published a seven-point plan for major whistleblower reform starting with the replacement of the Commonwealth Public Interest Disclosure Act. This would ensure whistleblower protection for all genuine public interest disclosures at all levels of public administration and private sector regulation. It would establish a simplified public interest test to ensure there was no actual, real, unacceptable risk or harm to national security, defence or law enforcements interests.

It would strengthen journalism and third party shield laws, freeing journalists and associated professionals from prosecution for receiving or using public interest disclosure documents and information, stop the Act from being manipulated to cover up internal disclosures and/or destroy or punish those who disclose.

Professor Brown recommends we establish a whistleblower protection authority to assist all informants and regulators with advice, support, coordination and enforcement to prevent, deal with and gain remedies for detrimental conduct. He recommends we should consider a reward scheme for all public interest whistleblowers.

And beyond mere employee disclosures of wrongdoing he says we need a general public interest defence for any citizen charged with offences of unauthorised disclosure or receipt of official information in breach of the Criminal Code.

While we wait for Julian Assange, Edward Snowden, Witness K, Bernard Collaery, Richard Boyle, David McBride and, in all likelihood, Annika Smethurst's alleged informant, to face their prosecutors we should reflect on what is at stake for them.

Whistleblowers are people with the courage to put the truth first.

We cannot live, as sovereign peoples, without them.

Unless the public is properly informed about what is really going on ... we can create monsters.

Quentin Dempster, former chairman of the Walkley Foundation, is a contributing editor at *The New Daily*.

## After the banking royal commission

Notes on Jeff Morris's talk  
by Brian Martin

Jeff is Australia's most well-known banking whistleblower. He worked for the Commonwealth Bank of Australia (CBA), reported problems and suffered the usual sorts of reprisals. He spoke at a Whistleblowers Australia conference a few years ago. This year he provided an update.



Jeff speaking at the conference

It was October 2008 when Jeff sent a fax to ASIC (Australian Securities and Investment Commission), the regulator for financial services, reporting serious problems at CBA, and for years he persisted seeking action. He left CBA in February 2013. He realised that things were so bad in financial services generally that a Royal Commission was needed. He had a plan. He needed a journalist and a politician. He found a politician first: Senator John "Wacka" Williams, who put him onto journalist Adele Ferguson. Her first story was in June 2013. She wrote a bunch of stories in the next two weeks. This led to a

parliamentary inquiry, which went for about a year. By the end of this time, by mid 2014, Jeff's allegations had been completely vindicated.

Lots of people had been asking for a Royal Commission, but some of them were victims of their own poor decisions. Their claims discredited others who raised more credible concerns about banks. Nevertheless Jeff, testifying before the parliamentary inquiry in 2014, called for a Royal Commission — which the committee recommended in its 547-page report. Jeff then drove to Canberra to talk to Mathias Cormann, to push for the Royal Commission, but Cormann rejected this. But Jeff knew there were so many problems in financial services that he and Adele just needed to keep pressing until there was a Royal Commission.

Adele's articles in 2013 meant going public. Jeff accepted this as necessary to give a "face" to the campaign. Jeff was one of three CBA whistleblowers who called themselves the ferrets. The three of them were identified in a CBA committee meeting, but they had a fourth man who was on the committee, so they had some warning about what was coming. Jeff confused them and raised the stakes by registering as an internal whistleblower. He went to the Fair Work Commission. This is a popular destination for whistleblowers because costs can't be awarded against them.

Jeff had decided to go public because the campaign needed a public face. He never would have remained anonymous. His strategy was to go big early, because doing this limits the reprisals.

Other whistleblowers (the IOOF whistleblower and CommInsure whistleblower Ben Koh) came forward, but wanted to remain anonymous to varying degrees (IOOF whistleblower completely anonymous whereas Ben did not want his face shown). Jeff's advice was to go public to reduce the scope for reprisals. The IOOF whistleblower was smeared unmercifully, including to Jeff himself by a company insider on an "off the record" basis. You can fight back more effectively if you're public. The IOOF whistleblower was treated terribly within the industry as IOOF leaked his identity anyway.

Jeff has been in contact with a couple of hundred people who were going to blow the whistle. Jeff told them about

the price they'd pay: reprisals, losing their career, PTSD, family problems. Ben Koh and the IOOF whistleblower are each one in a hundred. For pushing banking issues, there needed to be a public face. That was Jeff and it didn't matter that others were anonymous.

Jeff, for the 2016 election, did commercials for a royal commission. Two thirds of the public wanted one. But the government was arrogant; Malcolm Turnbull (prime minister) and Scott Morrison (treasurer) were determined to deliver for their mates in the industry.

Revelations about money laundering were the straw that broke the back of resistance to a royal commission. Seeking to prevent a commission instigated by parliament, Turnbull and Morrison were pushed by the banks to set up one with their preferred terms of reference: 12 months only, one commissioner (Hayne) and a budget of \$70 million, compared for example to the aged care royal commission given three years, five commissioners and a budget of \$300 million. The Hayne royal commission was clearly not set up to find too much; there were only 23 witnesses. The royal commission was pure theatre to placate concern.



None of the crooks, doing over customers literally including widows and orphans, were sent to prison. It's like a shell game: some crooks were let go and found jobs in other financial institutions. The banks had a scare and will no doubt be more careful in the future, but it remains to be seen what happens. Some bankers didn't realise the seriousness of what they were doing. Getting slammed by a high court judge (Hayne) had an effect.

The attacks on journalists this year are designed to scare off whistleblowers. This is a very explicit attack on civil liberties.

There's a failure of government and industry, and people see it: they assume politicians and business leaders are lying. There's a network of power and

self-interest, a system that is virtually impossible to challenge. The Royal Commission was a partial triumph, but it needed to go much further.

What's needed is more whistleblowers working with journalists. The government wants to shut down whistleblowers, journalists and freedom of information. (ASIC's contacts with industry should be made public, but are not accessible through FOI.) This goes beyond financial services. There's a need for more whistleblowers with public faces.

## Discussion

**Richard:** There is collusion of different levels of government. Quoting Justice Einfeld: "The government is the enemy of the people."

**Jeff:** There's an exchange of personnel between ASIC and the industries it regulates. There are even people going on secondment from industry to ASIC, approving proposals affecting their industry. Political parties receive millions of dollars in donations from the banks; that's institutionalised corruption. Corruption in local government is rampant. There are property developers delivering cash in brown paper bags to politicians. Watchdogs are under-resourced for dealing with the problems.

