

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

# The



# Whistle

No. 120, October 2024

Newsletter of Whistleblowers Australia (ISSN 2205-0299)



### Caught keeping their own crimes on the quiet

Cynthia Kardell

AT LEAST thirty-nine Afghani men are believed to have been murdered in Afghanistan by some of Australia's most elite soldiers in the 11 years to 2016: all of them someone's father, uncle, brother or son. I say "at least" because only recently another claim has surfaced, about five men being burnt alive in Shahmashad in the Uruzgan province in 2007. Family members rescued their bodies from the charred Landcruiser that now serves as a memorial (*The Saturday Paper*, August 24–30). They had their hands tied behind their backs.

Most of what we do know we know from the soldiers, who were liberated from their personal hell when the Australian national broadcaster in 2017 went to air with a seven-part television series on its Four Corners program featuring "The Afghan Files" and mostly, courtesy of Defence whistleblower David McBride, who is now doing time for putting his duty to us, the people, ahead of taking orders.



David McBride did two stints in Afghanistan. He worked as a lawyer processing claims that Afghani citizens had been murdered, and counter claims that the claimants were not the disgruntled wimps they were being made out to be, because after all (they were told) it was war. When he saw those coming forward being routinely persecuted by their commanders and more senior officers, who seemed hellbent on stopping the complaints from going anywhere, McBride took the system failures up the line. He was thinking, hoping, that if officials had all the facts, they could, would, investigate their claims and set the record straight. When he too was singled out for special treat-

ment, he began to appreciate just how far some senior officers would go to hide what they knew was an existential threat to their reputations, because some of them were being celebrated as heroes for what they'd done.

It was a mess, but there doesn't seem to have been any appetite for taking a stand, because they'd pulled rank far too often to avoid having to choose. Instead, the Australian Defence Force Headquarters Joint Command — that's HQJOV for short — raised it with the Attorney General's Department late 2012 as a request for legal advice. We only know this from the documents released under Freedom of Information laws to former senator Rex Patrick. By then I think they needed to persuade government to give them a reason to draw a line under what had happened, without dealing with any of it other than to reassure everyone there would be no consequences for anyone other than for those who continued to push for accountability. Like McBride.



David McBride and friend

We don't know what the legal advice was or when it was given, because as implausible as it seems, the "two documents" have been withheld citing legal professional privilege. The timing does raise the possibility that the "two documents" may have been provided by either Labor and or the incoming Coalition government in 2013, but either way I can't see the Attorney General not signing off on the advice.

Media reports indicate the request for legal advice was framed in terms of whether one of the rules of engagement being used by special forces breached Australia's Criminal Code Act section 268.70. That section pertains to war crime: murder. In other words, knowing what we know now, whether the "rules of engagement" were being manipu-

lated to conceal the murder of Afghani civilians and persecute those who spoke out internally about both.

The rules of engagement relied on lists of Afghani targets known as Joint Prioritised Effects (JPEL) Lists which identified a target by reference to an "Objective" codename. The Lists were classified and shared between the United States and its allies.

The JPEL lists were used to incentivise what were known as "kill/capture" missions with medals awarded for hitting the jackpot, that is, by achieving the most kills on JPEL targets. It's truly shocking to think the Australian Defence Force allowed murder to become the metric that helped rank elevation and preserve reputations.

I've no doubt this is what David McBride witnessed and why so many of the whistleblowers who were persecuted have since been discharged with PTSD. A former SASR officer, Mark Wales, put it this way. "They say it all the time in business: 'You show me the incentive and I'll show you the behaviour'. Jackpots, JPEL targets, medals for achieving kills on JPEL targets, all of this became built into the (Special Operations Task Group) SOTGs." (*The Saturday Paper*, 17 August 2024)

We now know Defence allowed the competing personnel within the SASR and SOTG to slug it out administratively, much like they had on the kill/capture missions on the ground. But the longer they let it run the more brazen some of the soldiers were in weaponizing the system, against those who wouldn't play their game. The HQJOV must have realised they needed to close the door on what was a very sorry chapter, before it was too late to hide. I'm guessing they decided they needed to come clean with the Government without admitting anything, as they needed their strong 'suspicions' to become the Government's secret too. It was code for how do we make sure the alleged war crimes remain an unknown?

