"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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Richard Boyle: see pages 2 and 5–9

Book review

Boyle — the message

Brian Martin

RICHARD BOYLE won't be going to prison. (See pages 5–9.) Is this a cause for celebration? On one level, yes. He could have been sentenced to years behind bars. On another level, no. He never should have been charged.

Richard Boyle outside the South Australian District Court w ith his wife Louise Beaston

Boyle's case — and, even more, David McBride's — shows that Australian governments want to have it both ways. They want to say they're doing what they can to support whistleblowers, passing laws that promise protection. At the same time, their willingness to allow prosecutions of Boyle and McBride sends a strong signal — speak out and you'll be prosecuted, indeed persecuted.

Boyle might have escaped imprisonment, but he paid a severe penalty for doing the right thing, losing years of his life and career in jeopardy, with damaging effects. Who working for the Australian Taxation Office would possibly want to follow in his footsteps, trusting in Australia's flawed whistleblower laws? It's the strongest message available.

For years, I've been saying that whistleblowers shouldn't trust in legal protections, and instead should be developing the skills needed to expose and challenge wrongdoing, anonymously if possible. My latest effort along these lines is a chapter provocatively titled "Don't blow the whistle!" (https://www.bmartin.cc/pubs/25Van-Portfliet-Phillips.html). The chapter begins with Boyle's case.

Whistleblower supporters have been pushing for legal protection for a long time — over thirty years. And what's there to show for it? The poster cases of Boyle and McBride. When governments have shown so little interest in making serious change, why should we expect anything different in the future?

For sure, better protection would be worthwhile. But while we're waiting, is it time to put more energy into other strategies?

Brian Martin is editor of *The Whistle.*

Scams and whistleblowing

Kim Sawyer

SCAMS are a perfect crime, at least in Australia. When subjected to a large scam you come to understand the unaccountability of scammers, banks and regulators, but also of the government. My experience with whistleblowing may have prepared me, but it did not prepare me enough. Like whistleblowers, scam victims are scapegoated.

We were the victims of an authorised push payment (APP) scam during 2023 that involved transfers from accounts in our pension fund. We transferred substantial sums of money from bank accounts with three banks (AMP, Citibank, and Macquarie) into bank accounts with Westpac, ANZ, CBA, and Bendigo Bank for term deposits of one year. We were provided with purchase agreements and we were given BSB and account numbers for each deposit. There were 28 transfers in total, and more than thirty years of our lifetime savings were transferred. What we did not know was the accounts we thought to be in our name were not in our name. The accounts were mule accounts. The money was then laundered within twenty-four hours. We were seeking security; instead, we became victims of money laundering.

When seven Australian banks cannot detect a scam and money laundering with so many transactions over 75 days, their stated assertion that they robustly monitor anomalous transactions does not seem credible. They expect victims to detect the scams they cannot detect. Professor Steven Murdoch, head of the Information Security Research Group at University College London, observed that,

> "The general principle for secure systems is that the person who is in the position to control the losses should be the one who has to pay the cost of those losses. Customers have very little control over their losses, they don't get to set the analysis system, they don't get to set transaction limits."

Blaming the victims shifts liability from banks. Scammers need a facilitator to facilitate scams; and the facilitator is a bank. In Australia, the onus is on the individual to protect themselves but in the UK the onus has been reversed: the onus is now on the bank rather than the individual. Since 2019, UK banks have been reimbursing scam victims on a voluntary basis at an average rate of 67%, well before a mandatory reimbursement scheme was introduced in October 2024. Major US banks are reimbursing 75% of losses and most other countries at least 50% of losses, but not in Australia.

In the second half of 2023, the Australian Financial Complaints Authority (AFCA) received complaints from 17 victims with losses exceeding $1 million. They were reimbursed nothing. The reimbursement rate in Australia for APP scams is less than 5%. The Scam Prevention Framework (SPF) legislated by the government before the election is

silent on reimbursement. The government has consistently opposed reimbursement, or any formula for reimbursement. Reimbursement is at the discretion of the banks and the banks can discriminate as they choose. The systemic failure that we experienced was protected by the government.

The structure of an authorised push payment (APP) scam is like a pyramid in a mafia company. At the top is the scam centre, the masterminds of the scam, one stage below the middleman who sets up a company for money laundering, at the bottom are the mules paid for the use of their accounts for money laundering. Scam centres are proliferating in Southeast Asia. Australia was a soft target due to retirees with superannuation. Australia was also a soft target because the regulators were too slow to act. On February 6, 2020, Delia Rickard, the Deputy Chair of the ACCC — the Australian Competition and Consumer Commission — wrote to the ASIC team reviewing the ePayments Code recommending a Confirmation of Payee system that was to become compulsory in the UK from March 2020. Confirmation of Payee had reduced fraud in the Netherlands by 81% and in the UK by 35%. The ACCC recommended Confirmation of Payee in 2020 and again in 2022. Confirmation of Payee would have stopped our scam, we would have seen the names on the term deposit accounts were not our names, so why was it not adopted? It is now being adopted but too late for us and other victims.

From 2022 to 2024, the Chairperson of the Australian Banking Association, Anna Bligh, lobbied the Assistant Treasurer Stephen Jones not to introduce a Confirmation of Payee system. In *Mutiny Without the Bounty,* I chronicled the close partnership between Bligh and Jones that allowed banks not to secure their systems and allowed banks to shift liability to scam victims. Whistleblowers are always against tight networks; there is no tighter network than politicians. This political partnership ensured that the banks were protected but that the victims were not. The government threw victims under the bus.

There were other regulatory failures. ASIC — the Australian Securities and Investments Commission — has allowed companies that engage in money laundering to be established without checks on the history of the company or its principals. In the scam to which we were subjected, a company appropriately named STRAYA UNITED was set up a week before and the mule accounts soon after. When we last checked, the money laundering company had still not been deregistered by ASIC. STRAYA UNITED became a symbol for what we were up against, not just the scam centres, the middlemen and their mules, but the regulators, politicians and media who were the unresponsive bystanders.

ASIC administers the ePayments Code for regulating electronic payments. The code is a voluntary code of practice to which banks subscribe. The code has been valid since June 2022 and is used to determine the liability in scams, yet the 42-page code mentions scams just once. In its review of the ePayments Code in 2022, ASIC acknowledged that the ePayments Code was not intended to cover scams. Scam victims were not surprised by the findings of a 2024 Senate Committee that recommended the Australian Government should recognise that ASIC has comprehensively failed to fulfil its regulatory remit. And they failed the victims of scams.

The regulatory failure did not end there. The Anti-Money Laundering act of 2006 requires the Australian government regulator AUSTRAC to prosecute banks for not monitoring money laundering. In 2018, the Commonwealth Bank of Australia was penalised $700 million for serious breaches of anti-money laundering laws because they did not monitor effectively over 50,000 transactions. In 2020, Westpac was fined $1.3 billion for breaching the laws, with an admission that it had failed to properly report over 19.6 million international transfers amounting to over $11 billion. In both cases, there was no specific proof of money laundering yet in our scam and in other APP scams, where there is proof of money laundering, AUSTRAC will not prosecute the banks.

With few exceptions, politicians have decided that the banks are too big to fail; that they are to be protected at all costs; that the bank shareholders and institutions have the highest priority. Banks are accessories in financial crime, but, unlike other accessories, they are being protected.