**Peter:** It's hard to get politicians to do what people want.

**Jeff:** The council mergers were driven by developers who wanted councils dominated by the major parties, so developers could get their way. At North Sydney Council, a court case against the merger succeeded. The council was then targeted by the state government, with a sham inquiry.



"I'm here to investigate security arrangements."



## Whistleblowers Australia Annual General Meeting

24th November 2019  
North Parramatta, Sydney NSW

1. Meeting opened at 9.15am  
Meeting opened by Cynthia Kardell, President. Minutes taken by Jeannie Berger, Secretary.

2. Attendees: Cynthia Kardell, Jeannie Berger, Brian Martin, Feliks Perera, Michael Cole, Lynn Simpson, Robina Cosser, Maggie Dawkins, Richard Gates, Geoff Turner, Karen Burgess, Ken Smith, Karl Pelowski, Shane Carroll, Yve De Britt, Ross Sullivan, Bibiana Chan.

3. Apologies: Tom Lonsdale, David Rowe, Gail Mesinga, David Carruthers, Sarah R, Jane Cole, Frances Scholtz, Debbie Locke, Margaret Banas

4. Previous Minutes, AGM 2018  
Cynthia Kardell referred to copies of the draft minutes, published in the January 2019 edition of *The Whistle*.

Cynthia invited a motion that the minutes be accepted as a true and accurate record of the 2018 AGM.

Proposed: Feliks Perera  
Seconded: Richard Gates  
Passed



It shouldn't take you hours  
to read the minutes

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: Michael Cole  
Treasurer: Feliks Perera  
Secretary: Jeannie Berger  
National Director: Lynn Simpson  
5(3) Ordinary committee members (6 positions).  
Because there were no other nominees, the following were declared elected.

Robina Cosser  
Maggie Dawkins  
Katrina McLean  
Richard Gates  
Stacey Higgins  
Geoff Turner

President Cynthia Kardell thanked everyone for their continuing commitment to the organization.

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(1) 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: Richard Gates  
Seconded: Maggie Dawkins  
Passed

7. Treasurer's Report: Feliks Perera

7(1) Feliks tabled a financial statement for 12-month period ending 30 June 2019. A motion was put forward to accept the financial statement.  
Moved: Michael Cole  
Seconded: Maggie Dawkins  
Passed

### *Feliks' report*

It is my great pleasure to present for your consideration the annual accounts for the financial year ending 30<sup>th</sup> June 2019. In this financial year the association had an excess of expenditure over income of \$3,080.80.

Our membership fees and donations still remain strong, and I would like to express my sincere thanks to all those members who have continued to support the work by renewing their membership and their generous donations. The cost of printing and mailing *The Whistle* has also increased due to high mailing costs. The subsidy for the annual conference is also increasing as the venue costs and meals have increased in keeping with rising costs. The subsidy also includes the exemption of attendance fees for interstate members. This encourages interstate members to attend the conference and share their experiences and make new connections.

The annual conference is a very special occasion for all members to meet and exchange experiences, and therefore subsidising the ever-increasing costs is beneficial to all members. Once again, I appeal to all members to continue to support the work of Whistleblowers Australia, in our efforts to get the legal recognition and the legislation for protection of whistleblowers.



Whistleblowers Australia is burning  
through a lot of money.



## ANNUAL ACCOUNTS TO YEAR ENDING 30 JUNE 2019

### INCOME

DONATIONS	\$1169.00
MEMBERSHIP FEES	\$2475.00
INTEREST ON FIXED DEPOSIT	\$153.08
BOOK	
ROYALTY DONATION	\$50.94
BANK INTEREST	\$5.95
<b>TOTAL INCOME</b>	<b>\$3853.97</b>

### EXPENDITURE

WHISTLE PRODUCTION CONFERENCE	\$3532.33
SUBSIDY	\$3087.44
RETURN TO BRANCHES	\$250.00
WEBSITE FEE	\$19.00
ANNUAL RETURN FEES	\$46.00
<b>TOTAL EXPENSES</b>	<b>\$6934.77</b>
EXCESS OF EXPENDITURE OVER INCOME	(\$3080.80)

## BALANCE SHEET, 30 JUNE 2019

ACCUMULATED FUND BROUGHT FORWARD	\$15888.08
LESS EXCESS OF EXPENDITURE OVER INCOME	(\$3080.80)
ADD PREPAYMENTS FOR 2019-2020	\$405.00
<b>TOTAL</b>	<b>\$13212.28</b>

ASSETS: FIXED DEPOSIT	\$7313.22
BALANCE OF CURRENT ACCOUNT	\$5299.06
DEPOSIT FOR 2019 CONFERENCE	\$600.00

**TOTAL** **\$13212.28**

## 8. Other Reports

### 8. (1) Cynthia Kardell, President

I have had a busy year.

I made a submission to the two parliamentary committee inquiries established after the public outcry over the AFP raids on the home of Annika Smethurst, NewsCorp journalist and the ABC. They can be found online on the website for the Parliamentary Joint Committee on Intelligence and Security and Senate Standing Committees on Environment and Communications respectively.

Michael Cole was kind enough to do the lion's share of work on another submission to ASIC about its draft

whistleblower guide under the new private sector laws enacted midyear.

I took on a project to advocate for change to the public service codes of conduct across all jurisdictions. I wanted (1) the codes to unequivocally identify a PID (Public Interest Disclosure) with loyalty to the organisation and or its accountability and transparency measures, thinking that we'd see fewer of these costly, soul destroying disputes that hurt the agency and whistleblower alike. And (2) to get the various agencies to adopt whistleblowing as one of the recruitment criteria for their public service vacancies.

```
(result, bl);
preBlist(db,bl);
REMAINDER elts for further ext
diff := ListBlist(Indices(mt), D
normalizer := Stabilizer(Symmetr
if Size(normalizer) > 1 then #do
diff := List(Orbits(normalizer,
fi;
#RECURSION
Perform(diff,
function(t) Store(waiting,
BlistConjClassRep(
ChangeByIncr
```

Some codes are difficult.