They'd been hoping it would go away. But when it didn't go away, they looked for a way out that didn't involve investigating the alleged murders, because by then too many of the senior officers had received medals for what

had become known as hitting the jackpot, too many of the top brass had turned a blind eye for too long and too many soldiers had been persecuted into developing PTSD. Some committed suicide.

It needs to be remembered that the Australian Defence Force always had a choice. It could have set up an independent internal inquiry, but that, of necessity, would have accepted that war crimes could have been committed. They were never going to do that, because by then they'd already allowed themselves to be dragged into taking sides. On what we do know they found ways to bind those with guilty secrets more closely, under threat of exposure. And to frustrate, undermine and persecute those who continued to press for an independent inquiry. I suspect they even encouraged them to think their PTSD claims would be accepted, which was never going to happen while the alleged war crimes remained an unknown.

If I'm right that left one more thing to do. They needed a talking point in the event it did become public. Something to argue that they'd always put the health and welfare of our soldiers ahead of themselves. They wanted us to believe they were the good guys, keeping it all a secret in the national interest, not the butt-covering incompetents and criminals they turned out to be. I believe this became the report prepared by psychologist Samantha Cromptvoets, which was commissioned in 2015. I have heard it said that her report, not David McBride, prompted the Brereton inquiry in 2018, but it doesn't add up. It's just another bit of fiction to downgrade the significance of what David McBride did, in order to paint him as the obsessive know-all the court later claimed.

When Cromptvoets faithfully recorded the "unsanctioned and illegal application of violence on operations" compounded by a "disregard for human life and dignity" it must have triggered McBride's leak, which in turn triggered the Brereton war crimes inquiry, which found credible information of war crimes committed.

Before her report Samantha Cromptvoets was the "go-to" reviewer for the Defence Department, but apparently, it never occurred to anyone in Defence that *their* go-to reviewer would

be anything other than a gun for hire. Thankfully, they got that terribly wrong, although they were right to worry about the possibility of leaks, as extracts from her report were published in the *Sydney Morning Herald* in 2018.



But back to that request for legal advice late 2012. Defence officials knew they needed to bring the government in on their side, if they were to survive. But I doubt the two "advices" provided by the Attorney General's Department in 2012–13 did that. I'd be surprised if the advice went any further than making it very clear how the rules of engagement were meant to work and why national security concerns demanded that any concerns they might have remained a secret. In other words, they were on their own in a real sense and past the point of turning back: they had to make sure it didn't get out.



Samantha Cromptvoets

I'm sure there were conversations on the quiet, about how they'd have each other's back if it got out. About how they could limit the terms of any inquiry if their hand was forced and drag the chain in relation to any recommendations it might make. It took a change of government to undo that. I'm equally

sure the Coalition Government didn't ever consider taking a principled stand, other than to keep pressuring those like David McBride who were still pushing for an inquiry.

It's why the Government focussed so hard on punishing the ABC and its journalist Dan Oakes for refusing to name its source. It was a deliberate distraction to ensure that legally, the alleged murders remained unknown. They wanted us to believe that nothing could/should happen while the leaker remained unknown. It also played into their usual antipathy towards the ABC. They expected us to follow suit in rejecting the video footage and testimony from others out of hand.

I suspect they were gambling on David McBride remaining anonymous, but when he put his hand up, he forced the spotlight back onto what the Government wasn't doing.

The Government didn't let the ABC off the hook for a very long time, but by then "we" all knew that "but for" David McBride we wouldn't have known what should have been the Government's priority all along. It eventually forced the Government into commissioning what we now know as the Brereton inquiry in 2018 — and into prosecuting McBride, for leaving them with no other option. His greatest sin? Not following orders to button up!

When a redacted version of the Brereton report was published in November 2020 it laid out a series of recommendations that the Morrison Government had been avoiding one way or another for nearly a decade, which is why I think they hedged their bets by only establishing the Office of the Special Investigator to prosecute those found to have committed war crimes. It's why they worked so hard to school us into accepting that it might all come to nothing, anyway.