A mule cannot be a mule without a bank. A company cannot be a company without ASIC. Money laundering may not occur so often if AUSTRAC prosecuted specific money laundering.

In May I wrote to the new Assistant Treasurer Daniel Mulino putting the case that banks should be liable for mule accounts and money laundering. I pointed out that in an APP scam, there are four steps, release of funds, transfers to accounts that are not accounts the customer specified, mule accounts and money laundering. Without the mule accounts and the money laundering, the scam would have been prevented. Money laundering constitutes half a scam but the victims cannot have knowledge of the laundering, so why then should they be liable for the laundering. AUSTRAC will not prosecute and the police cannot prosecute money laundering in APP scams. It is only the victims, compelled to pursue legal redress at great risk, that are being prosecuted, with banks spending large sums of money on lawyers to ensure that their liability is not proven. The Assistant Treasurer did not respond to my letter as Stephen Jones never responded.

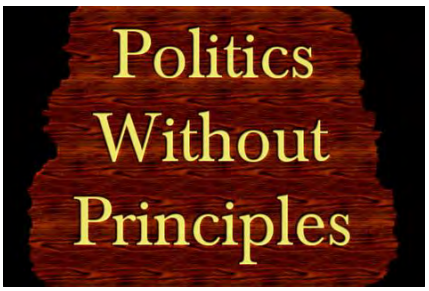
The strategy of banks echoes the strategy in other cases where liability was contestable, namely, James Hardie (the building company that tried to avoid responsibility for asbestos damage) and British Post Office where

the strategy was to shift liability onto the victims. The British Post Office used the strategy to shift liability onto postmasters when there was a problem with their systems. The Post Office prosecuted victims and it took twenty years for the cover-up to be revealed when the liability was obvious, if only it had been recognised.

Scam issues are like those in the British Post Office case. There has been a systemic failure. Victims with little power who are not networked are opposed to a powerful network of banks. The government is complicit in a cover-up, not wanting the regulatory failure to be recognised. The media is unresponsive as the British media were unresponsive in the British Post Office case. The media has published many stories on scam victims without ever asking the core questions. Why aren't banks being prosecuted for money laundering when there is proof of laundering? Why did the government listen to the Australian Banking Association and not to the ACCC? Why aren't victims who have incurred large scam losses entitled to any reimbursement at all? Why are the media silent?

The scam crystallised what I have come to learn from whistleblowing. We are all in a contest with fate as chronicled in the recent paper *Fate or Free Will: The Singularity of Determinism.* Scams are like whistleblowing; both are tests of natural fairness; both are tests of who we are. In the 1970's, I was a member of the Labor Party branch at the University of Western Australia. I was in the same branch as John Dawkins. I doorknocked for him and scrutineered for him when he was first elected to Federal Parliament in 1974. I have been scrutineering ever since. The 1980's Dawkins reforms deregulated universities and imposed few regulatory standards. Whistleblowers became the regulators, and invariably they were crushed by management. Management became accountable only to themselves; they often exceeded bounds of fairness, as the current Senate inquiry into university governance is showing. Vice-Chancellor salaries now average more than $1 million. The managers of universities are well-paid bureaucrats. Few have taught a course in the last twenty years, marked an exam paper, supervised a student. Students are in a debt trap, young academics are in a poverty trap, managers extract the rents. Dawkins created universities of the lowest common denominator replete with failure. Whistleblowers paid the price.

Scams revealed the same type of failure where the banks were able to capture the regulators. The government is the real regulator but the government did not take the advice of the ACCC. The government did not give ASIC the remit to regulate scams. The government did not give AUSTRAC the power to prosecute money laundering when there was evidence of laundering. The government listened to the banks. The government protected the banks, not the customers. How ironic that the party of Chifley that wanted to nationalise the banks in the election of 1949 became the underwriter of a systemic failure of Australia's privatised banking system in 2025. The light on the hill seems to have been extinguished.



Politicians leverage the interests of the voters for their self-interest. They may have principles before they enter politics; they may think they have principles after they leave political office, but, when in office, they often exchange their principles for political spin and window dressing. The response to scams has been spin and window dressing. Fine words, less than fine outcomes. A response buttressed by journalists having the megaphone of Gods, but not the ethics of Gods. The decline in investigative journalism is one of the saddest declines in modern Australia. Perhaps the corruption is too pervasive; perhaps the journalists are too interested in clickbait. Most likely it is the indifference of the self-interested bystander, the representative of the age.

My experience of whistleblowing and scams has provided insight that externalities do matter, that the golden rule "to do as you would be done by" is not only a moral rule but also existential. I would always prefer to be a whistleblower than an unresponsive self-interested bystander. The Good Samaritan you fail to be in this life may be the Good Samaritan you need in the next. The prejudice of unresponsive bystanders is to blame victims as they blame whistleblowers. The bystander becomes the backstabber.

We use banks for security. We use banks to share the risks of transactions, but banks are forcing customers into digital transactions without fully protecting them, and without sharing the risks. In his first speech in the Parliament, Daniel Mulino spoke of the importance of risk sharing.

> "Risk pooling, the idea that we are better off working together and sharing risks, has been central to social interactions ever since humans started living together. In comparatively recent times, the modern welfare state represents a bold expansion of risk management practices."

Self-evidently, risk sharing doesn't apply to banks, for how can scam victims be liable for transfers to accounts not in their name, mule accounts established for the purpose of laundering, and money laundering when they had no means to detect mule accounts or money laundering.

Kim Sawyer is a long-time whistleblower advocate.

ATO whistleblower Richard Boyle spared convictions, jail sentence

Jordanna Schriever and Will Hunter
ABC, 28 August 2025

In short:
WHISTLEBLOWER RICHARD BOYLE has avoided convictions and a jail term after exposing aggressive debt collection practices at the Australian Taxation Office.

The sentencing judge imposed a 12-month good behaviour bond and described his offending as having occurred in "extenuating circumstances."

Mr Boyle thanked a crowd of supporters outside court for their support "over the last six or seven years."

Australian Taxation Office (ATO) whistleblower Richard Boyle has avoided convictions and a jail sentence, seven years after publicly exposing aggressive debt collection practices at the tax office.

The 49-year-old former debt collection officer previously pleaded guilty in South Australia's District Court to four charges, after striking a deal with prosecutors.

After raising concerns about practices internally at the ATO in 2017, he went public with the allegations on the ABC's Four Corners program in 2018.

The allegations included that his area within the ATO was instructed to use heavy-handed tactics on taxpayers who owed the tax office money.

In May, he pleaded guilty to the offences of disclosing protected information to another entity, making a record of protected information, using a listening device to record a private conversation and recording another person's tax file number.

Judge Liesl Kudelka found for reasons, including Mr Boyle's prior good character and poor mental health — along with a finding that the offending occurred in "extenuating circumstances" — convictions for the offending were not required.

She instead ordered Mr Boyle be subject to a 12-month good behaviour bond.

As Mr Boyle signed the bond, many in the packed courtroom became overwhelmed with emotion.

After signing the bond, he apologised, to which Judge Kudelka responded that his apology was not required.

"It's called the wheels of justice," she said.

Whistleblowing "a tough gig"

In sentencing Judge Kudelka said she accepted that Mr Boyle "genuinely believed that what you were doing was necessary to blow the whistle on conduct at the Australian Taxation Office."

