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Behold the shut-eyed sentry!

Whistleblower perspectives on government failure to correct wrongdoing

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Abstract. Whistleblowers, employees of conscience who report on wrongdoing, integrate into their socially useful role one of exposing institutional torpor and bureaucratic incompetence in those official structures responsible for the investigation and correction of wrongdoing. This paper reports on the finding from Australia's largest study into whistleblowers. It shows a crisis of competence in the official capacity of government structures to respond effectively to disclosures made in the public interest.

Introduction

Official investigations into wrongdoing are a permanent feature of modern politics. These investigations can be temporarily organised as special inquiries and royal commissions, or more fixed on the official terrain like the Independent Commission against Corruption in Hong Kong,[1] and the Official Corruption Commission in Western Australia.[2] While there is no doubt that the forensic, political, and resource challenges that these investigations face are indeed great,[3] where is the evidence that they work?

This paper addresses this question by looking at the performance record of two different types of investigatory phenomenon: time-fixed special purpose inquiries and open-ended wide-focussed government investigations. Time-fixed special purpose inquires operate within functionally specific terms of reference. For example an inquiry into alleged misconduct in a school or an inquiry into the illegal sale of uranium. Open-ended wide-focussed investigations are more precisely integrated into government administration. The brief of agencies within this model is normally stated in such a way as to provide them with ongoing authority to investigate certain repetitive classes of wrongdoing, e.g. allegations of police misconduct.

The time-fixed investigatory model is briefly explored through two special inquiries into psychiatric abuse. The open-ended investigatory model is considered in more detail through evidence from the *Queensland Whistle-*

blower Study (QWS). This research project is Australia's largest inquiry into employees of conscience; people who through their disclosure action often precipitate official investigations into systemic wrongdoing.[4]

Between February 1993 and March 1994 a location strategy was put in place to encourage current and ex-Queensland public sector workers who had made disclosures on alleged workplace wrongdoing in the 1990–1993 period, to come forward and participate in a research study being conducted at the University of Queensland. This involved newspaper advertisements, press releases, advertisements in union journals, and bills posted in public places.

The positive response to this invitation was increased when the study conducted Australia's first whistleblower phone-in, in March 1993. After meticulous screening (with sample rejection rates running as high as 30%) over 100 whistleblower-respondents were administered a 99-item questionnaire, designed to collect data on the many facets of the whistleblowing phenomenon. In the study whistleblowers were defined as concerned citizens, totally, or predominantly motivated by notions of public interest, who initiate of their own free will, an open disclosure about significant wrongdoing directly perceived in a particular occupational role, to a person or agency capable of investigating the complaint and facilitating the correction of wrongdoing (Table 1). Of particular relevance to this paper, is a range of questions designed to capture the experience of whistleblowers when they made contact with external investigatory agencies (Table 2). In the *Queensland Whistleblower Study* we have collected rare performance evaluations from those citizens who have sought to access the services these agencies were designed to provide. Usually the community must only be content with official evaluations of its investigatory procedures, but now through a systematic analysis of the cumulative whistleblowing experience we can start to build up a performance profile with a difference (Table 3).

The paper concludes from the whistleblower-consumer feedback obtained in the study, that official investigations into wrongdoing rarely work in the specific sense of exposing wrongdoing to public scrutiny and correction, thereby cutting the cycle of corruption. This paper takes the view that if the Queensland data is indicative of a much wider malaise, then official investigations usually perform a media-heated ritualised ablution, whereby we as a society not only white-wash ourselves clean of the corruption, but, locked into the paradigm of individual responsibility, we wash away the structural solutions too. Some scapegoats get caught, some people benefit, but in the long term, corruption, dissipated when the heat was on, re-coalesces, like a dispersed mercury puddle whose droplets inevitably re-amalgamate.

Whistleblowers bear much of the responsibility for exposing workplace wrongdoing. This responsibility is often forced upon them as they experience a singular lack of success in achieving action on their complaints when they present them to the self-regulatory mechanisms developed within the whistleblowers' workplace. These mechanisms are often driven by a desire to protect reputations rather than correct or prevent wrongdoing. In the absence of effective internal processing of their disclosures, whistleblowers approach external investigatory agencies (often set up specifically for the task) in good faith, laying their public interest disclosures on the table and expecting action. They don't get what they expect (Table 4).