I remember the prime minister identifying himself as one of "us" and really oozing sympathy for our pain, while simultaneously cautioning us not to expect anything from the Office of the Special Investigator now the Taliban was in charge. We were supposed to feel "his" pain and rejoice, knowing he was with us on this. Then, with everything safely back on the back burner he moved to channel that pain by attacking David McBride, saying essentially, they couldn't in all sincerity let



his admission pass. The double standard is breathtaking in its reach and the way in which so many have been so willing to sacrifice David McBride for bringing down some of our most closely held myths about our soldiers and our governments.

It meant the Australian Defence Force's top brass would escape any real notice. It worked, until the incoming Labor Government established the Afghanistan Inquiry Implementation Oversight Panel to implement all of Brereton's recommendations. It formally disagreed with the 2020 Brereton report's finding that responsibility for the "murder" of 39 Afghans could not fall on the most senior officers. But as far as we know, only a small number of lower ranking officers have been dismissed and or retired. For what? We don't know that either.

Equally we've no way of knowing whether any soldiers will face the courts for committing war crimes, and if so how many, because that aspect has been shrouded in secrecy, presumably to protect their right to a fair trial. In principle I can't quibble with that, but it's small comfort to know that the widespread benefit of fair and objective reporting has been sacrificed to protect the few who may have stooped so low.

Last July another piece of the puzzle came together with Government "quietly" regulating to compensate the families of the 39 Afghans believed to have been murdered between 2005 and 2016. It's not clear how the scheme could work for the family in Shahmashad as our government would have to recognise the Taliban first. I suspect it may never be more than words on a page — funnily enough, much like the Public Interest Disclosures Act.

In September the Minister of Defence announced that up to nine commanders, who had served in Afghanistan, would be stripped of their medals. He said it's an important step and it is, but we don't/won't know who or why. I'm left with the impression that they want us to think that we shouldn't want to rub it in, after all they'll have to live with it. This, when David McBride is in jail!

The ABC, their journalist Dan Oakes and the whistleblowers who came forward in support of the "Afghan Files" haven't been prosecuted.



Just David McBride.

Cynthia Kardell is president of Whistleblowers Australia.

#### BOOK REVIEW

### Carl Elliott *The occasional human sacrifice: medical experimentation and the price of saying no* W. W. Norton, 2024

Reviewed by Brian Martin

This is one of the best books on whistleblowing I've read, and I've read a lot of them.



The author, Carl Elliott, was a whistleblower, but not a typical one. He wasn't an insider with direct access to damaging information. He was, and is, an academic at the University of Minnesota, working in bioethics, which

addresses ethical matters in biology, medicine and public health.

As he tells his story, he emphasises that he's neither heroic nor especially sensitive to transgressions in medicine. During his own medical training, he did what his teachers instructed, for example giving a pelvic exam to an unconscious woman, though she had never given permission for students to do this.

Elliott had read about medical abuses elsewhere but never felt a special obligation to do anything about them. But when he read about the suicide of a man who was the subject of a medical experiment at his own university, he became impassioned to get to the bottom of the story and to hold the implicated researchers and university officials to account.

You may already know the outcome, but it's worth briefly mentioning the process, which is so familiar to whistleblowers. Elliott delved into the issue, gathering information, and wrote letters to all sorts of officials at the university and outside agencies. He organised protests. He won a few allies, but most turned against him. He lost friends.

Elliott, in telling his story, looks back on his campaigning with a sense of wonder and dismay. Was he really obsessed? Did he really do all those things that made others think he was deranged? Was it worth it?

"No matter how hard I tried, I couldn't focus my attention on anything other than the Markingson case. Nothing was as important as what to do next: how to get the press involved, how to pry more information from the university, how to mobilize public support, how to force the authorities to investigate. The sheer number of hours I wasted on efforts that would ultimately prove useless is staggering. I even understood this at the time, but still I couldn't stop, because nothing seemed to work and giving up was unthinkable." (pp. 13–14)

After years of effort, Elliott was vindicated. An independent inquiry found against the university and the researchers. Few whistleblowers achieve anything like this, but Elliott felt little sense of triumph. No one in authority apologised. The university

continued as before, with no fundamental change.