"I find that you engaged in this criminal conduct because you genuinely believed at the time that what you were doing was justified for the greater good," she said.

"However, therein lies the slippery slope."

Judge Kudelka said there was "no room in our society for individuals to be able to take the law into their own hands to dispense their own sense of justice."

She said that by committing his crimes, Mr Boyle was undermining the integrity and accountability of the Commonwealth public sector that he wanted to protect.

Judge Kudelka said making a public interest disclosure, or whistle blowing was "well recognised to be in the public interest."

"I think it should also be recognised that making such a disclosure is not an easy, simple or straightforward thing for an individual to do," she said.

"To put it colloquially, blowing the whistle can be a tough gig."

But Judge Kudelka said it must also be made clear that "whistle blowing is not a green light for an individual to commit crimes in the name of what they believe is for the greater good."

"You could have made this public interest disclosure without committing any of these offences," she said.

Judge Kudelka said she accepted that at the time of Mr Boyle's offending, his mental health was poor for multiple reasons.

"For you, this had become very personal, and all consuming," she said.

As a result, she said it impacted Mr Boyle's decision-making about what he needed to do to make the public interest disclosure.

Judge Kudelka said a psychiatrist had diagnosed him with persistent depressive disorder, and said he had experienced chronic depression and anxiety for a number of years.

She noted that when Mr Boyle gave evidence during civil proceedings his "compromised mental health was palpable."

"Thank you" to supporters

Outside court after Thursday's hearing, Mr Boyle briefly addressed a group of cheering supporters.

"I just wanted to say thank you to all the supporters ... really appreciate everyone over the last six or seven years supporting me and Louise, thank you very much," he said.

Mr Boyle was initially charged with 66 offences, but over time, many were dropped.

Over the years since he spoke out publicly, Mr Boyle made several failed attempts to secure immunity from prosecution using whistleblower protections.

He had been scheduled to stand trial later this year, after losing his last chance to secure immunity from prose-

cution when the High Court refused his application for special leave to appeal.

Mr Boyle had earlier lost an appeal in South Australia's Court of Appeal.

Supporters had also regularly called for the case against him to be thrown out.

Outside court, supporter and former senator Rex Patrick said the outcome was a "really small win."

"Richard has suffered for eight years, he's still suffering, this has to end," Mr Patrick said.

"I think justice has been, in a very small way, served today with the no convictions."

Rex Patrick

Mr Patrick also renewed calls for stronger whistleblower protection laws to be enacted.

"Unfortunately, what we've seen in this prosecution is that there is no leniency available to a court to look at the motives and find a person has acted in the public interest," he said.

Last month, Mr Boyle argued he should be spared a conviction because he was motivated by public interest, and his actions led to change within the federal agency.

His defence lawyer, Steven Milsteed KC, had argued the court should recognise that Mr Boyle was not acting out of any nefarious motivation, self-interest or malice and instead was guided by a "sincere belief that he was acting in the public interest."

"His conduct, though unlawful, was grounded in a moral courage and a deep commitment to public service," Mr Milsteed had told the court.

He had said that in publicly raising the allegations Mr Boyle "did some public good" because it led to change within the ATO.

Meanwhile, prosecutor Nick Robinson KC, had told the court that Mr Boyle's motivations did not change the fact he acted unlawfully, and that convictions should be recorded.

Boyle over

Kieran Pender
The Saturday Paper, 30 August 2025

In April 2017, Richard Boyle was at the Australian Taxation Office building in Adelaide when his work phone rang. Boyle was a long-time employee of the ATO and had grown increasingly concerned about the draconian debt recovery tactics he and his colleagues were being ordered to deploy against taxpayers. On the other end of the phone was one such taxpayer — later referred to in court documents as "Mr CC."

Mr CC owed the ATO about $80,000. During that phone call, Mr CC told Boyle he had been hospitalised following a severe illness, which led to his business being shut down. "He had no assets, work or income," a judge would later recount. "His wife was on maternity leave following the birth of their third child. He was struggling with his mental health due to financial pressures and had attempted suicide."

Boyle gave Mr CC a reprieve — he exercised his discretion as a debt recovery officer to recommend that the ATO temporarily not pursue the debt, with the monies repayable at a later date. Boyle's recommendation was accepted. Concerned by the increasingly hardline position being taken at the ATO, however, Boyle did something else once the call ended. The public servant took out his mobile phone and took two photographs of the information on his computer monitor: notes of his call with Mr CC and a case summary.

Boyle would later give evidence that he took the photos to inform a public interest disclosure — a formal whistleblowing report, under federal public sector whistleblowing law — which he intended to make. Boyle said that he wanted the information to assist potential investigators of his disclosure, as he would be unable to memorise it.

He saw Mr CC's case "as evidence of the concerning cases before the ATO, including the immense stress that ATO issues cause taxpayers, the real risk of harm to taxpayers who are struggling with that stress, and how that harm can eventuate if a case is not actioned efficiently or effectively."

Boyle believed Mr CC's case showed the importance of a compassionate, case-by-case approach. In Boyle's subsequent public interest disclosure, a 10-chapter document submitted six months later, these themes would feature heavily. As a judge would later summarise, the compassion Boyle desired was "in stark contrast with the ATO's harsh approach at the time."

Boyle was eventually charged over the picture he took — prohibited by the *Taxation Administration Act* — and related conduct. On Thursday, at the District Court in Adelaide, not far from the office where Boyle answered that phone call eight years earlier, the saga concluded with a brief sentencing hearing before Judge Liesl Kudelka.

Kudelka observed that Boyle had "genuinely believed" his conduct was necessary for his whistleblowing and thought it was justifiable "for the greater good." She warned, however, of

the risk of endorsing "vigilante justice" or giving a "green light" to whistleblowers committing a crime.

Kudelka accepted that whistleblowing is "not an easy, simple or straightforward thing." Put "colloquially, blowing the whistle can be a tough gig," she added. She found there was a "distortion in judgement" in what Boyle did, however, that he could have blown the whistle without committing the criminal offending. She accepted that Boyle's mental health was poor at the time and this contributed to his decision-making.

Boyle believed that Mr CC's case showed the importance of a compassionate, case-by-case approach … As a judge would later summarise, the compassion Boyle desired was "in stark contrast with the ATO's harsh approach at the time."

Kudelka ordered that Boyle be released from the prosecution without recording a conviction, on the condition of a 12-month good behaviour bond. Standing before the judge to sign the paperwork, Boyle said he wished to "apologise to the court, the community and the victims for taking up their time."

Kudelka replied that his apology was not needed. "It's called the wheels of justice," she said.

In the years since Boyle's disclosure and subsequent legal fight, the public servant's case has been one of a number of high-profile prosecutions to shine a spotlight on the plight of whistleblowers in Australia.

Former intelligence officer Witness K pleaded guilty in 2021 to offences relating to disclosing Australia's espionage against Timor-Leste. K's solicitor, Bernard Collaery, was only spared trial after then attorney-general Mark Dreyfus, KC, dropped the secrecy-shrouded prosecution in 2022.

Last year, David McBride was sentenced to more than five years' imprisonment for leaking documents to the ABC that formed the basis of the landmark "Afghan Files" reporting. An appeal to the High Court is pending.