This study focuses on the fate of whistleblowers and their disclosures of wrongdoing once these employees of conscience moved, usually through frustration, beyond the established work-site grievance and reporting mechanisms to external authorities such as: police, ombudsman, and the Queensland Criminal Justice Commission (an open-ended wide-focussed investigation). The plight of whistleblowers caught up in internal work-place grievance and reporting procedures is explored elsewhere.[5]

Shut-eyed sentries: time-fixed investigators

In various parts of Australia in the last twenty years time-fixed special purpose investigations have occurred in a whole range of areas: patient abuse, police corruption, organised crime, trade union ballot rigging, to name a few. These investigations usually start (often reluctantly) after a blaze of scandal-driven media attention. They are accompanied by reassuring political gestures that the investigation will "get to the bottom" of the wrongdoing. Sometimes the investigations drag on interminably, absorbing vast amounts from the public purse. Often investigations produce, through their legal formalism, unjustified cautiousness and ponderous ways, great feelings of disappointment, anger and betrayal in the victims who have suffered through the wrongdoing as well as the whistleblowers who courageously drew attention to it.

Nothing seems to crystallise the view that investigations have seriously miscarried more than the fact that too few or no charges are laid as a consequence of official intervention. While we would agree with some commentators[6] who argue that the laying of charges is only one among many performance indicators of an effective investigation, it has to be said that charge-laying appears to be an aberrant result of official investigations. The examples briefly discussed now illuminate this concern that official investigations too often produce soft outcomes for wrongdoers and fail to address the wider structural issues which provides wrongdoing with its nutrient. These case studies demonstrate fully-resourced alleged culprits, investigatory incompetence, and political

Table 1. Profile of wrongdoing.

Wrongdoing	Number	Percent of wrongdoing (n = 299)
Breach of Law/Failure to Enforce Law		
Non-compliance with statute, rule, policy or lawful order	22	
Failure to enforce law on lawful policy	11	
Theft (including misappropriation)	8	
Sexual misconduct (other then sex discrimination)	7	
Official concealment of wrongdoing	6	
Sex discrimination	5	
Assaults on inmates, clients, students	5	
Other "offical misconduct"	4	
Race discrimination	3	
Fabrication of evidence (including perjury)	3	
Other	10	
Sub Total	84	28
Working Conditions		
Authoritarian management practices	15	
Overworking of staff, unsatisfactory conditions, inadequate resources	13	
Unsafe work practices	9	
Delay or obstruction of work reforms	3	
Sub Total	40	13
Personnel Matters		
Nepotistic staff appointments	13	
Improper recruitment practices-other	12	
Abuse of position for personal gain	9	
Time sheet fraud	7	
Improper staff training	1	
Sub Total	42	14
Administration, Service Quality		
Maladministration	33	
Misuse/waste of public money	27	
Deterioration in quality of service delivery	10	
Other policy wrongdoings	10	
Sub Total	80	27
Research and Information		
Academic fraud (includes research falsification and plagiarism)	4	
Misrepresentation in official reports and statements	4	
Other unethical conduct	18	
Sub Total	26	9
Whistleblowing victimisation	18	6
Other	9	3
Total wrongdoing	299	100

unwillingness to demolish the webs of wrongdoing, particularly when such corruption is sourced to powerful elements in the community. These scenarios serve as a backdrop for this paper.