Elliott, unlike most whistleblowers, used his experience to study whistleblowing more generally. In the following years, he investigated six major medical scandals, ones involving researchers doing dodgy experiments — dodgy in the sense of being unethical and harmful. He focused on the whistleblowers, the individuals who tried to expose and stop the research and hold researchers and administrators accountable. In the US Tuskegee syphilis study, black men, diagnosed with syphilis, were not treated for decades, to see what would happen. In the New Zealand “great experiment,” women with cervical cancer in situ were not given standard treatment because a senior figure claimed the cancer wouldn’t progress. In the Karolinska Institute scandal in Sweden, an acclaimed transplant surgeon was eventually exposed as a fraud.

Much of what Elliott discovered through his interviews with whistleblowers and others, and his deep study of documentation, is familiar to anyone who knows whistleblower stories. It takes enormous efforts to expose the problems; colleagues, senior administrators, and regulatory bodies are unresponsive; most whistleblowers are subject to reprisals; and a powerful tool for exposing the abuses is publicity, including media coverage. In one case, it took twenty years of effort to make a difference.

Elliott offers probing observations about the psychology of whistleblowers, noting how they are searching for some sort of justice that almost never is achieved. Even those medical-research whistleblowers who were most successful, who had been vindicated by formal inquiries, seemed, to Elliott, to be dissatisfied.

Whistleblowing can cause disillusionment. Prior belief in the good intentions of most people is replaced with cynicism, and this personal transformation is distressing. Elliott draws on research by C. Fred Alford, whose book *Whistleblowers: Broken Lives and Organizational Power* is an incisive study of the effect of whistleblowing on beliefs about the world.

To understand what drives whistleblowers, Elliott finds the concept of honour useful. Some universities expect

students to adhere to an honour code, which typically includes a pledge both not to cheat and to report those who do. The psychology of honour is personally taking on responsibility when others violate the code. Elliott finds that medical-research whistleblowers are not impelled by professional ethics or human rights, but rather by conscience and self-respect: it is most of all about how they feel about themselves.

“Most whistleblowers are accidental dissenters, not revolutionaries. They never planned to lead a protest movement. Most of them simply reached a point where they could either speak out or betray something fundamental about themselves, and so they spoke out.” (p. 301)

Elliott also explores the behaviour and psychology of perpetrators and bystanders. Few of those responsible for horrendous medical experiments, involving lack of consent and causing death, ever apologise. As well, administrators in the research institutions where these abuses occurred, who spent years either defending the aberrant research or refusing to take any action in response to complaints, are seldom apologetic. Elliott muses about the management of his own institution, the University of Minnesota, years after his concerns were formally backed. Many administrators simply move on, new ones taking their place, and soon there is no institutional memory of any problem.

One case especially interested me: the whistleblower was a member of an institutional review board (IRB), what in Australia would be called a research ethics committee. The members of a research organisation’s IRB must approve protocols for research on animals and humans; they are supposed to be the ones to ensure ethical research. You might imagine that IRBs would be the front-line defence against abuses, but alas not. Aside from the one case he described, Elliott has never heard of another. The huge bureaucratic apparatus of IRBs gives the appearance of providing protection but with little substance.

“The smoke screens have gotten thicker; the codes and regulations have grown ever more elaborate; and the methods of exploitation have evolved, like an exotic organism

adapting to a new ecosystem. Today’s system of protecting human subjects is a bureaucracy straight out of Kafka ...” (p. 189)

This reminded me of whistleblower protection legislation, though Elliott doesn’t mention it.

A striking feature of medical experimentation abuses is the complicity or silence of nearly everyone involved. Elliott tries to explain this. One of his prime sources of insight is Robert Jackall’s book *Moral Mazes: The World of Corporate Managers*. It’s an old book, published in 1989, but still the best available to describe the pressures to conform within bureaucratic environments, including the way managers respond to whistleblowers. I read Jackall’s book decades ago and wrote about its relevance. Most of the attention to whistleblowing is on whistleblowers; arguably, there should be much more attention to non-whistleblowers. Elliott’s treatment offers a nice balance.



Carl Elliott

What sets *The Occasional Human Sacrifice* apart is the combination of first-hand experience and in-depth study of other cases, all told in an engaging way that combines the personal and the professional aspects of the cases. If you are asked to participate in a medical trial, the lesson might be to take care, because not all medical research is run as ethically as it should be. But how are you to know if the research is dodgy, if you aren’t properly informed? That’s where whistleblowers come in — and the enormous obstacles they face in exposing abuse.