Like these other whistleblowers, Boyle ultimately went public — blowing the whistle as part of a joint investigation by the ABC and the then Fairfax newspapers. The media attention sparked further scrutiny, and some of Boyle's concerns were ultimately vindicated. The small business ombudsman found "excessive use" of one particular debt recovery tool; the tax ombudsman found "problems" had arisen at "certain localised pockets" of the ATO, particularly the Adelaide office. A Senate inquiry held that Boyle's whistleblowing had not been properly handled.

Curiously, however, Boyle was not prosecuted for going public. Instead, the charges he faced — initially 66, then dropped to 24 charges, then 19, and ultimately four as part of a plea deal to bring the prosecution to an end — related to his conduct in preparation for blowing the whistle internally.

Boyle was charged with offences relating to taking photos of taxpayer information, including his notes from the call with Mr CC; secretly recording conversations with colleagues; and sending taxpayer information to his lawyer. None of this information was ultimately made public and there was no suggestion he gave this confidential information to the media.

In March 2023, Kudelka found that the whistleblowing immunity in federal law did not protect such preparatory conduct. In the middle of last year an appeal court agreed, adopting a limited construction of the immunity as only applying to the actual act of whistleblowing. The High Court declined to hear a further appeal late last year, leaving Boyle with no protection for his actions. He had been due to face trial in November but struck a plea deal to avoid the prospect of a jail term.

Boyle may be the latest Australian whistleblower to face prosecution, but there is every possibility he will not be the last. After forming government in May 2022, the Albanese government made some initial technical changes to the *Public Interest Disclosure Act* to coincide with the establishment of the National Anti-Corruption Commission. The promise of more wide-ranging reforms and protections have so far been unfulfilled.

In a discussion paper released by the Attorney-General's Department in November 2023, the problem with the Boyle case was squarely raised, seeking input on "to what extent, if at all, preparatory acts should be covered by immunities." The department noted that a review of Queensland whistleblowing laws had recommended some protection for preparatory conduct, and equivalent protections were found in whistleblowing laws overseas.

While the new attorney-general, Michelle Rowland, has indicated her commitment to seeing through the reforms begun by her predecessor, Dreyfus, no sense of timing has been indicated. A review of private sector whistleblowing laws, being led by Treasury, started mid last year — consultation is expected to begin shortly.

Sitting in the dock at the District Court on Thursday, Boyle had the weight of the world — and Australia's broken whistleblowing laws — on his shoulders. He has spent the best part of a decade with his life on hold. In a speech at the Walkley Awards last year, he said he was "broken, physically, mentally and financially."

At last, on a rainy day in Adelaide, the saga that began with Mr CC's phone call came to an end. To Boyle's supporters, the non-conviction order was a small ray of light, but the work to properly protect Australia's whistleblowers continues.

Richard Boyle: sparing the individual, deterring the whistleblowing

Binoy Kampmark
The Mandarin, 4 September 2025

HE HAD SUFFERED for seven years. He was threatened with a library of charges that would have landed him in prison for years. And all for conducting himself in the manner expected by a whistleblower revealing the unlawful practices of the organisation employing him. The tragic — and purposely engineered — situation for such figures is that exposing a misdemeanour or wrong via a public interest disclosure is only ever feasible by breaching a multitude of regulations and laws. The reason: not doing so would make the disclosure threadbare and light.

Richard Boyle's case exemplified the points. As an employee of the Australian Tax Office, he had gone through the necessary steps under the *Public Interest Disclosure Act (PID Act) 2013* (Cth) by first making an internal disclosure. The disclosure alleged that the ATO's use of garnishee notices requiring banks to hand over taxpayer monies without notification breached the Australian Public Service Code of Conduct. The merits of the submission were dismissed a mere fortnight later. A complaint to the Inspector General of Taxation was stymied.

Sensing trouble, the ATO offered Boyle a settlement in January 2018, with the usual gagging proviso. He refused. With the avenues exhausted, he made what he thought to be a protected public disclosure to the media, involving the Age/Herald/Four Corners collaboration that led to the April 2018 Four Corners production Mongrel Bunch of Bastards.

A few days prior to the episode's airing, Boyle's Edwardstown apartment was raided by the Australian Federal Police. The Commonwealth Department of Public Prosecutions initially drew up a list of 66 criminal charges, which was pared back to 24, focusing on revealing protected information, thereby breaching the *Taxation Administration Act 1953* (Cth) and South Australian laws covering the misuse of listening devices. Among the charges were allegations that conversations had been taped without consent and photos taken of confidential taxpayer information. Despite the process behind gathering the material in question, subsequent reviews confirmed that Boyle's claims had merit.

Boyle subsequently attempted to use sections 10(1)(a) and 23(1)(c) of the *Public Interest Disclosure Act (PID Act) 2013* (Cth), arguing that criminal liability did not apply to his revelations, as they were valid public interest disclosures. He further argued that the relevant legal framework protected both the public official making the disclosure of wrongdoing and the necessary steps required to make it, including gathering pertinent evidence and information.

This did not convince Judge Liesl Kudelka of the South Australian District Court. In March 2023, the judge found that Boyle had engaged in a form of "'vigilante justice' prior to making a public interest disclosure." She expressed reservations about "the concept of a public official holding on to information that, in the public interest, should be disclosed whilst conducting their own investigation of that information in order to gather 'evidence' of disclosable conduct which then may, or may not, be disclosed." Unrealistically, the judge accepted the view that such disclosures were easy to make, requiring "little formality" with "the barest of information".

In 2024, the South Australian Court of Appeal accepted the lower court's finding that s.10(1)(a) was "confined to the act of disclosing information" and did not cover Boyle's "anterior acts of obtaining and recording information" regarding a majority of the counts. In November last year, the High Court of Australia refused Boyle's application seeking an extension of time to file a special leave application regarding Judge Kudelka's decision. The grant would be "futile" as the appeal did "not enjoy sufficient prospects of success to make it in the interests of the administration of justice or in the particular case".

Having demonstrated the woeful limitations of the *PID* in practice, and the conspicuous reluctance of the Albanese government to intervene and drop the case, Boyle was left with a plea deal with the CDPP that reduced the charge sheet to four counts: disclosing protected information to another entity, making a record of protected information, using a listening device to record a private conversation, and recording another person's tax file number. The guilty plea, while enabling Boyle to avoid jail, did not impress such supporters as the Human Rights Law Centre. "While it is welcome that Boyle will avoid jail," declared Keiran Pender, the HRLC's legal director, "he should never have been prosecuted, and his case clearly demonstrates how our laws are failing to protect people who bravely speak up."

On August 28, one of the lengthiest sagas in Australian whistleblowing history reached its terminus with a sentence of 12 months' good behaviour, with no recorded conviction. Boyle's moral constitution, in the end, impressed Judge Kudelka. "I find that you engaged in this criminal conduct because you genuinely believed at the time that what you were doing was justified for the greater good." She also conceded that making such disclosures was "not an easy, simple or straightforward thing or an individual to do". But no one was left in any doubt that her leniency be perceived as an incentive for adventurous public disclosures: "the message today needs to be clear that whistleblowing is not a green light for an individual to commit crimes in the name of what they believe is for the greater good."