Between 1963 and 1979 almost 50 people died or committed suicide within a year of treatment at a private psychiatric clinic at Chelmsford, a north-western suburb of Sydney.[7] A $ 15 million whistleblower-stimulated government inquiry took two years and 258 witnesses to bring down a twelve volume, 4,000 page report that revealed that deep-sleep treatment led to the death of 26 patients and the confirmed suicide of a further 22.[8] Despite the evidence of gross medical negligence by three of the hospital psychiatrists, despite the fact that deep-sleep therapy has been banned in the United States since the 1950's,[9] and despite evidence of New South Wales Health Department negligence in failing to act on abuse reports, and then lying to the Inquiry to cover-up its misdeeds, no charges of criminal behaviour have even been laid. In June 1993, 30 years after the alleged wrongdoing started, the New South Wales Director of Public Prosecutions has dropped all outstanding investigations and charges against the remaining doctors.[10] What's more, (and this point illustrates a deeply ingrained reluctance to span from exposure of corruption to systemic change), no new cultural resistance against psychiatric power issued from the Inquiry, and no effective procedures were grounded in daily hospital practice to ensure that a repeat of psychiatric abuse was unlikely.

At the very time that the Chelmsford Inquiry was going on, a repeat pattern (in form if not content) of psychiatric abuse was occurring some 2,000 kilometres to the north, in Ward 10B, the psychiatric unit of Townsville General Hospital. Again the issue was the unaccountable power of psychiatrists and para-medics to freely experiment with new forms of "treatment" on psychologicaly damaged people. Again, a whistleblower-triggered inquiry found that 65 patients of Ward 10B died in circumstances which justified "close investigation".[11] The inquiry also found evidence of widespread patient abuse, head-office cover-ups, and criminal negligence. In fact, it is fair to say that the inquiry exposed the worst identified psychiatric atrocity in Queensland's mental health history. Again, we must say that no charges have been laid and no process of ethical renewal has been undertaken within the psychiatric system. The system remains ready to generate new forms of psychiatric wrongdoing.

Shut-eyed sentries: open-ended investigators

In the same time-frame that spawned a plethora of time-fixed special purpose investigations, governments at the Federal and State levels developed the

open-ended investigatory model. At the Federal level for example Australia has the National Crime Authority. At the State level there is the Independent Commission Against Corruption (New South Wales) and the Criminal Justice Commission (Queensland).

The Queensland Whistleblower Study enters the picture at this stage. Its purpose, among others, was to systematically collect customer evaluations from whistleblowers who had taken their allegations of wrongdoing to the open-ended investigators established under Queensland law. Before considering the profile of wrongdoing a short methodological point needs to be made. The truthfulness of the wrongdoing complaints was an irrelevant issue to the research project. This may seem like a strange statement to make, however the aim of the study was to elicit from whistleblowers information about their total disclosure experience. The aim was not to judge the bona fides of their complaints. Once we were secure in the knowledge that we had a firm sample of genuine whistleblowers (see above), we proceeded to accept their version for research purposes. A consequence of this is that we were obviously not in the position to determine the merits of the allegations put, although it must be pointed out that most whistleblower-respondents brought to the research interview voluminous back-up documentary evidence which was noted but not examined in detail. We were also not in a position to consider official justifications for investigatory incompetence (e.g. the old excuse "limited resources"). This is a study that crystallises the whistleblowers' experience, not the providers' explanations for service failure.

Profile of wrongdoing

Tabel 1 presents the profile of wrongdoing. Respondents were asked to detail, in a way which gave them scope to elaborate, the wrongdoing they observed in their public sector workplace that prompted the disclosures. In total, 299 separate acts of alleged wrongdoing were reported.

The whistleblower's "career"

Whistleblowers by definition direct their disclosures to people in authority. In the early parts of their "careers" as whistleblowers, they meet the challenge to correct the alleged wrongdoing by triggering, and subsequently assisting official investigations. The personal value profile of the whistleblower defines a law-abiding citizen, with a strong ethical centre and a faith in the philosophy and structure of democratic forms of government.[12] Not yet disillusioned, whistleblowers usually make their first disclosures to immediate superiors. Their experiences at that stage have been considered in detail elsewhere.[13], however it is worth pointing out here that a significant number of our sample

were so unhappy with the result when they made their disclosures through the appropriate in-house channels, that they decided they would need to move on to external agencies to get action. Sometimes, in addition to allegations of wrongdoing they also approached these agencies with complaints of harassment resulting from their disclosures. To determine the responses from these agencies we asked the whistleblowers what happened to them (and their complaints) once they moved outside their workplace. A detailed list of external agencies approached by the whistleblower sample is provided in Note No. 2. Table 2 lists these responses.