It is a work in progress. In NSW there is a longstanding PID Steering Committee that develops/recommends reforms to the government. It has recommended the first and will consider the second. In Victoria the existing code expressly requires the reporting of unethical behavior and the second idea, will be held over until the next cycle of reform given that it has only recently upgraded its PID act. In WA the code expressly requires all public sector codes of conduct to include reporting suspected breaches of the code. SA has a similar oversight body to that of NSW, known as the Crime and Public Integrity Policy Committee, but the minister didn't understand my question, writing that whistleblowers are not required to include PIDs when applying for a job. At the Commonwealth level, the ombudsman has no oversight function notwithstanding its role under their PID act. The ombudsman seems receptive, but says I need to work with ministers Porter and Hunt if I am to get change. I haven't received a reply from them, so there's still much to be done at this and every other level. I'm driven by the possibility that one day job vacancies will routinely call for whistleblowing experience!

I've lobbied mostly crossbench senators with some success in helping to motivate Andrew Wilkie and others to build a cross parliament coalition to stop the extradition of Julian Assange and to push for criminal prosecutions against Witness K, Bernard Collaery, David McBride and Richard Boyle to be dropped.

In between I have busied myself talking to whistleblowers, members and others and I've done the odd interview when asked, so I'd like to thank all those who have helped make this year so rewarding.



8. (2) **Jeannie Berger, Secretary**  
Memberships are steady. This year we have 122 members. I'd like to thank all our current members and their donations to help our organisation.

## 9. Other Business.

9. (1) Feliks invited the meeting to authorise Cynthia Kardell as the third signatory for WBA's bank account.

Proposed: Brian Martin

Seconded: Richard Gates

Passed



For historical and equity reasons,  
WBA needs bank account  
signatories who don't wear ties.

9. (2) AGM 2020 in Sydney (Parramatta) on the 22 November 2020.

## 10. AGM closed 10.30AM

### Democracy's Watchdogs

<https://democracyswatchdogs.org/>

THINK ABOUT financial institutions ripping off mum and dad investors. Think about being underpaid for years. About corrupt politicians, bribes to dodgy overseas middlemen, criminal links to gambling, unsolved murders, sexual abuse by clergy, questionable behaviour by police, crooked alliances in the law.

Investigative journalists have revealed these and much more. They have sparked Royal Commissions, inquiries, apologies, hundreds of millions of dollars in compensatory repayments, justice for many. No other institution or regulatory body could have achieved this. In doing so, investigative journalists have made all our lives better, even if we weren't directly involved.

Democracy's Watchdogs aims to honour the work of Australian investigative journalists and educate the public about the work of our watchdogs and how they have enhanced our democratic processes.



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### Don't scare whistleblowers into silence

Hedley Thomas

*The Australian*, 21 October 2019

A VERY SPECIAL NURSE telephoned me a few days ago for an overdue catch-up. We talked about our families and health. And we spoke about her remarkable whistleblowing.

Toni Hoffman isn't a household name. She hasn't forged a second career in politics or become a media celebrity. But by following her conscience and instincts Toni is a heroine and a

lifesaver many times over. She is a revered leadership figure and confidante for numerous nurses who witness wrongdoing.

We will never know how many Australians are still breathing because of the direct and indirect consequences of Toni's actions as a whistleblower to me 14 years ago. It must be an incredible number. Her story and its lessons should be regularly revisited by politicians and bureaucrats. Whenever they are cynical or cavalier about a connection between concealment and harm, they can examine this case.



Toni Hoffman

Because now more than ever Australian politicians misuse power to exploit the structural weakness of sections of this country's media. By tacitly encouraging police to rely on search warrants and other tools of suppression and investigation such as mobile telephone call charge records, they chip away at a fundamental pillar in our democracy.

Exposing whistleblowers and intimidating potential sources into silence means that vital disclosures to the public will not happen. And this is what our politicians and their minions see as success.

In most cases in my experience the motive of governments is to minimise the risk of embarrassment. The oft-cited concerns over privacy or national security are usually a ridiculous hoax.

These people arrogantly decide behind closed doors that the information funded by Australian taxpayers and brought to them by journalists doesn't belong to the public. This creeping culture can only be reversed with a suite of fundamental reforms to a raft of secrecy-promoting laws and policies. It is in this context that Toni's

story is more relevant now than at any time since she first came to me with it in April, 2005. It is a powerful illustration of how a culture of secrecy is dangerous and deadly.

It underlines why bureaucrats and their political masters with a default response to conceal are a public menace in a democracy.

Toni's story also underlines the crucial role of journalism. It is no secret that our craft is challenged by shrinking revenues, smaller newsrooms, distracted consumers, and theft by tech titans Google and Facebook. It is unforgivable of politicians to leverage this with heavy-handed police raids, searches by stealth and other Orwellian responses.

Toni met me for the first time in Brisbane one afternoon — against the advice of her friend and chaperone, Karen. They signed the visitors' book with false names (Jane English and Sue James). Toni became a whistleblower to me that afternoon. She nervously painted a picture of a sick public hospital with a director of surgery who had been feted by the public servants and politicians because he was fast and hard-working. The system's ruthlessly efficient business model rewarded zealotry.

Dr Jayant Patel was lauded by his bosses because he was particularly keen to operate. In his zeal he cut the all-important surgical waiting lists — and any improvement in this public measure of progress gave the bureaucrats and politicians cause to pat themselves on the back.



Jayant Patel

They would conjure up a "good news" media release, write self-serving

commendations and seek to reward the hospital with more funds. The outcomes for patients were far less important.

Toni told me back then: “To meet the budget and surgical targets, hospitals have to do a certain amount of surgery. Hospitals make money from surgical procedures. Because he was churning through the surgery, he was making them money.” As this deadly cycle gathered momentum the bureaucrats did not want to know about the grave worries of experienced nurses in the Intensive Care Unit about the ensuing complications, infections and deaths. They didn’t want to know because their political masters had conditioned them to turn a blind eye and actively conceal bad news. When Toni tried to report her concerns through official channels at the hospital she was stymied and bullied.

After she came to me with this disturbing story I spoke confidentially to other nurses who expressed similar concerns. Then I tried checking Dr Patel’s credentials. Was he regarded as competent by his peers? He was trained initially in India, but he’d lived and worked mostly in the US. We needed to know if he had any history of negligence. It led to me discovering with an online search that the nurses’ instincts were right. Patel was indeed a dangerous surgeon — the Board for Professional Medical Conduct in New York State had ordered him to be “stricken from the roster of physicians” for his “gross negligence and negligence on more than one occasion” in complicated surgical cases. Patel’s repeated acts of negligence had harmed many patients in the US and these were a matter of public record, yet he became Director of Surgery at Bundaberg’s public hospital for two years after having lied to the Medical Board of Queensland and health bosses to land the job.