In the absence of a judiciary reluctant to broaden the limiting provisions of the current public disclosure system, legislation through parliament is the only recourse. Currently under review is the *Whistleblower Protection Authority Bill 2025 (No. 2)*. The bill is currently before the Senate Legal and Constitutional Affairs Legislation Committee, comprising 10 design principles with an essential overarching purpose: that any such new authority ensures that "whistleblowers are left no worse off for raising concerns about wrongdoing — internally in their agencies or organisations, to regulatory bodies, or, if necessary, to the public." But till the issue of how one reconciles credible whistleblowing with exonerating the necessary steps, albeit illegal, that need to be taken to achieve that goal, the Boyle dilemma will continue to haunt and deter those willing to expose wrongdoing. The powers that be will certainly prefer it that way.

Women face bullying, harassment for blowing the whistle

Dominic Giannini
AAP, 25 August

WOMEN are more likely to face harassment and bullying at work for blowing the whistle, while those on lower incomes are more likely to face reprisal actions.

Women are also more likely to speak out about people being endangered when blowing the whistle while men reported fraud or corruption, according to analysis from the Human Rights Law Centre.

This may be because care industries are dominated by women, who would then expose wrongdoing against people, the centre said.

The healthcare sector was the largest source of complaints from women, and all of those who spoke out faced retaliation in some form.

"When combined with our data that only women spoke up about misconduct in the healthcare industry, it is clear that this is a gendered issue urgent for prioritisation," the centre's report said.

This was combined with lower income workers — such as women in healthcare — bearing the burden at a higher rate.

"This is consistent with the literature which finds that whistleblowers who are junior and lack power are more likely to suffer reprisal," the report said.

Men and women faced reprisals at the same rate, with seven in 10 whistleblowers suffering adverse consequences for coming forward.

Almost half of men lost their jobs after speaking out and one in three women faced bullying or harassment afterwards, the centre's analysis of its clients from the first year of its whistleblowing project found.

But it noted the small sample size of 65 legal advices provided between August 2023 and June 2024.

"While the unjust prosecution of high-profile male whistleblowers has dominated news headlines in recent years, our research shows that women are blowing the whistle just as frequently, often overcoming significant hurdles to do so and at a great personal cost," the centre's senior lawyer Regina Featherstone said.

"Women's voices are vital to integrity and holding governments and companies accountable for wrongdoing and human rights abuses in Australia."

The Human Rights Law Centre is calling for a dedicated whistleblower protection authority which could help lower-paid or insecure workers access assistance before and during exposing malpractice.

"The Albanese government must fix Australia's broken whistleblowing laws and implement a federal whistleblower protection authority to support women who courageously speak truth to power," acting senior lawyer Anneliese Cooper said.

Pokies giant taken to court over money laundering gaps

Farid Farid
Canberra Times, 30 July 2025

A GAMBLING GIANT has been taken to court over alleged compliance gaps amid concerns of criminal groups laundering money through poker machines.

Mounties is one of the largest and most profitable club groups in NSW boasting about 1400 poker machines across eight venues.

Financial intelligence agency AUSTRAC chief executive Brendan Thomas alleged failures in Mounties' approach to its anti-money laundering and counter-terrorism finance obligations have left it open to criminal exploitation.

"This is a big company with an even bigger responsibility to ensure its clubs are managing the risks that criminals can run dirty money through its gaming machines," he said on Wednesday.

"A business operating at this scale, in a cash intensive sector, is exposed to a high degree of money laundering risk."

Mr Thomas referred to a landmark 2022 NSW Crime Commission report which found that billions of the approximately $95 billion gambled in NSW poker machines in 2021/22 was likely to be "dirty money."

The regulator also alleged the pokies behemoth failed to appropriately maintain its AML/CTF program by outsourcing parts of it to third-party provider Betsafe.

"Relying on third-party providers doesn't absolve a business of its obligations," Mr Thomas said.

The company provides compliance programs to several operators across the sector.

Gaming industry whistleblower Troy Stolz, who battled three court cases while undergoing treatment for terminal cancer after leaking an internal ClubsNSW report, described AUSTRAC's actions as "massive."

"This is the tip of the iceberg," he told AAP.

"If the largest club in NSW can't get it right, how are the smaller clubs and pubs going to address this issue?"

Mr Stolz was the head of anti-money laundering with ClubsNSW for eight years.

He leaked an internal report that showed more than 90 per cent of gaming venues were not complying with money laundering regulations.

Mr Stolz had also raised concerns about Mounties' compliance programs with AUSTRAC more than a decade ago.

Troy Stolz

He pointed the finger at successive governments for not implementing stringent regulatory reforms, particularly singling out Premier Chris Minns, who he ran against as an independent in 2023.

"Having unregulated poker machines … is opening the door up for drug dealers to continue to prosper from their operations.

"They have long been a safe vehicle to launder their proceeds of crime," Mr Stolz said.

NSW is home to the largest number of poker machines in a single jurisdiction worldwide with nearly 90,000 spread across the state.

Profits hit all-time highs of $8.4 billion in the 2023/24 financial year, delivering $2.3 billion in tax revenue.

The figure is tipped to increase to $2.9 billion by 2027/28.

In a damning June report, the state's auditor-general found regulators had failed in harm minimisation efforts for addicted gamblers.

A Grattan Institute analysis estimated NSW residents lost $1288 per adult on pokies in 2023, double the average of other states.

I am a robodebt whistleblower.

Jeannie-Marie Blake
The Guardian, 12 August 2025

I BLEW THE WHISTLE ON ROBODEBT. I experienced firsthand the absence of support for whistleblowers. That is why I am firm in my belief that we need whistleblower reform, now, including the establishment of a Whistleblower Protection Authority.

For most of my career, I have worked for Services Australia. I was on the frontline of the implementation of what became known as robodebt. As I explained in my testimony to the robodebt royal commission, involvement in robodebt was a deeply traumatic experience.

I tried, from the very beginning, when I was part of an initial robodebt pilot, to blow the whistle on the scheme. I immediately saw robodebt for what the royal commission eventually concluded it to be: unlawful and deeply unethical. I thought it should be stopped, to never proceed beyond the pilot.

But when I, and others, raised concerns, we were met with a clear, stark message: resign, transfer or comply. The message was as blunt as that: shut up or leave.

Our concerns were ignored. Instead, we received threatening communications. Performance targets, threats of underperformance notices and code of conduct breaches were used to suppress dissent. Daily emails reminded us that if we spoke to anyone outside our team about our work, we could face termination.

There was no safe, independent mechanism for staff to report concerns without fear of reprisal. If such a body had existed, I believe many more staff would have spoken out, and robodebt may have been stopped before it began. Think about what that might have prevented – the trauma avoided, the beautiful lives not lost as a result, the billions in taxpayer dollars not wasted.

If whistleblowers were protected and empowered, not punished, maybe we could have avoided robodebt altogether.

Jeannie-Marie Blake

At its core, robodebt was a breakdown of integrity. A logical response in such situations is to go outside that system and report – somewhere, some way, somehow. While the integrity of all government systems rely on public confidence, there are a range of reasons the integrity of those systems can be compromised. Whistleblowing is a vital safety valve when those systems fail.

No doubt you will hear much today about the importance of whistleblowing, and how we can improve support and protection for whistleblowing. But I want to speak to the personal cost of speaking out. I lost my career. My mental health suffered. I struggled with alcohol dependency. I became unable to properly parent, or care for my elderly parent. I endured suicidal ideation.