The 146 agency responses listed by the sample did not include matters current at interview time (13). We categorised the responses as: "no response", "negative response", "referral", "positive response" and "other". When we scan these responses for unequivocally positive reactions, we find only twelve.

A statistic that forces itself on us concerned lack of response, or nil performance by agencies receiving the whistleblowers' disclosures. Twenty-five percent of agency responses were in this category. An example of this is found in case 233. The whistleblower said he had evidence of mismanagement which he believed could have resulted in "loss of life and unnecessary [public danger]". After getting nowhere internally he contacted the Minister through the Minister's personal secretary. Ten minutes later a senior officer called to tell the whistleblower that he was "finished". The whistleblower approached the secretary of the Union who assisted in the preparation of a submission, but this has no effect. He then went to the Public Sector Management Commission to be told that it was "not their portfolio". He then went to the Public Sector Equity Commissioner to be told it was "not their area". He then went to the local member who told him that the Minister had "rapped on his [the member's] knuckles" and that the member would not see him again. He then attempted to see the Director-General of the Department to be told that the Director-General was "too busy" to see him. His solicitor could not help, he said, because of the "unique legislation". He then approached the Chair of the relevant Government Committee on several occasions. The Chair, the whistleblower said, was afraid for his own position and had been warned off by the Minister. He then approached the Criminal Justice Commission (CJC) who contacted the Minister in order to clear the way for the whistleblower to be interviewed for a position. The Minister refused the request.

Equally worrying was the higher volume of complaints from the sample about negative responses from the investigative agencies. Whistleblowers reported that the investigative agencies used a range of strategies including technical rationales such as failure to discover jurisdiction (11%), and the excuse that the alleged culprit was a person of power (7%). In case 166, for example, the whistleblower was told by a senior government person that

Table 2. Responses from external agencies about disclosures.

Response	Number	Percent of responses (n = 146)*
No Response		
Agency took no action	37	25
Negative Response		
Agency investigation did not proceed (alleged lack of jurisdiction)	16	11
Agency investigation did not proceed (lack of political will)	11	7
Agency investigation or finding of wrongdoing blocked by higher power	7	5
Wrongdoing not substantiated (alleged lack of evidence)	6	4
Wrongdoing substantiated – corrective action not taken	6	4
Agency refused to give whistleblower protection	4	3
Whistleblower "neutralised" (discredited)	4	3
Wrongdoing substantiated but covered up	3	2
Agency investigation did not proceed ("no substantial wrongdoing")	2	1
Agency took reprisals against whistleblower	1	1
Sub Total	60	40
Referral		
Agency referred matter to expert or specialist authority	10	7
Agency referred matter back to whistleblowers agency	11	8
Agency referred matter back to whistleblower	2	1
Agency referred matter to prosecution authority	1	1
Sub Total	24	17
Positive Response		
Wrongdoing substantiated (corrective action taken, including support/protection of whistleblower)	12	9
Other agency response	13	9
Total	146	100

* The number of responses exceeds the number of whistleblowers who approached external agencies (49) because this sample often used more than one agency. Also on occasions agencies gave more than one response.

he was aware that the Director-General of the Department was lying, but "they couldn't take him on". In case 194, a supervisor at a major correctional facility was reported by the whistleblower for failing to recognise the security concerns of staff and for racist behaviour directed at the Aboriginal prisoners. The whistleblower approached her union with these allegations. They told her that they were aware of the supervisor. The whistleblower said the union, ". . . did not appear to be very interested in the situation".

Seventeen percent of agency action constituted referral to somewhere else. In the whistleblowers' world "referral" is usually a synonym for passing the buck. In another publication this has been referred to as "dead-end processing".[14] In case 160 the whistleblower, a serving policeman, disclosed on a number of wrongdoings including: stealing, perjury, unlawful assaults, misappropriation of police property and racial and sexual harassment. The police officer approached the CJC. After some consideration the CJC referred part of the complaint back to the Police Department exposing the whistleblower to more persecution.