The board and the government were failing to properly check the professional records of overseas-trained doctors streaming into our health systems. In the ensuing royal commission-style inquiry more shocking examples came to light — but only after attempts by the politicians and bureaucrats to cover them up.

A child molester from Russia, for example, had been approved and employed as a psychiatrist in Queens-

land’s public hospital system — despite having no qualifications in psychiatry or even medicine. Anxious and vulnerable people were treated by a complete fraud who took them off their anti-psychotic medication. When this was discovered by the bureaucrats and minister, it was covered up at the highest levels.

Internal documents and former public servants revealed how refrigerator trolleys were used to wheel cartons of documents in and out of Cabinet, thus ensuring they would be withheld from the public for 30 years. These documents told the truth about public health, not national secrets such as the identities of Australia’s spies abroad, but the politicians in successive governments played god with safety.

By the end of the public inquiry which began with Tony Morris, QC, and ended with a hefty and scathing final report from retired Supreme Court judge Geoff Davies, QC, there were many sweeping reforms to enhance patient safety, improve transparency, and deliver billions of dollars in additional funding to the system to improve outcomes.

The findings by Davies were strong. One in particular carried a lot of force and is particularly prescient today: A “culture of secrecy” fostered by successive governments had been a major cause of the scandal and ensuing unsafe care in the health system.

Davies wrote: “It involved a blatant exercise of secreting information from public gaze for no reason other than that the disclosure of the information might be embarrassing to the government. Campaigns of concealment at the highest level were contrary to the public interest, misleading and deadly. As a result of negligence on the part of Dr Patel, 13 patients at the hospital died and many others suffered adverse outcomes.” In acknowledging people “whose care, passion or courage was instrumental in bringing to light the matters covered here”, Davies singled out Toni Hoffman as a heroine, adding: “It was her courage and persistence which, in the face of inaction and even resistance, brought the scandalous conduct of Dr Patel to light.” Davies made this finding about my role: “His investigative skill, persistence and undoubted authority as a respected journalist ensured that public notice and

government action was taken, notwithstanding the apparent reluctance of hospital administrators and officers of Queensland Health to take appropriate action to permit the matter to be exposed.” And this is the major point. Whistleblowers bring their knowledge of scandalous conduct to light when they go to journalists, who then strive to bring it to public notice. We are all on a slippery slope when governments get away with scaring our sources into silence.



Hedley Thomas

Hedley Thomas won a Walkley Award in 2005 for breaking the Jayant Patel story. He wrote a book, *Sick To Death*, about the case.

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## Who wants to be a whistleblower? Public servants keep quiet fearing reprisals and the “un-Australian” tag

Stephen Easton

*The Mandarin*, 23 October 2019

THE anti-corruption commissioners in Darwin and Adelaide are both worried that public servants are too reluctant to tell them about misconduct and maladministration, while in Canberra, a Senate inquiry into the taxation watchdog’s performance highlights what they are afraid of.





The Northern Territory's Independent Commissioner Against Corruption, Ken Fleming, believes some agencies are not reporting all the matters they should, partly due to a culture that discourages people from speaking up about wrongdoing.

"If such a culture exists, it must change," writes barrister Bruce McClintock, who notes Fleming's concern in his first report as NT ICAC inspector (a part-time role he also performs in New South Wales).

McClintock has heard NT public servants are afraid to send disclosures to the ICAC, where required by law, because they fear reprisals.

"If that is the case, it is highly regrettable, and action should be considered by way of legislative amendment to strengthen whistleblower protection," comments the watchdog's watcher.

"If, as the [ICAC] General Manager has informed me, 16 out of 16 whistleblowers have had reprisals taken against them, it is extremely disturbing."

McClintock suggests it might help to put the ICAC in charge of whistleblower protection instead of the agencies that employ the whistleblowers.

"The NT must challenge the adage that it's 'un-Australian' to dob-in a corrupt official, colleague or competitor," Fleming writes in his annual report.

"It is unfortunate in our society that the actions of the few corrupt and deceitful people in public administration mean that all public servants are burdened with increasing layers of regulation and oversight."

The South Australian ICAC Commissioner, Bruce Lander, recently made similar observations in a mass email to the state's entire public sector: too many people do not follow ICAC reporting obligations. Like Fleming, Lander pointed the finger at "poor reporting cultures" in some agencies.

"Public officers should never be discouraged from, or punished for, reporting wrongdoing to their agencies or the Office for Public Integrity," he wrote.

Lander is hopeful SA's new *Public Interest Disclosure Act* will "go some way to supporting and protecting" whistleblowers. "I also hope it will convince agencies more broadly to listen to their staff about matters that

they should rightly be interested in and appropriately acting upon."

In Canberra, a Senate committee probing the performance of the Inspector-General of Taxation has turned a spotlight on the experiences of tax officials who have faced a hostile response from the Australian Taxation Office after reporting perceived wrongdoing.

Ron Shamir contacted the IGT in 2014 and was then legally compelled to provide further information, meaning he was also theoretically protected from detrimental action as a result. "The IGT promised me protection for making a disclosure and no protection was afforded to me as the process unfolded," he told the committee.

Shamir was terminated a day after the IGT sent a message about its investigation to the ATO, which said he was let go for other reasons and the inspector-general essentially accepted this. The inquiry heard he hadn't worked since then and his family had lived in poverty for over four years.

Senator Rex Patrick is highly critical of the IGT for failing to challenge this dismissal as a crime under its legislation. Shamir says the inspector-general was too cooperative with the ATO.

The recently appointed inspector-general of taxation, Karen Payne, pointed out tax officials have no legal protection when they first approach the IGT — now additionally styled as the Taxation Ombudsman — to report something suspicious. Whistleblower protection in the IGT Act only kicks in when the office begins a formal investigation. Payne agreed this was a "chicken-and-egg" problem.

Ken Fleming believes the NT and other Australian jurisdictions "must do more" to protect whistleblowers. He will shortly issue new guidelines on: integrity education and training; policies and procedures; responsibilities and resources; organisational culture; and management of situations where reprisals are possible.

Policies and procedures are good but workplace culture is "far more critical" and, as always, leadership is the key factor. Fleming says managers and supervisors have to take the lead on cultural change and managing disclosures.

"I would like to thank the brave people who have come to me personally, and to my office, to report improper conduct," he adds. "I seek

their patience and understanding as we establish and embed the people and processes to assess and investigate their reports."

At least two current investigations are likely to involve public hearings, according to McClintock, who reports these are historical matters from several years before the NT ICAC's establishment.