A decade since I first blew the whistle on robodebt, and over two years since I gave evidence to the royal commission, I am still suffering. I was so traumatised by my experience that I am on workers' compensation, barely subsisting on a fraction of my former salary. Ultimately my family, my career and my colleagues have paid the high price for speaking up.

Meanwhile, those most responsible for robodebt have faced no real consequences. The royal commission vindicated those who raised concerns, yet still we suffer. Society benefits when whistleblowers speak up – ultimately, robodebt was stopped. But we are left on the scrap heap, paying a high price for our sacrifice – a sacrifice made in the public interest.

I am not the only one. In recent years there have been Australians prosecuted for blowing the whistle, a whistleblower imprisoned for speaking up. There are dozens more who have had their careers ended, or sidelined, for doing the right thing, not to mention those – including many colleagues during robodebt – who simply walked away in disgust.

For this reason alone there should be some sort of mechanism to support whistleblowers who speak up in the public interest. To have a body which can offer a modicum of protection to those who would bring "right" to a place where it can be considered, should be at the core of efforts to restore credibility in Australian public institutions.

That is why we need a Whistleblower Protection Authority. That is why I came here today, to call on the Albanese government and attorney general Michelle Rowland to act.

Whistleblower protections must ensure that those who speak out for what is right are not punished for doing so. Integrity in our public systems depend on it.

Jeannie-Marie Blake is a public servant. This is an extract of evidence she gave to the Senate Legal and Constitutional Affairs Committee in Canberra, as part of the Committee's inquiry into a whistleblower protection authority

Stopped from testifying: coal fraud whistleblower

Stephanie Tran
Michael West Media
4 September 2025

In July 2019, Justin Williams joined TerraCom Limited as General Manager. Within days, he was confronted with evidence that coal quality certificates underpinning export contracts worth millions were being systematically altered. What began as an internal concern would spiral into a five-year ordeal, involving the Australian Federal Police, NSW Police, the corporate regulator, and ultimately, a courtroom battle that left Williams empty-handed.

Widespread fraud

Williams' allegations echoed what later came to light in independent investigations. A PwC report, cited in ASIC's court filings, found that in 12 out of 14 shipments tested, results had been altered in TerraCom's favour, boosting the apparent value of exports by more than $1.1 million.

TERRACOM

Mr. Williams's submissions to the Federal Court have suggested that the value of the shipments affected is more than US$100 million. This is because when coal does not meet the agreed-upon quality, the cargo may be rejected, and in this case, 100% of the cargo's value must be refunded by the seller to the buyer.

According to Williams, the implication was clear: coal was being made to look cleaner, more energy-dense, and therefore more valuable than it really was.

The practice was not limited to TerraCom. ALS, the global testing giant that admitted to the manipulation of results, and other coal companies implicated in systemic fraud, were never charged. Instead, ASIC pursued only a civil penalty against TerraCom, avoiding the larger industry-wide issues of fraud and potential foreign bribery.

Adding insult to injury, when ASIC lost its civil case against four TerraCom directors, taxpayers were left to foot the bill. Last month, court orders saw ASIC pay more than $3.6 million in legal costs for executives Wal King, Nathan Boon, Danny McCarthy, and Craig Ransley.

The AFP and ASIC

Williams first took his concerns to law enforcement. "I had first reported this matter to police rather than ASIC because I wanted law enforcement authorities to pursue the criminal charges of fraud and foreign bribery against the large coal companies and certification companies who had been committing the fraud for decades."

"I was interviewed at length by the Australian Federal Police, who referred my concerns to ASIC," he recalls.

Despite the significant evidence of wrongdoing, Williams alleges that the AFP declined to pursue the case due to concerns that it would affect the Australian coal industry.

"Contrary to what has been reported in relation to the findings of the Australian Federal Police, they told me that there was significant evidence of fraud perpetrated by ALS Limited but that they were concerned that they could not progress any legal action due to the significance of the coal industry to the Australian economy," Williams said.

"The Australian Federal Police were very clear that they would not progress the matter because it was not in Australia's national and economic interest."

MWM put questions to the AFP. They declined to comment on the matter.

The cover-up

On 24 July 2020, Williams had his first substantive in person meeting with ASIC. Williams requested that his lawyers be present however, ASIC denied this request giving him assurances that this was unnecessary as he was not the subject of the investigation. In hindsight, Williams regrets not having legal representation in his meetings with ASIC.

For Williams, the years of cooperation came at a cost. "In total, I spent just under five years working with ASIC in

the belief that they would seek justice and fair compensation for me as they progressed what became their failed case against Terracom and its directors."

At first, ASIC appeared committed. "ASIC's lawyers said they wanted my case to be the first case in which ASIC had sought compensation directly for a whistleblower," Williams recalls.

"They told me they wanted to use those powers to my benefit. They said they wanted my case to be the first test case in Australia."

Williams was prepared as a witness by ASIC but was removed from the case just days before the trial began.

"They told me that they planned on calling me as a witness. I met with their lawyers, and they spent a significant amount of time preparing me as a witness. I had taken time off work, and then at the last minute, I was told they weren't calling me," Williams said.

"I wanted to take the stand. I wanted to tell the truth about the industry, but ASIC wouldn't let me."

For Williams, the reasons were clear. "I believe they stopped me from testifying because they didn't want to expose widespread fraud and foreign bribery in the Australian coal industry. This practice is occurring in more than just coal exports. It is so prevalent that it affects the entire commodity sector"

MWM put questions to ASIC regarding their decision not to pursue the allegations of fraud in the coal industry. They provided the following response:

"ASIC does not have direct regulatory oversight for the accuracy or otherwise of coal quality certificates, as they are not financial products."

Regarding their decision to remove Williams from the case, they stated:

"The case against TerraCom proceeded on an agreed basis. TerraCom admitted that it victimised the whistleblower, so there was no need to call any witnesses."

Left behind

Williams's story raises a troubling question: What message does this send to whistleblowers?

He was recruited to assist a regulator, fed assurances of compensation, and then excluded from the final proceedings. The individuals he accused walked away with their costs covered, while the systemic issues he flagged — widespread alterations of test results, inflated coal values, and the international trade implications continue with impunity.

"I stood up and did the right thing when I was put in a difficult position," Williams says. "None of them have been prepared to do the same."

Whistleblowers remain unprotected as government fails to implement promised reforms

Paul Gregoire
Sydney Criminal Lawyers
19 August 2025

As Australian musicologist Professor Peter Tregear testified during a 12 August 2025 Senate inquiry hearing into governance at universities, and specifically in respect to his time as head of the Australian National University (ANU) School of Music, he made clear that whistleblower protections that are failing public sector workers elsewhere are also negatively impacting the tertiary sector.

"Whistleblowing of all kinds is not just discouraged," Tregear said in reference to the culture at ANU, "it is actively suppressed, by, for instance, the habitual mishandling of public interest disclosures or the misuse of nondisclosure agreements." And he added that this approach to complaints permits bullying, while "poor behaviour does not lead to negative consequences."

Peter Tregear

Having been appointed head of the ANU music school in 2012, and charged with resolving internal difficulties within the institution, Tregear lodged three public interest disclosures with the university over 2016 to 2018, after his 2015 resignation, with 11 senior staff named as having misused funds or having left conflicts of interest undisclosed, and the ANU then mishandled these internal inquiries.