Brian Martin is editor of *The Whistle*.

### African whistleblowers at risk

Cai Nebe, Josephine Mahachi  
and George Okach  
*DW*, 2 September 2024

**Mounting and brazen attacks across Africa against whistleblowers exposing corruption or illegal activities have raised concerns. Even African countries with protections for whistleblowers have been affected.**



WHISTLEBLOWERS are individuals who expose illegal, unethical, or improper activities of an individual, government or organization. They often do so at the risk of being harmed or even killed by those threatened by the exposure of the whistleblower's information.

Across Africa, a worrying trend has emerged where whistleblowers are not afforded enough protection after exposing corrupt or illegal activities. More often than not, potential whistleblowers have to consider their future, their loved ones, and their safety.

#### Whistleblowers have lost their lives

One person very familiar with this situation is Ghanaian investigative journalist Manasseh Azure Awuni, who is known for his work on reporting corruption cases in the West African nation.



Azure Awuni

In recent years, Awuni has had to move around under armed police escort provided by the government. In 2020,

he had to flee Ghana for South Africa after receiving death threats.

"All of this resulted in serious mental health challenges," Awuni told DW.

He refers to the murder of undercover journalist Ahmed Suale, who was shot dead outside his house in 2019. Suale reported on corruption in Ghanaian football, and Ghanaian MP Kennedy Agyapong, who disliked the coverage, revealed Suale's address and face and offered money to those who would harm him.

It became the first known case in Ghana of a journalist murdered for his work. Five years on, Suale's murder still has not been solved.

"That tells you how dangerous it is to operate in an environment where you can be threatened. You can be killed. And nobody suffers or loses sleep over the killing," said Awuni.

#### Few protections

This situation is not unique to Ghana, but Ghana is actually one of the few African countries that has legal protections in place for whistleblowers. While all African countries except Eritrea are part of the United Nations Convention against Corruption (UNCAC), 10 nations — Central African Republic, Cape Verde, Djibouti, Democratic Republic of Congo, Eritrea, Morocco, Mauritania, Somalia, South Sudan, Eswatini — have not ratified it.

The only nations with specific whistleblower protection laws are Uganda, Tanzania, South Africa, Namibia, Ghana, Ethiopia and Botswana. But even in countries where there are protections in place for whistleblowers, murders and intimidation still take place.

While Ahmed Suale's case rocked Ghana, South Africans were shocked by the 2021 murder of Babita Deokaran, a key witness in an investigation into the overpriced procurement of COVID-19 protective clothing in a scandal involving about €20 million.

#### What are countries doing to protect whistleblowers?

"The motive of the whistleblower is inconsequential if the issues they're reporting are of serious national interest," Awuni said.

But experts like Elijah Kandie Rottok, senior human rights officer with the Kenya National Commission on Human Rights, said that "It is in our own interest as Africans, as governments, as organizations to encourage whistleblowers to avert any harm or prevent damage, or to improve the public service and to strengthen our organizational or public accountability."

Rottok adds that a "human rights-based approach" is needed, and lawmakers in every country need to review "laws and policies that might hinder whistleblowing practices," such as how confidentiality procedures are done, or laws that promote secrecy as opposed to balancing it against public interest.

On the ground, things are tough for rapid response officer Mathias Shibata from the Kenya-based Haki Africa human rights organization.

"As we speak in Kenya in the last 10 years, we've had over 300 people disappeared or extrajudicially killed," he told DW.

In Kenya's recent anti-government protests, Shipeta estimates "over 60 people have actually disappeared in the country."



Ugandans protesting in London

#### Why do whistleblowers do what they do?

For Awuni, shining the light on illegal activities by those in positions of power is a personal mission.

"I find it as my own way of contributing to the building of Ghana's democracy and also the development of my country, and there are occasions that I find it very outrageous, some of the things that happen to helpless people," he told DW.

"I don't believe that we have enough outrage," Awuni added. "When you get into trouble, you are mostly on your own."