Rally in support of  
Witness K and Bernard Collaery

## How a government censored an NSA whistleblower

Thomas Drake

*Common Dreams*, 15 December 2019

IT WAS THE HEAD of the Australian Cyber Security Centre (ACSC) who finally admitted before an Australian Parliament committee that she had unilaterally directed and pressured the CyberCon conference to drop myself and an academic research professor (an Australian citizen) from the University of Melbourne as speakers.

I viewed the extraordinary pressure to block me as an already-accepted speaker — a week before the start of a high visibility public interest conference on cybersecurity — as a most alarming and Orwellian development and a distinct form of brazen censorship for the express purpose of outright silencing me.



The head of the ACSC misled the committee when she said the reason she wanted my talk canned was because of a proposal for me to participate on a panel with Edward Snowden that never went forward.

It appears she dissembled and used the apparent floating of the idea of a proposed Edward Snowden panel (for which I had *no* prior knowledge whatsoever) as a convenient foil and cover to justify and excuse the barring of me as a speaker from CyberCon with the very heavy hand of her “higher authority” as the head of the ACSC over the conference organizers (Australian Information Security Association).

In addition, the reason she gave before the committee is not the reason given to me when I formally followed up with the AISA organizers.



Thomas Drake

In a phone call from the AISA Board Director, I was told that I was no longer a speaker on the conference agenda, but I could still attend the conference as a delegate and that they (AISA) would honor the flight and accommodations arranged for me many months early.

I followed up formally and asked for the specific reason I was dropped as a speaker from CyberCon. I was informed on October 7, in an e-mail from the Board Director, that “AISA works with a conference partner in respect of CyberCon. Our conference partner has determined your presentation is incongruent with the conference.”

Furthermore, this egregious canning of me as a speaker fed right into the current debate in Australia about press freedom and whistleblowing laws because their public interest disclosure process (their legal way for public servants to blow the whistle) has been

described as “impenetrable” by their Federal Court.

The current debate in Australia regarding press freedom and whistleblowing laws strikes at the heart of any country claiming it is a democracy.

The recent raids by the Australian government against major media outlets and whistleblowers have broken open the tension — between openness and transparency versus secrecy and closed-door government too often hiding itself (and its actions) away from accountability and the public interest.

Something has to give. The debate centers on the public interest knowing what the government is doing behind closed doors and often in secret in the name of — and under the veil and banner of — national security.

The dramatic Right to Know campaign on October 21 — with the redacted front pages on all major newspapers in Australia as I woke up in Melbourne before returning to the United States that very day — demonstrates beyond the shadows of secrecy, censorship and press suppression that sunshine is the best antidote for a healthy and robust democracy increasingly held hostage by the national security state.

Efforts from on high seek to justify the actions of that national security state under the color of public safety for more and more autocratic powers — while stoking fear and hyping the danger to society — yet going after whistleblowers who disclose actions that clearly rise to the level of wrongdoing, violations of law, coverup and endangering public safety, health and the general welfare.

What is happening in Australia is most concerning to me as fundamental democratic values and principles are increasingly under direct attack around the world from the rise of increasing autocratic tendencies and raw executive authorities bypassing, ignoring and even undermining the rule of law under the exception of national security and government fiat.

Australian public interest disclosure laws are also a mixed bag — a conflicted patchwork with huge carve-outs for national security and immigration. Nor do they adequately protect a whistleblower from reprisal, retaliation or retribution.

It is quite clear that not all disclosures (even when done in the public interest) are protected by law in Australia, and the whistleblower is in danger of exposure as a result.

At the federal level, whistleblowers face career suicide for public interest disclosures. And if deemed by the government to be unauthorized disclosures, those disclosures are even considered criminal.

As it happened, my removal as a speaker from CyberCon is the first time I was ever censored anywhere.



Suelette Dreyfus was also dropped as a CyberCom speaker

The trend lines of increased secrecy around the world by governments do not bode well for societies at large. History is not kind.

What I do see improving is public-interest concern regarding just how far government can or should go. People are discussing what society sacrifices in the name of secrecy and national security when too often the mantra is the ends justifies the means — and government says to just trust us, while secret power is too often unaccountable, even to itself.

The price I paid as a whistleblower was very high. I just about lost it all and came close to losing my liberty and freedom. I was declared indigent by the court, am still in severe debt, have no pension as my career and personal life were turned inside-out and upside-down because the government treated me as a traitor for my whistleblowing on the mass domestic surveillance program that violated the U.S. Constitution. I also exposed 9/11 intelligence failures and subsequent coverup plus

massive multibillion-dollar fraud, waste and abuse. The government then turned me into an insider threat and Enemy of the State and prosecuted me as a criminal for allegedly violating the U.S. Espionage Act.

If it is left up to the government to determine what are state secrets, then the government is perversely incentivized to declare as state secrets any disclosures made in the press it does not like. This thinking can only lead to more prosecutions of publishers to protect the State. In the absence of meaningful oversight of the secret side of government, how does the public trust its own government to operate and function in the public interest and not for special or private interests?

But then again, if the press is not doing its job holding government and the public sector to account, why should they be surprised when the public holds even the media in lower regard?

Government should earn the public's trust and not take it for granted or abuse that trust. The heart of democracy rests on a civil society that it is not undermined by the very government that represents it.

Once the pillars of democracy are eroded away, it is quite difficult to restore them. The misuse of the concept of national security — as the primary grounds to suppress democracy, the press and the voices of whistleblowers speaking truth to and about power — increases authoritarian tendencies in even democratic governments.

The real danger to civil society in Australia is that these same tendencies give rise to extralegal autocratic behavior and state control over the institutions of democratic governance under the blanket of national security with the excuse of protecting the state.

**Thomas Drake** is a former senior executive of the US National Security Agency and whistleblower. In 2006, he leaked information about the NSA's dysfunctional data-gathering Trailblazer Project to the *Baltimore Sun*. He was prosecuted under the Espionage Act in 2010, but the case collapsed.

## Republican attacks on whistleblower undermine their defense of Donald Trump

**When Republicans insist that the whistleblower should be unmasked, they are going against years of precedent. Nothing puts the lack of integrity their case against impeachment in a clearer light.**

Editorial, *Chicago Sun-Times*  
15 December 2019

FOR DECADES, the Chicago City Council refused to allow the city's inspector general to investigate anonymous complaints of corruption against aldermen.