Tregear raised this issue afresh last week, after having initially aired his complaints in a submission to a 2022 bill amending the Public Interest Disclosure Act 2013 (Cth) (PID Act), which is the Act that provides protections for public sector employees who expose government corruption. And these initial reforms were being made ahead of a major overhaul of the PID Act that Labor had promised.

But the prolonged process of fixing whistleblower protections that former Albanese government attorney general Mark Dreyfus had been charged with appears to have drawn to a halt, as he was replaced by new AG Michelle Rowland after the May election, and she insisted in July that "the government's reforms to the PID Act are working," despite the major reform not yet being drafted.

Rewarded for noncompliance

"Deflection and denial are standard response when managerial problems attract outside attention," Tregear told the Senate inquiry in respect of ANU on

12 August. "The ANU's inscrutable internal administration of a substantial allocation of taxpayers' money it receives under the national institute grants scheme similarly fuels an unhealthy culture across the campus."

"Senators, I hope you will agree this is a wholly unacceptable situation," the music professor continued. "We should expect, as a matter of course, that university councils, like any governing body, will always encourage a healthy forensic scepticism towards the organisations they govern and will always be able to probe and challenge managerial decisions."

ANU School of Music

But Tregear was clear at the Senate inquiry that this was not the case, as ANU had mishandled three public interest disclosures that he submitted internally, and in fact, it simply neglected them until he prompted officials to progress them. The professor then went to the Commonwealth Ombudsman to complain about the university's mishandling of his official whistleblower complaints.

Commonwealth Ombudsman delegate Cassandra Hodzic then wrote to Tregear in September 2020 to inform him that the investigation into his ANU matter was complete. Indeed, the university had submitted its inquiry report to the Ombudsman, in which it had concluded that Tregear was "a liar," "a manipulator" and was "untrainable."

The professor was aware of these conclusions made in the ANU investigation. He insisted to the Ombudsman that these were unfounded, so Hodzic then repeatedly contacted ANU for further details to substantiate its claims, which it ignored. So, the tertiary institution avoided more scrutiny simply by refusing to respond to inquiries under the Ombudsman Act 1976 (Cth).

"The ANU did not respond to our observations," Hodzic told Tregear in her letter regarding the final outcome of the Ombudsman inquiry into his matter. "I have decided to finalise my investigation of your complaint at this point, because I do not think that further investigation would be likely to result in a different outcome for you."

Protections never progressed

The Morrison government launched three whistleblower cases in 2018/19, which involved ex-ASIS agent Witness K, former ADF lawyer David McBride and former ATO officer Richard Boyle. This saw the Coalition attempting to punish these men for blowing the whistle incorrectly, as per the PID Act, and the high-profile cases garnered much public derision for attempting to punish the messenger.

This lead then federal Labor MP Mark Dreyfus to declare in October 2021 that he would be progressing a major overhaul of the PID Act if elected. He'd drafted the Act in 2013 in an earlier stint as AG, and following the release of the 2016 Moss report, which made 33 recommendations to improve it, the Coalition had simply left it as bad law that provided inadequate protection.

Mark Dreyfus

Dreyfus was re-elected and reappointed AG in May 2022. He declared in November that year that he'd make initial amendments to the PID Act to facilitate the mid-2023 launch of the National Anti-Corruption Commission (the NACC), prior to a major overhaul of the PID Act. But this second round of reforms was never forthcoming, and it was expected to bring more formidable changes.

A November 2023 consultation paper regarding the second round of PID Act reforms was released. But Dreyfus was replaced by Rowland in May this year, before any draft of the further reforms had been released.

The consultation paper had contemplated extending criminal immunity for whistleblowers in respect of preparatory acts made in blowing the whistle, which is the reason why Boyle is currently facing prison: the former ATO employee made records to prove his case regarding corrupt practices to the taxation office itself, and for this, he may be made to spend time in prison.

As for new AG Rowland, she announced on 31 July 2025 that the first sixth-monthly report on the operation of the PID Act was in, and the "significant improvements" made in 2023 show the reforms "are working," and added that the government is "committed to strengthening the public sector whistleblowing framework and is considering further reforms to improve whistleblower protections."

A higher authority

Following the re-election of the Albanese government on 3 May, the Australia Institute and Fairer Future published an open letter calling on the newly elected parliament to establish a Whistleblower Authority. Signed by over a dozen of former judges, ex-ombudsman and academics, the letter calls for integrity officers staffing the authority to be officially elected members of parliament.

Independent MPs and Senators, led by Andrew Wilkie, introduced the Whistleblower Protection Authority Bill 2025, into the last parliament in February, and this bill was reintroduced into the new parliament by Senator David Pocock on 23 July 2025, at which point it was then sent to the Senate Legal and Constitutional Affairs Legislation Committee for inquiry.

In a press release last week, the Human Rights Law Centre set out that the authority would ensure that whistleblowers exposing government corruption would be safeguarded through the entire process, as it would be charged with "providing information, advice, assistance, guidance and support to

whistleblowers and potential whistleblowers."

"It took more than 20 years for governments to accept Australia needed a national anti-corruption agency," outlined Griffith University Professor A J Brown, who is a noted expert on whistleblower protections. "But no integrity system can work without a competent body to ensure whistleblower protections work in practice, not just on paper."

"The time is right to ensure justice for our most valuable but vulnerable workers and professionals, through concrete measures to help those who speak up under any of our federal whistleblowing laws," the chair of Transparency International Australia further clarified.

I'm a Met Police whistleblower — and these are the horror stories I've heard

Issy Vine

The Independent, 15 June 2025

WHAT WOULD YOU SAY attracts somebody to be a police officer? Some would say the satisfaction and fulfilment of helping others in need. However, I know that that isn't the case for everyone who takes their oath on their "pass out" day.

Here are just some of the horrifying submissions about police staff behaviour that I have received from their colleagues in the last few weeks at Speak Up Now UK, the organisation I founded to spotlight misconduct in the UK's public and emergency services.

"Officers sniffing victims' knickers in the evidence room..." one Met Police employee wrote. From another: "I overheard a missing person detective wish a young missing teenager would kill himself so they wouldn't have to keep looking for him."

An employee from an unspecified force said: "I reported my colleague for following me home but they didn't take that seriously because it has to happen multiple times for them to."

A Met Police officer also wrote to me that a fellow officer had been forbidden from being left on his own with any women because he was being investigated for two sexual assaults on colleagues at a separate force.

The officer added that the colleague "regularly gets posted with female PCs, who feel uncomfortable being with him. He has made a number of comments to officers that make them feel uncomfortable, including details of his most recent sexual encounters with an officer who had only recently joined the team". The officer added that colleagues had spoken to superiors about their concerns but these have all been "widely ignored."

An employee at Avon and Somerset Police wrote in about their experience reporting a senior officer from another force for drink-driving while armed: "I believed this was the right thing to do, but instead of being supported, I faced escalating reprisals," they said.

"I have submitted multiple grievances detailing whistleblowing detriment, disability discrimination, and procedural failings, yet none have been properly addressed. This ongoing treatment has devastated my career, finances, and mental health."