## Why doing the right thing can come with a cost

Megan Davis

*The Big Issue*, 25 August 2024

BEFORE I BECAME A WRITER I was a lawyer and then, a whistleblower. I could have added “criminal” to my CV had I taken up my boss’s offer to break the law. Instead, I spoke out and that’s when the trouble really began.



Megan Davis

We are living in a golden age of fraud, with reports of staggering corruption appearing in the news daily. Whistleblowers are credited time and again as the source of the leaks. Their value is undenied, but the personal cost is extreme. Whistleblowing takes a huge toll and there is often black-listing, breakdowns in relationships and homelessness.

Over two-thirds of whistleblowers endure a long period of unemployment after blowing the whistle and many are rendered unemployable for life because of PTSD-related issues, reputational and mental health damage.

Earlier this year in the US, John Barnett, a Boeing whistleblower, died from what has been reported as a self-inflicted gunshot wound to the head. Barnett had just given evidence about serious failures in production standards at Boeing, the company he had worked at for over 30 years. A second Boeing whistleblower, Joshua Dean, died in May of complications associated with pneumonia.

The pressure Barnett and Dean were under at the time of their deaths was immense. All whistleblowers speak of the experience as frightening and isolating, riven with paranoia and self-doubt, a life-changing event that causes a

fundamental shift in their worldview. Speaking out is dangerous when you get between people and their money.

The backlash I experienced when I blew the whistle about the fraudulent scheme my bosses had devised was immense. I was escorted from the office like a criminal and my bosses turned the tables against me, creating trumped-up charges I was forced to defend. They tried to smear my reputation, engaging expensive lawyers to humiliate and harass me, wearing me down with false allegations and legal fees.

And it did wear me down. I stopped eating and sleeping and became obsessed with my case. I was a husk of my former self, both physically and psychologically. My bosses knew exactly how to frighten me, hitting me where it hurt the most.

They didn’t stop there, and pursued me at home. Instead of sending emails they sent motorcycle couriers to deliver letters and documents at all hours of the night and day. One even found me in the playground with my kids. The message of intimidation was stark: we know where you live and we know your routine too.

Within several months I had lost my job, my health and my self-esteem. My sanity was in tatters, and my marriage was hanging by a thread. On top of this I had racked up huge legal fees meaning that if I lost my case, I would lose my home.

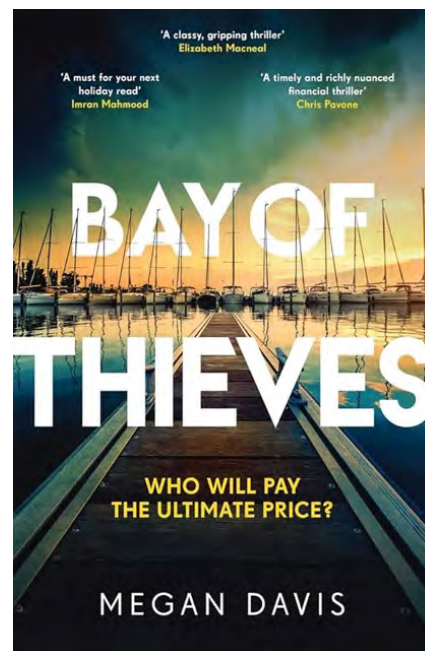
Within months, I was on the brink of losing everything I had, just because I refused to go along with an illegal transaction my bosses had cooked up.

I explore these themes in my book *Bay of Thieves*, which is about two women who are faced with similar choices: they can go along with the corruption of their boss, Rob, or they can pursue the riskier path of doing the right thing. The novel follows the women as they are drawn deeper into corruption, exploring just how far they are prepared to go for money before someone is killed.

The novel explores how easy it is to get drawn into corruption, and how difficult it is to escape. It also shows how isolating it is to speak out while everyone around you is in it up to their necks.

The polarisation of the public’s view of whistleblowers is seen in the case of Julian Assange, who was freed last

month after 12 years battling numerous serious allegations. On one hand, Assange is seen as a crusader for free speech and the public’s right to know, while on the other hand he is vilified as a traitor, someone deserving of imprisonment and, for some, the death penalty.



Other whistleblowers experience such polarisation in attitudes too. The financial cost of whistleblowing is high, but combined with the psychological impact it is life changing.