Pretty much everybody in town, including small children, cats and dogs, saw right through that.

The aldermen's refusal to allow whistleblowers to remain anonymous had nothing to do with their supposed right to confront their accuser. It was about saving their own skin.

That impediment to investigating corruption was upended in the last couple of years. Inspector General Joe Ferguson now is free to pursue anonymous tips. But we always were amazed that anybody could argue with a straight face against protecting whistleblowers from being named, and we are amazed now that Republicans in the U.S. House are trying to sell the same hogwash.



### Transparently cynical diversion

Nothing, to our thinking, puts the lack of integrity of the Republican case against impeachment in a clearer light. They may tell themselves they believe many of the specious arguments they're making, but not this one.

This one is such a transparently cynical diversion tactic that it puts the lie to the whole Republican effort, even

as the House prepares for a final vote on impeachment this week.

Historically, lawmakers across the political spectrum in Washington — from the craziest conservatives to the looniest liberals — have supported whistleblower protections, including anonymity, knowing that encouraging whistleblowers to come forward is an important way to put a check on corruption.

It has not mattered that the whistleblower might have an ax to grind. It has not mattered whether he or she voted Democratic or Republican. What has mattered is the quality of the tipster's information — the alleged facts themselves — which either hold up or fall apart upon investigation.

When Republicans insist that the whistleblower, whose 7-page complaint triggered the impeachment of President Trump, should be unmasked — publicly outed and forced to testify and dragged through the mud by Fox News — they are creating a massive chilling effect.

They are threatening this whistleblower's safety and deterring future whistleblowers from coming forward.

And they know it.

But unable to refute the substance of the accusations against Trump, they need a noisy diversion — and a villain.

### Nothing of substance to gain

Trump has called the whistleblower "almost a spy," "a disgrace" and — on Friday — "a fraud." He and other Republicans have demanded that the name of the whistleblower, who works for the CIA, be made fully public. On Wednesday, the reprehensible Rep. Louie Gohmert, Republican from Texas, publicly named the person suspected of being the whistleblower while ticking off a list of potential committee witnesses.

To what end?



Louie Gohmert



Republicans have an obvious motive in attacking the whistleblower, but there is nothing more to be gained. Everything in the whistleblower's complaint, filed on August 12 with the office of the Intelligence Community inspector general, has been corroborated by others, including Trump himself.

In a phone call on July 25, Trump did in fact ask Ukrainian President Volodymyr Zelensky to investigate former Vice President Joe Biden and his son Hunter, particularly Hunter Biden's business dealings with a Ukrainian energy company, Burisma.

Trump did in fact ask Zelensky to look into a baseless story that Ukraine had interfered, on the side of the Democrats, in the 2016 presidential election.

A transcript of the phone call was in fact placed by White House officials in a highly classified database, contrary to the usual practice.

That's all the whistleblower had to say, and it has been confirmed by a wealth of evidence and testimony gathered by the House Intelligence Committee.

Trump and the Republicans are attacking the messenger because they've got nothing else. The substance of the message itself has been fully confirmed. There is even no doubt, by any objective assessment of the evidence, about the quid in Trump's quid pro quo.

Until Zelensky announced an investigation of the Bidens, Trump was in fact prepared to hold up almost \$400 million in military aid to Ukraine and a coveted White House meeting, putting our nation's best interests second to his reelection.

If there is not as much first-hand confirmation of all this as we might like, it is only because Trump won't allow it. He has attempted to obstruct justice by dissuading witnesses from testifying. He knows that would not go well for him.

### Believe what's convenient

In trying to understand the breathtaking willingness of Republicans in the House to flip reality upside down, it helps to remember the first imperative of elected officials — to get reelected. Toward that end, they develop an

almost superhuman ability to believe what is convenient to believe.

We have known more than a few legislators, for example, who believe — who really believe — that all taxes are evil. Until the lines of their staunchly conservative districts are redrawn and they now must appeal to more centrist voters to win reelection. Then they believe — really believe — that taxes are evil but sometimes they have to be raised to pay for such things as schools and senior centers.

At some point, though, the worst elected officials — on the left and right — don't believe a word they're saying. Their ability to kid themselves reaches its outer limit and they just lie.

This is what we're seeing with respect to the Republicans' insistence on outing the whistleblower.

They have abandoned any pretense of intellectual honesty, giving the lie to their entire defense of President Trump.

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## Trump's whistleblower tactics are straight out of America's corrupt corporate playbook

Mary Inman and Ari Yampolsky  
*Quartz*, 9 November 2019

WHEN a then-anonymous whistleblower revealed information that set the machinery of impeachment proceedings in motion in Congress, president Donald Trump reacted in a display of his worst political instincts.

Shoot the messenger (without really disputing what was revealed); surmise dark motives (again, ignoring the substance of the claims); threaten crippling legal action (even when taking such action is baseless). And, most important: Work diligently to make life miserable for the supposed antagonist.



We're familiar with this type of presidential behavior. But there's been less talk about how Trump's response comes straight from the playbook of America's most unscrupulous employers when accused by their employees of fraud or other misconduct.

As lawyers who have spent decades representing whistleblowers who expose corporate fraud, we know the ins and outs of navigating the often severe—and unfortunately, predictable—retaliation that befalls a person who reveals secrets that powerful interests are dead set on keeping hidden.



### Corporate lessons

For instance, after the UK bank Barclays received an anonymous letter raising concerns about CEO Jes Staley's decision to hire an old friend as a senior executive, Staley went on a witch hunt to identify the whistleblower. He did so despite rules that required him to respect the whistleblower's request for anonymity. (Regulators smacked Staley with a \$1.5 million fine and Barclay's board tweaked his bonus, but Staley kept his job.)

Another common flavor of retaliation comes in the form of crushing legal fees. Tyler Schulz learned this after he exposed falsified lab tests conducted at blood-testing "disruptor" Theranos during his employment there. When Theranos and its high-flying lawyers threatened legal action to keep Schulz quiet, Schulz quipped that "fraud is not a trade secret." Still, Schulz had to pay more than \$400,000 to hire counsel to defend himself.

Or, retaliation can involve humiliation, as Tricia Newbold, a prior Trump administration whistleblower, cruelly learned. Newbold revealed this year that dozens of officials with histories of "significant disqualifying factors,"—which included conflicts of interest, drug use, and criminal misconduct—nonetheless got security clearances

from the Trump White House, over the opposition of career staffers.

After she complained about the improper security clearances, Newbold, who has a rare form of dwarfism, found that her boss moved her files to a shelf beyond her reach.