The evidence high jump

Why is it that so few whistleblowers in our sample rated the agencies' intervention as effective? We believe part of the answer lies in the impossibly high evidentiary standards required by external agencies and the courts. There are two standards of proof known to the common law in countries like Australia: proof on the balance of probabilities, the civil standard: and proof beyond reasonable doubt, the criminal standard. Time-fixed investigations are usually released from the criminal standard because they do not operate as courts. However this is not to suggest that these focussed inquiries operate on relaxed standards of evidence. While the statutes setting up time-fixed investigations usually authorize the inquiry to asses evidence probabilistically, the strategy of counsel for those accused (or would be accused) is to raise constant objections to the nature of evidence coming to the inquiry because it is alleged to be unfair to their clients or irrelevant to the issues at hand. Often behind the strategy is an attempt to protect accused by seeking to raise the standard of proof unofficially from civil to criminal. These strategies can be successful; and when they are, the whistleblowers disclosures become much harder to prove.

The creep-up from civil to criminal standards of proof also occurs when inquiries heed (as they must) precedent-based judicial warnings that civil standards of proof must vary with the seriousness of the allegations. The more serious the allegations the higher the degree of persuasion necessary to establish facts on the balance of probabilities.[15]

From the whistleblowers' perspective these evidentiary standards appear designed to reflect politico-bureaucratic power, rather than the facilitation of the truth. These standards are often unable to be met by whistleblowers, who are put into forensic David and Goliath contests with huge departments, fully resourced for rebuttal. The whistleblower is often told that his or her case "lacks substance", or the official investigation "failed to prove. . ". The reason given in case 160 for referral of the complaints back to the whistleblowers' department was that there was insufficient evidence to proceed. The whistle-

blower, needless to say, was critical of this process since he felt he had ample proof, and being a police officer one would expect he was aware of the rules of evidence. This is a typical situation.

Inquiry "effectiveness" is even more limited in open-ended general purpose inquiries, such as the Queensland Criminal Justice Commission. They are more controlled by the rules of criminal evidence. The fact that so many whistleblowers fail to discharge their evidentiary burden before these forums has more to do with the biased nature of these rules than the lack of substance in the allegations. A cornerstone evidentiary rule is "he who asserts must prove". Under this rule whistleblowers must prove existence of wrongdoing, and also, in the case of subsequent harassment, the nexus between the wrongdoing and that harassment. The video of culprits fabricating evidence, or the audio recording of bosses planning to victimise a whistleblower are rarely available. There are a number of ways to respond to this.

Placing the onus on the whistleblower simply puts powerful structures into denial mode. In short, asserting the existence of wrongdoing and consequential harassment should not be the whistleblowers' responsibility alone. Rather, those who are alleged to have acted corruptly (whether that be in the form of wrongdoing or whistleblower harassment) should have the responsibility of proving the negative; reverse onus in other words. This argument for reverse onus in whistleblower cases is put for two reasons. Firstly wrongdoing, and more particularly consequential harassment easily render themselves invisible to the inquiring eye when the fully-resourced organisation moves into damage control. Secondly the conflict of credibility between a whistleblower and a wrongdoer is not played out in an egalitarian relationship. The psychiatric victims that we spoke of earlier were up against the might of powerful professionals and bureaucracies who had effectively built a moat of credibility and legal protection around themselves.

Reverse onus can easily be built into whistleblower protection law if there is political support. So far no whistleblower statutes in Australia have demonstrated that political will.[16] Reverse onus can also be achieved through a concept alive in some of the American whistleblower legislation; that of *rebuttable presumption*.[17] If a negative workplace act (relocation, poor performance report etc.) is done to a whistleblower-employee within a certain period after a public interest disclosure, some courts will immediately accept a rebuttable presumption that these negative workplace decisions are punishment for whistleblowing.

Another aspect of this evidentiary issue that is calling out for urgent review concerns the requirement for corroboration. As Lord Morris said in *DPP v. Hester*; "The essence of corroborative evidence is that one creditworthy witness confirms what another creditworthy witness has said".[18] The problem

for the whistleblower (after establishing her or his own credibility) is not so much finding creditworthy witnesses, but getting them to come forward to embrace the risky role of the whistleblower. There is also the reality that a good deal of wrongdoing and consequential harassment of the disclosure is witness-less.