Despite bringing so much value to society, most whistleblowers never recover. Many regret their decision their whole lives. Almost all have had their careers ended, their lives ruined just for acting with integrity to protect the rest of us.

Megan Davis is a former lawyer turned writer, and an associate at Spotlight on Corruption, an anticorruption NGO.

---

## How to be a climate whistleblower

Regina Featherstone  
and Madeleine Howle

*The Saturday Paper*, 13 July 2024

AUSTRALIA is staring down the barrel of a climate crisis. This country has suffered numerous environmental and extreme weather-related catastrophes. Our biodiversity is in decline. The

world just experienced its first full year of warming at 1.5 degrees above pre-industrial levels, with no sign of global temperature increases abating. And yet, the climate wars are back — with the added distraction of nuclear energy.

Despite all evidence pointing to the need for a phase-out, the fossil fuel industry’s influence over Australian politics grows. With fossil fuel projects continuing at a rapid pace against all warnings and extreme weather events causing severe destruction to communities, it is easy to feel pessimistic. It seems we are almost out of ideas on how to prevent a climate disaster.

Yet there is one crucial resource this country hasn’t yet fully appreciated and nurtured in pursuit of a safer climate: the whistleblower.



**1. Consider what outcome you are hoping for by blowing the whistle.**

In the Pitjantjatjara communities of Anangu Country north of the Nullarbor Plain, cancer rates are higher than elsewhere in Australia. This is the legacy of nuclear testing by the British government between 1956 and 1963 — it staged seven atomic explosions and hundreds of other nuclear trials, contaminating the land.



At the time of the testing, communities surrounding the test sites were scarcely warned of the impacts of nuclear fallout — known as “puyu” or “black mist.” Many were forced off their land.

Following a royal commission, the Hawke government agreed to a clean-up of the sites, but in the 1990s under the Howard government, the clean-up process was privatised.

Thanks to nuclear engineer and whistleblower Alan Parkinson, we know the clean-up, in his words, was more of a “cover-up,” with cost-cutting measures putting Pitjantjatjara communities at further risk.

The amount of plutonium found at the site was far greater than expected, and the radioactive waste was simply exhumed and buried in shallow trenches. The government had labelled the clean-up “world’s best practice,” despite clear scientific evidence of the risks associated with shallow disposal of plutonium debris. Parkinson, as the engineering adviser of the project and member of the government’s advisory committee, spoke out about his concerns that the response was hiding the extent of the harm and nuclear fallout caused by the testing. He was subsequently removed from the advisory committee.



Without Parkinson, we would still be in the dark about the negligence and misconduct surrounding the handling of that nuclear waste, which put whole communities at risk.

**2. Consider remaining anonymous.**

The importance of whistleblowing in exposing environmental destruction was highlighted again just last year

when an employee at Santos revealed the fossil fuel company had covered up an oil spill that affected marine life just off Varanus Island, Western Australia. According to their written statement, the whistleblower felt compelled to speak up after Santos failed to take steps to address the incident and then told a newspaper that “no harm” had come from it.

After efforts to raise concerns internally went nowhere, the whistleblower spoke to Senator David Pocock, who tabled the testimony with images and video of the oil spill — including graphic images of dead dolphins — in a Senate estimates hearing last February. The revelations prompted international media coverage and saw Santos commission an independent investigation into the spill. Executive bonuses linked to environmental KPIs were suspended by the Santos board, and ultimately docked “to ensure executive accountability” for “identified gaps in our internal control and communication processes,” according to the company’s latest annual report. One anonymous worker was able to turn the nation’s attention to the failures of fossil fuel giants to prevent and respond to significant environmental harms.

“In order to hold those responsible for climate and environmental harm accountable, and to drive urgent action, we need more Australians to call out the wrongdoing they see at work that is hurting our ecosystems and our climate ... We need transparency for the planet.”

**3. Assemble a support network to help you.**

Globally, there has been a rush of climate and environmental whistleblowing — exposing environmental damage from Russia to Ecuador. This trend has been slower to emerge in Australia, likely due to our broken whistleblowing laws, lack of support and the chilling effect of recent prosecutions of whistleblowers. In Europe, the organisation Climate Whistleblowers has launched as a dedicated service to help people speak up about climate harm and inaction. Similarly, in Britain and the United States, our whistleblower protection contemporaries champion the role of the whistleblower in helping to save the planet.