Tricia Newbold

### The autoimmune reflex

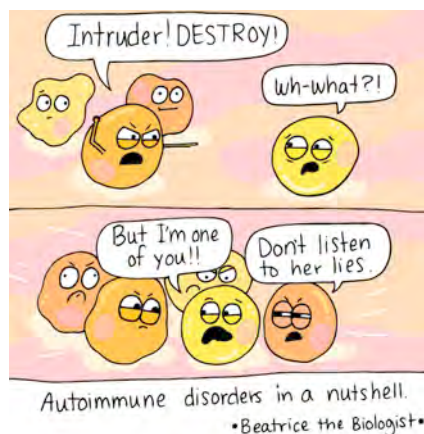
In these worst cases, employers respond to whistleblowers like the immune system responds to disease: It fights the offending virus and tries to expel it from the body, supposedly to make it healthy again.

Physical energy is concentrated on the problem area, sometimes at the expense of other functions.

As the above examples show, in the corporate world, the spotlight is often trained on the whistleblower, rather than the misconduct they exposed. This can be an effective defense reflex. The purpose is to discredit, isolate, and professionally assassinate the person's reputation and character. Was the person a star performer climbing in the organization's ranks? Take away their responsibilities and neuter their ability to excel. Does the person have a promising future in the industry? Blackball them to ensure they have nowhere to turn. Does the person lean on co-workers for support? Make sure everyone understands the whistleblower is holding kryptonite and that consorting with them is professional suicide.

What's so unfortunate about this reflexive autoimmune response is that it's unilaterally terrible for any organization. In the case of corporations, new academic research shows that whistleblowers are actually good for a company's bottom line. Somewhat counterintuitively, companies with

more robust internal whistleblowing systems that get more complaints are healthier than those that don't.



Such companies are sued less frequently, for one. And if they are sued, they have considerably less liability than companies where employees can't report misconduct in real time.

For corporations, whistleblowers are the good bacteria that makes a corporation's body stronger. Enlightened corporate leaders understand that, far from needing to be expelled, whistleblowers must be encouraged and supported. Senior managers who foster an open-door culture, where employees are encouraged to raise concerns without fear of reprisal, can fix a problem long before they have to call on hired-gun crisis managers. Simple logic dictates that corporate managers have a financial interest in discovering a problem—*before* it becomes a scandal.

These are some of the key reasons behind Congress's repeated initiatives to encourage, incentivize, and protect whistleblowers from retaliation in corporate America. And they're also the motivation behind Congress's attempts to protect government whistleblowers, like the Civil Service Reform Act, which protects the rights of government employees who report wrongdoing, and the Whistleblower Protection Act, which protects disclosure of information as well as a government employee's refusal to participate in wrongful activities.

Trump's reaction to the intelligence whistleblower mirrors the very behavior that has been proven to weaken corporations in similar situations.

While the country reels, Trump and his henchmen are calling for the whistleblower's head. In a recording

with a private audience, Trump dubbed the whistleblower "almost a spy" and suggested the person is guilty of "treason." He mused that the government should "handle" the whistleblower like it did "in the old days"—which, in traditional mafioso vernacular, means execution.

Trump's vicious smearing of the whistleblower is not only outrageous and unethical, but his persistent demand to reveal the whistleblower's identity violates the laws he swore to faithfully execute upon taking office. It also jeopardizes the whistleblower's safety.

Just as critically, Trump's attacks give official sanction on a national level to the old-school way of treating whistleblowers.

Reverting to the tired tropes that vilify whistleblowers as snitches and rats threatens to set back the growing recognition that whistleblowers help organizations far more than they hurt them. As Trump's economy falters, that's not something American businesses—or legal system—can afford.

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## How to be a whistleblower

**"There is no easy way to secure yourself."**

Charlie Warzel

*New York Times*, 12 November 2019

LAST WEEK, at a conference in Portugal, I met John Napier Tye. He is a former State Department employee, a whistleblower and a co-founder of Whistleblower Aid, a nonprofit law firm that represents individuals trying to expose wrongdoing. As you may have noticed, whistle-blowers are very much in the news these days, and Tye is very much in the center of that world.



John Tye

Today's newsletter is a Q and A with Tye. We talked about whether it's



possible to stay anonymous in 2019, how to protect your privacy like a spy, whether regular people are at risk of becoming targets and how to become a whistle-blower if you're a witness to something troubling.

This is a condensed and edited version of our conversation.



### **What are the biggest threats right now to privacy for normal citizens?**

It's useful to distinguish between bulk collection and targeted surveillance. Both are threats. The average citizen is likely already caught up by bulk collection, although the proliferation of targeted surveillance technologies are increasingly threatening whistle-blowers, journalists and others that find themselves on the wrong side of unaccountable governments and security agencies.

Bulk collection affects everyone. A number of governments and companies have the goal of building databases with detailed profile information for every person on earth, or at least every internet user — including where you are at any given moment, who your friends are, what kind of messages and photos you are creating and how you think about the world. They are closer than you might expect.

Some entities, including the American government, effectively capture and store a huge portion of all the private data worldwide, perhaps even a majority. The last decade or so is the first time in human history that such a thing has even been possible, and we're only just now starting to wrestle with the implications.

**I hear objections that regular people without public profiles or those who don't deal with sensitive information don't need to worry about spyware swooping in and compromising their devices. What's your response to that?**

The best thing you can do is avoid being a target. Because if you are a high-value target, there is no safe way to use digital communication devices. Companies, like NSO Group, sell surveillance software to governments with terrible human rights records, no questions asked. NSO surveillance software was found on Jamal Khashoggi's phone before he was murdered, and on the phones of other journalists, human rights defenders and opposition figures.

It's not just journalists and activists — more people than you would expect are targeted for individual surveillance. There are auction sites where anyone can pay to get targeted surveillance software in a matter of minutes. It's not just governments, but also run-of-the-mill criminals and jilted lovers who are using this kind of surveillance software at a lower cost than you would expect. And the victims almost never even learn they were hacked. A lot more industries than you would expect are targeted for penetration by foreign governments. And it's not just the top executives; most hacking starts with junior employees and then escalates.



### **What about tech companies or companies with some security savvy?**

Hopefully, employees at Facebook and other internet and telecom companies understand by now that they are being targeted. But we know that foreign governments are hacking energy companies and utilities, state and local governments, financial firms, airlines, hospitals, universities, manufacturing, Hollywood studios, rideshare companies, even agriculture, fashion and retail. The costs of hacking are so low, and the value of our data is so high, that targeted surveillance happens a lot more than we expect.