This matter has recently exercised the mind of the Queensland Cabinet who, in the face of pressure from women's groups, have decided to amend the corroboration laws relating to rape and other sexual offences.[19] Under the existing law,[20] judges must warn juries of the dangers of convicting on uncorroborated evidence. Under a revision to the code judges will no longer issue this warning, except in special circumstances. Workplace violence against whistleblowers merges conceptually with sexual violence. The relaxation of the corroboration rule for whistleblowers would increase disclosure-success and investigative effectiveness.

Finally the whistleblowers' search for justice can be facilitated by raising the status of circumstantial evidence. On this point Mr Justice Stewart, in concluding his time-fixed special purpose investigation into allegations of abuse against disabled adults in a Brisbane institution said;

> It is no derogation of evidence to call it circumstantial. Circumstances are in many cases of greater force and more to be depended upon than the testimony of living witnesses. Witnesses may be mistaken or may wickedly intend to deceive others. Circumstances and presumption necessarily arising out of a given fact cannot lie.[21]

The necessity for the Stewart Inquiry to depend on circumstantial evidence was based on the nature of the clients at the institution where the bashings and sexual abuse occurred. These were profoundly intellectually disabled people who could not bear witness themselves. Secondly, Stewart encountered the familiar code of silence amongst staff.

Impossibly high standards of proof, whistleblower onus, the inquisitional nature of proceedings, the limited resources of whistleblowers *viz a viz* fully-resourced departments, the weight of onus, and the peripheralization of circumstantial evidence all make the whistleblowers' march to justice a rocky road. Little wonder that external agencies which investigate whistleblower complaints get poor evaluations.

Attitude and effectiveness of external agencies

Table 3 gives the data on the attitude as well as the effectiveness of external agencies, as perceived by the whistleblowers. The presentation of these two parameters allows us to "measure" both the reception the whistleblower got

Table 3. Agency effectiveness rating.

Attitude	Number	Percent of agency contacts (n = 120*)	Effectiveness	Number	Percent of agency contacts (n = 115+)
Very concerned	30	25	Very effective	10	9
Fairly concerned	43	36	Fairly effective	15	13
Fairly unconcerned	28	23	Fairly ineffective	13	11
Very unconcerned	19	16	Very ineffective	77	67

* Some whistleblowers approached more than one agency.
+ In five instances we were not given an effectiveness rating.

when he or she first presented their disclosure to the agency, then the "result" of the whistleblower-agency contact from the whistleblowers' points of view.

The juxtaposition of the two parameters indicates that agencies are presenting themselves to whistleblowers in false ways, quite different from how they perform on the cases before them. We can illustrate this by following through on the Public Sector Management Commission (PSMC: the external agency that got the worst report from the sample). Thirteen whistleblowers in our sample took their disclosures to the PSMC. Just over 50% rated the "attitude" of the PSMC as *concerned.* However 92% of the sub-sample thought the PSMC was *very ineffective* in dealing with their issues. Admittedly the numbers here are small, but not so small to constitute an absolute defence by the PSMC. While the numbers are small, the trend across the sample is unequivocal – agencies promote their corporate images quite easily by expressing concern to the whistleblowers, but when it comes to doing something, and when that something involves money, time and will, agencies let the whistleblower down time and time again.

Agency ineffectiveness has recently been the subject of a full Senate Inquiry.[22] This inquiry came about in the following way. During the course of a 1994 Senate hearing into the feasibility of Commonwealth whistleblower legislation, a number of Queensland whistleblowers gave evidence alleging that official investigations by external agencies into their complaints of serious wrongdoing in various government services (police, universities, prisons, local government, Army Reserve) were inept and biased. They further alleged that they were victimised for making their public interest disclosures. None of these whistleblowers thought that the investigations into their complaints produced any firm results nor lasting systemic corrections to the wrongdoing that they had uncovered.[23]

Table 4. Whistleblower expectation.