Such an experience is very familiar to me. I blew the whistle on serious misconduct at the Met Police, much to my disadvantage. I was given the runaround for 18 months trying to have my concerns heard and, in the end, I left the force, my faith in it shattered.

I had worked in the Met Police for just under five years as a communications officer, which meant answering 999 calls and running the officer radio channels. As well as misconduct at my level, I also witnessed failures from those at the top who did not take the misconduct seriously. All this is why I created Speak Up Now UK, to provide a safe space for employees to share their experiences of being let down by the systems that are there to "protect us".

The organisation is open to all emergency and public service employees — and I am seeing a steady stream of testimonies from beyond the police world. An NHS worker told me: "I disclosed repeated sexist behaviour by my male manager to his boss, and she responded by using her position to make my working life intolerable. She weaponised the fact that I had taken leave for a health condition and shamed me for 'letting the whole team down' by being on sick leave. She yelled at me in meetings. The male manager showed up at my home address twice. HR enabled their behaviour. Eventually, I resigned."

Issy Vine

A firefighter in the north of England submitted this: "I have just learnt in the last week that a colleague I put in a grievance about who was sacked last year by North Yorkshire Fire service for bullying and harassment has been reinstated by the deputy mayor on appeal. I will have to leave my job if he returns."

By collecting these submissions and publishing them anonymously, I hope to create data that shows our services are not meeting their promises regarding work practices within organisations, resulting in good staff leaving and bad ones staying. They acknowledge that a toxic and harmful culture needs to be eradicated from public services and that reform will happen, but how long are we supposed to wait until something is done? Why are we settling for empty promises and "targets" from these institutions? Why is no one holding them accountable when they fail to meet their promises?

The Metropolitan Police officer who wrote to me about their new colleague not being allowed alone with women also said that, in the same week as colleagues were telling managers about their upset at working with the officer who was under investigation, they had to endure hours of "New Met for London" training, in which they were told to have the courage to speak up, "knowing that in reality their concerns go widely ignored".

I believe that this platform will give many who have been afraid to speak out the strength and support to talk further about their experiences, and not let misconduct go unchecked. They will see that they are not alone in their experiences, which can have serious consequences. One Met Police worker told us that they were "bullied because of my disability to the point I wanted to take my own life. It was all put down to 'banter' by senior officers."

First, Speak Up Now UK aims to ensure that as many public service personnel as possible are aware that the platform exists. Then, from the testimonies, case studies, interviews and data collected, an annual report will be created to deliver to government.

SPEAK UP NOW UK

I am also hoping that parliament will review misconduct procedures within the police. I launched a petition to this effect in *The Independent* in April, as I told my story of working in the Met Police. It has surpassed 40,000 signatures, and I am delivering it to Downing Street on 17 June.

The state sector can function only if staff feel that they can do their jobs without fearing their colleagues. Whistleblowing education should be mandated in public services and emergency services by an external body.

If you know anyone who is currently serving or has served in public or emergency services in the UK, please tell them about Speak Up Now UK. They may have something valuable to share that could help contribute to meaningful change in our society.

The whistleblower stigma

Brian Martin

FOR THOSE keen to explore scholarly studies that give insights into why whistleblowers are treated so badly, you can try an article by Rachel A. Smith, "Language of the lost: an explication of stigma communication," in the journal *Communication Theory,* volume 17, 2007, pages 462–485. ***Warning: academic language ahead.***

Smith says there hasn't been an explanation of stigma communication. She proposes four components: marks, labels, peril and blame/responsibility.

According to Smith, "… a stigma is defined as a simplified, standardized image of the disgrace of certain people that is held in common by a community at large."

Stigma communication teaches community members how to recognise and respond to the stigmatised.

The black sheep effect

Here's a passage from Smith's article, omitting citations, that offers a nice summary of why whistleblowers are shunned.

> "Empirical studies show that group members who deviate from a group prototype may be rejected simply because their low-prototypical nature threatens the integrity of the group norms. Called the black sheep effect, people disassociate from and denigrate in-group members whose actions can reflect badly on the group. As group membership is utilized as a source of self-definition, people consequently want to maintain positive images of their groups (and its members), so they can see themselves in a positive light as well. In the reverse, people feel threatened when their groups could be viewed negatively. Social threats may seem to be less threatening or painful than ones that threaten one's physical body. However, recent studies show that social pain (such as rejection, exclusion, and ostracism) engages the same basic neural mechanisms that support the experience of physical pain (in the dorsal region of the anterior cingulated cortex). Stigmas, in summary, function within a detection system for threats to continued group survival. … To ensure the group's effective functioning, people diagnose threatening characteristics or actions, mark people bearing the characteristics or exhibiting the actions, and ensure that the discredited people are eliminated from future interaction."

Many whistleblowers are familiar with what's mentioned in the following passage, in which Smith quotes another researcher, Brewer.

> "As Brewer (1997) notes, people gain advantages if they 'selectively avoid, reject, or eliminate other individuals whose behaviors are disruptive to group organization'. Indeed, people stand or sit farther away from stigmatized. If they do not maintain distance, their association with stigmatized persons could cause the community to do them the courtesy of extending them the stigma, too."

In short, bystanders want to avoid being contaminated. Be thankful for those brave enough to keep in contact.

Smith uses the examples of lepers and deserters, but doesn't mention whistleblowers. That's not important. You can apply her ideas yourself.

> "In summary, stigmas are social constructions serving social functions." People who threaten the group are identified and marked, and their identity communicated to the group."

If you'd like to read the entire article, let me know and I'll send you a copy.

Whistleblowers Australia contacts

Postal address PO Box 2017, Brighton Eventide QLD 4017
Website http://www.whistleblowers.org.au/
Facebook https://www.facebook.com/Whistleblowers-Australia-Inc-172621456093012/

Contacts for information and advice
https://www.whistleblowers.org.au/about/contact.html

Wollongong contact Brian Martin, phone 02 4228 7860
Website http://www.bmartin.cc/dissent/

Queensland contact Feliks Perera, phone 0410 260 440, feliksfrommarcoola@gmail.com

Queensland Whistleblowers Action Group
Website http://www.whistleblowersqld.com.au
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Thanks to Sharon Kelsey and Lynn Simpson for proofreading.

Previous issues of *The Whistle*
https://www.bmartin.cc/dissent/contacts/au_wba/whistle.html

Whistleblowers Australia conference

Whistleblowers Australia's annual conference will be held at 9.00am Saturday 15 November at the Uniting Conference Centre, North Parramatta (Sydney), registration from 8.15. Keep up to date with developments by email notices.

For more information:
Michael Cole, 0403 179 985
michaeljcole@hotmail.com
www.wbaconference.weebly.com

Annual General Meeting

Whistleblowers Australia's AGM will be held at 9am Sunday 16 November at the Uniting Conference Centre, North Parramatta (Sydney).

Nominations for national committee positions must be delivered in writing to the acting national secretary (Jane Cole, 84 Tamboura Ave, Baulkham Hills NSW 2153) at least 7 days in advance of the AGM, namely by Sunday 9 November. Nominations should be signed by two financial members and be accompanied by the written consent of the candidate.

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

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: pay Whistleblowers Australia Inc by online deposit to NAB Coolum Beach BSB 084 034 Account Number 291738485. Use your surname as the reference.

New members: http://www.bmartin.cc/dissent/contacts/au_wba/membership.html