If you're in an industry of any interest at all to foreign governments, even if you're a junior employee, then

you might be individually targeted for hacking. Even if you work as a hair stylist, public-school teacher, restaurant server or some other job with a very local focus, it appears that there's more targeted hacking in local disputes and by intimate partners.

### **You deal with incredibly sensitive information every day. What's your setup to ensure communications stay private?**

Unfortunately, security is expensive and inconvenient, and there is no easy way to secure yourself. Whistleblower Aid has gone to great lengths to create systems that are harder to hack. While we aspire to become the most secure legal organization on earth, we know that there is no such thing as 100 percent security. Whenever possible, we do things in person with no devices nearby, or in hard copy, and then we burn the paper. We have a manual typewriter with the old-fashioned ribbons.



### **How does Whistleblower Aid protect potential clients' privacy?**

After someone becomes our client, we typically give them a new device that they use only for communication with us. But because it's so easy to hack any particular device, and we expect that we are being targeted, we have to ensure that our clients' devices are not associated with ours in any way.

From the moment a client reaches out to us, we make an extensive effort to protect their communications with us and advise them about how to be safer in the rest of their life. From burners to Faraday Bags and other tried-and-true techniques to avoid surveillance, we invest heavily in providing clients with alternate technological means to communicate with us, and work hard to avoid physical and location tracking.

We have a special system for receiving new inquiries from prospective



clients. Prospective clients must install a special browser called Tor onto a personal laptop and send us encrypted messages to our custom platform called SecureDrop. Tor is the only browser that strips off all the metadata like IP addresses from all traffic, so that if our SecureDrop is somehow hacked, even we aren't holding identifying data.



With the presumption that Whistleblower Aid is under surveillance, we've deliberately disabled all other ways to contact us so that we aren't inadvertently exposing new clients before they even get started. We don't have emails or web forms or even a mailing address.

### **What's your advice for how people can replicate this practice themselves? Can it be done without burner phones and dead drops?**

For someone who's truly a high-value target, there is no way to safely use a digital device. The surveillance systems that we face are designed to track people with resources and motivation to hide what they are doing. It is a terrible irony that journalists trying to protect their sources, and lawyers trying to protect their clients, must borrow digital tradecraft techniques from the world of espionage in order to make their essential contributions.

It is hard to be totally secure. Invariably, people want that one device or app that will protect them. Unfortunately

this won't happen. What we recommend instead is that people consult a guide like this one. Avoid email, which is always insecure.

### **Can a whistle-blower stay truly anonymous in 2019?**

Sometimes, but it can't be guaranteed. Even when the law says you have a right to be anonymous, some people may have an interest in trying to identify you. On the other hand, there are still a lot of whistle-blowers, including some of our clients, who are able to make disclosures and hold institutions accountable while remaining anonymous.



**It's possible that somebody reading this now has seen something in their line of work or has evidence they'd like to come forward with. What's the best way to become a whistle-blower? And what should they absolutely avoid?**

Before you do anything else, you should talk to a lawyer you trust, who can protect your conversation with attorney-client privilege. Do not talk to anyone at work, do not forward any emails. Following the advice of counsel, you should preserve the evidence of misconduct. But you should be careful to follow all laws that apply; for instance, you can't just take classified files home with you. Every case is different, so the only universal advice is to speak with experienced counsel.

*If you've seen something troubling, you can find instructions at <https://whistlebloweraid.org/contact/#whistleblower-contact> to get in touch with Whistleblower Aid.*

## **Whistleblowing International**

<https://www.wbinternational.org>  
Established 1 October 2019



Whistleblowing International fights for the rights of whistleblowers everywhere. We are the *only* independent non-profit organization that supports whistleblowers, investigates corruption cases, and advocates for stronger whistleblower rights worldwide.

Reporting crime is only the first half of the story. We also work to hold corrupt politicians, company executives, environmental polluters and other criminals to account. And we directly confront bullies and crooks who punish whistleblowers — without fear or hesitation. We protect the confidentiality and anonymity of whistleblowers — without exception.

True to our independence, we do *not* accept funding or any other support from governments, billionaire philanthropists, or multinational companies such as Microsoft, eBay and Google.

Whistleblowing International will build on the successes of the European Center for Whistleblower Rights and Southeast Europe Coalition on Whistleblower Protection.

We can help people who have made a report or who are considering making a report. Encrypted communication is available — ask for our public PGP key.



We fought corrupt officials and lawyers in Paraguay until they dropped the retaliatory criminal charges filed against whistleblower Brigitte Fuzellier (centre)

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## Whistleblowers Australia contacts

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**Postal address** PO Box U129, Wollongong NSW 2500

**Website** <http://www.whistleblowers.org.au/>

**Facebook** <https://www.facebook.com/Whistleblowers-Australia-Inc-172621456093012/>

**Members of the national committee**

[http://www.bmartin.cc/dissent/contacts/au\\_wba/committee.html](http://www.bmartin.cc/dissent/contacts/au_wba/committee.html)

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## Thanks to Trump

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Donald Trump has done wonders in putting whistleblowing on the media agenda. In condemning the whistleblower whose report led to impeachment proceedings, Trump has provided a vivid example of the tactic of shooting the messenger. He may be displaying a widespread attitude that is seldom articulated with such vehemence.

Should whistleblowers thank Trump for the free publicity? Trump came to power in part by breaking so many conventions that he garnered vast amounts of media attention. Perhaps there is a lesson for whistleblowers, or at least some of them: do what you can to attract media coverage, and don't worry if it's negative. The problem here is a familiar one: attention to the whistleblower diverts attention from what they are speaking out about.



## 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.

Renewing members can make your payment in one of these ways.

1. Pay Whistleblowers Australia Inc by online deposit to NAB Coolum Beach BSB 084 620 Account Number 69841 4626. Reference your surname.
2. Post a cheque made out to Whistleblowers Australia Inc with your name to the Secretary, WBA, PO Box 458 Sydney Markets, Sydney, NSW 2129
3. Pay by credit card using PayPal to account name [wba@whistleblowers.org.au](mailto:wba@whistleblowers.org.au). Use your surname/membership as the reference.

New members: [http://www.bmartin.cc/dissent/contacts/au\\_wba/membership.html](http://www.bmartin.cc/dissent/contacts/au_wba/membership.html)