Expectation	Number	Percent of whistleblowers (n = 91)
Corrective action	37	41
Proper investigation	30	33
No action	4	4
Cover up	2	2
Moral support	7	8
Reprisals	2	2
Other	9	10

The 1994 Senate Select Committee found these allegations by the group of Queensland whistleblowers so worrying that they recommended to the Premier that all the cases be re-opened and properly investigated. When the Premier refused (Hon. W. Goss to Senator J. Newman, 10 October 1994) the Senate itself took the matter up on behalf of its Select Committee. In an extraordinary move of constitutional brinkmanship the Commonwealth Senate is now investigating these serious allegations of investigatory incompetence, cover-ups and whistleblower harassment. At the time of writing this Inquiry was still in progress.

In the light of whistleblowers' assessments of effectiveness of external agencies in handling their complaints, it is interesting to look at their expectation on approaching the agencies in the first place.

Expectations of whistleblowers when matters taken to external agencies

As Table 4 shows whistleblowers did not entertain outlandish expectations of the external agencies in the first place. In fact they expected no more than was promised in agency publicity: proper investigation and corrective action.

While 74% of the sample expected no more than for the agency to do the job it was set up do, an enormous 78% evaluated the external agencies as ineffective when it came to appropriate action.

In spite of the fact that in many cases, reprisals had already been initiated by superiors, the sample, on the whole, did not expect any personal attacks when they went external, nor did they generally receive any from the external agency. That may be because external agencies are usually not in a position to exercise reprisals as effectively as whistleblowers' workplace. However sometimes the act of taking their allegations outside their department had the unanticipated result of hotting up the reprisals that were occurring within

their workplace. Information that they had gone external often quickly became known to their superiors and colleagues.[24]

Conclusion

Who better to advise us of misdeeds and wrongdoing in the deep tissues of bureaucracy and politics than ethical workers with first-hand knowledge of such? Risking so much and receiving so little in return, whistleblowers take us beyond workplace corruption to the semi-secret workings of government agencies with official mandates to investigate and correct wrongdoing. Many of these agencies are infected with nepotism and political sycophancy, slowed down by shallow funding, dysfunctionally narrow terms of reference, and static legal formalism. The arrival of a whistleblower with a complex and serious disclosure at the door of investigative agencies suffering from these conditions is the moment of truth for many of these structures. Unserviced, unthanked, unwanted, the whistleblower returns from these agencies with a report card on the very workings of democracy. This is bad news; we don't want to hear it. The crunched-up report card represents missed opportunity to benefit from the socially usuful role of the whistleblowers.

Notes

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3. R. Williams, *Investigating Corruption, Implementating Reform: The Australian Case*. Australian Studies, November 1992, 87.
4. William De Maria, *Unshielding the Shadow Culture*. Queensland Whistleblower Study, Result Release One, Department of Social Work & Social Policy, The University of Queensland, 1994; William De Maria and Cyrelle Jan, *Wounded Workers*. Queensland Whistleblower Study, Result Release Two, Department of Social Work and Social Policy, The University of Queensland, 1994; William De Maria, *Whistleblowing and the Law: An International Sourcebook*. Queensland Whistleblower Study, Result Release Three, Department of Social Work & Social Policy, The University of Queensland (forthcoming); William De Maria and Cyrelle Jan, *The Home Front: Impact of Whistleblowing on the Family*. Queensland Whistleblower Study, Results Release Four, Department of Social Work & Social Policy, The University of Queensland (forthcoming); William De Maria, *Public Interest Disclosure Laws in Australia and New Zealand: Who Are They Really Protecting?* Alternative Law Journal (20:6) December 1995, pp. 210–281. William De Maria and Cyrelle Jan, *Eating its Own: The Organisation in Vendetta Mode*. Department of Social Work & Social Policy, The University of Queensland, unpub. ms., 1995.
5. William De Maria and Cyrelle Jan, *Eating Its Own: The Organization in Vendetta Mode*. op. cit.
6. George Zdenkowski, *Is That Inquiry Really Necessary?* Time, 30, 28 May 1991.
7. William Mellor, *The Deep-Sleep Nightmare*. Time, 40, 31 December 1990.

8. Ibid.
9. Christopher Sweeney, *To Stand & Not to Yield.* Time, 36, 24 October 1988.
10. *Sun Herald.* 20 June 1993, 35.
11. *Carter Commission of Inquiry into the Care and Treatment of Patients in the Psychiatric Unit of the Townsville General Hospital.* Queensland Government Printer, Brisbane, February 1991, viii.
12. William De Maria and Cyrelle Jan, *Wounded Workers.* op. cit., part D.
13. William De Maria and Cyrelle Jan, *Eating Its Own: The Organization in Vendetta Mode.* op. cit.
14. William De Maria, *The Welfare Whistleblower: In Praise of Difficult People.* Paper presented at National Conference of Australian Association of Social Workers, Newcastle, September 1993, 20.
15. Briginshaw v. Briginshaw, *Commonwealth Law Reports.* 60, 1938, 336.
16. William De Maria, *Public Interest Disclosure Laws in Australia & New Zealand.* op. cit., 1–25.
17. David Westman, *Whistleblowing: The Law of Retaliatory Discharge.* Washington: BNA Books, 55, 1992.
18. DPP v. Hester, *Appeal Courts.* 313, 1973.
19. *Courier Mail.* p. 3, 27 March 1995.
20. Queensland Criminal Code, Sections 212, 215, 217, 218.
21. *Stewart Inquiry into Allegations of Official Misconduct at the Basil Stafford Centre, 1995.* Criminal Justice Commission, Brisbane, 31, 1995.
22. Senate Select Committee into Unresolved Whistleblower Cases, 1995.
23. Senate Select Committee on Public Interest Whistleblowing, *In the Public Interest.* Senate Printing Unit, Canberra, 1070–1131, August 1994.
24. William De Maria, *Unshielding the Shadow Culture.* op. cit., 26.

Appendix

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1. Commission of Inquiry into the Care and Treatment of Patients in the Psychiatric Unit of the Townsville General Hospital (Commissioner: Mr Justice Carter), *Report*, Queensland Government Printer, Brisbane, February 1991; Royal Commission of Inquiry into Drugs (Commissioner: Mr Justice Williams), *Interim Report*, September 1974, *Final Report*, 1980 (AGPS, Canberra); Royal Commission into Allegations of Organised Crime in Clubs (Commissioner: Mr Justice Moffitt), *Report*, 1974 (N.S.W. Government Printer, Sydney); Royal Commission into the Activities of the Federated Ship Painters and Dockers Union (Commissioner: Mr Frank Costigan QC), *Final Report*, 1984 (AGPS, Canberra); Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Chairman: Mr G. Fitzgerald QC), *Report*, July 1980, (Queensland Government Printer, Brisbane); *Report of the Royal Commission into Deep Sleep Therapy*, (Commissioner: Mr Acting Justice Slattery) (N.S.W. Government Printer, Sydney).

2. External Agencies that Whistleblowers Disclosed to	Number of disclosures
Anti-Discrimination Commission/Human Rights & Equal Opportunity Commission	5
Auditor-General (Qld)	3
Cabinet Minister (Qld)	9
Criminal Justice Commission	22
Electoral and Administrative Review Commission (Disbanded)	4
Member of Legislative Assembly (Qld) (includes opposition spokespersons/shadow Ministers)	11
Ombudsman	8
Police	2
Premier (of the day)	8
Public Sector Management Commission	13
Unions	17
Other:	16
Commission of Inquiry	
Courts	
DEVETIR, Division of Workers Compensation/Workers Compensation Board	
DEVETIR, Division of Workplace Health and Safety	
Department of Housing, Local Government and Planning	
Federal Parliament (Committee, or Member of Federal Parliament)	
Industrial Relations Commission (Qld or Commonwealth)	
Parliamentary Committee for Criminal Justice (PCJC)	
Parliamentary Committee for Electoral and Administrative Review (PEARC)	
Professional Associations	
Queensland Parliamentary Committee	

The performance data on these agencies has been amalgamated in this paper. For agency-specific evaluations see De Maria; 1994, p. 32.