Since launching last year, the Human Rights Law Centre’s Whistleblower Project has helped many whistleblowers raise climate and environmental concerns safely and lawfully to their organisations, to regulators, to journalists and to politicians. With our support, ordinary people have called out greenwashing, developments causing environmental harm in breach of planning laws, grave biodiversity hazards and more. This has helped regulators with investigations, assisted parliamentary inquiries and led to front-page news stories.

**4. Follow your organisation’s policies or procedures.**

Climate and environmental whistleblowers aren’t dedicated crusaders searching for illegal oil spills or waste dumping. They are the auditors, the accountants and analysts working for companies, who can expertly identify fraud and misreporting.



A climate whistleblower?

For a long time, the whistleblower was associated with pharmaceutical workers or bank employees who had called out fraud or misconduct in their corporations — not figures with whom the public at large would necessarily identify. But with the very real and existential threats to our Pacific Island neighbours’ survival, including the Torres Strait Islands, and the increase in devastating nature-related weather events such as the 2019–20 bushfires, we need transparency in all sectors of the community, now more than ever.

We need climate and environmental whistleblowers in Australia to hold both the public and private sectors to account. There are now more regulatory frameworks and strategies being implemented that whistleblowers can use to hold business and government to account.

The Treasury Laws Amendment (Financial Market Infrastructure and Other Measures) bill is before the Senate. If passed, it will introduce new climate-related financial reporting requirements for listed and unlisted companies. It puts an obligation on these companies to prepare a statement with governance strategies to mitigate climate-related risks, and to disclose climate-related risks and emissions metrics, starting from 2025. This could help employees become climate and environmental whistleblowers who call out fraud and cover-ups.

With a tranche of reforms on environmental activity and climate risk mitigation on the way, we also need public servants to hold government to account if these frameworks are not effective. In June, three bills were introduced that, if passed, will create the federal body Environment Protection Australia and a new information and data body called Environment Information Australia. The Climate Change Authority is looking into the use of carbon sequestration as a way of meeting this country’s emissions reduction targets. A Senate inquiry is set to propose reforms for the regulation of greenwashing.

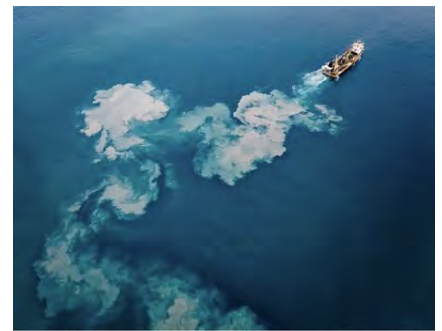
Unless public servants and consultants — whose responsibility is to serve the public interest — speak up about environmental and climate wrongdoing, the Australian public will often be left in the dark about whether we are indeed meeting targets, protecting our biodiversity and reducing emissions.

**5. Get legal advice.**

At the Human Rights Law Centre’s Whistleblower Project, an Australian-first specialist legal service, we believe climate and environmental whistleblowers can be key figures in the pursuit of climate justice. These people are in a unique position — they have access to information about malpractice which, in aggregate, may be contributing to the destruction of our planet. Their decisions to speak up, whether to

regulators, journalists or members of parliament, shine a light on how these companies harm our environment and communities.

This week, we are publishing a guide for climate and environmental whistleblowing — a dedicated, accessible resource providing support and information on speaking up on climate and environmental harm in the public or private sector. Our laws are complex. We know all too well that blowing the whistle is a stressful and emotional process. We have created this guide to empower potential whistleblowers with knowledge and resources to call out wrongdoing to help contribute to transparency for the planet.



**Climate and Environmental Whistleblowing**

Information Guide

Human Rights Law Centre

A practical guide to support whistleblowers who raise concerns about climate and environmental wrongdoing

In order to hold those responsible for climate and environmental harm accountable, and to drive urgent action, we need more Australians to call out the wrongdoing they see at work that is hurting our ecosystems and our climate, and for those people to be protected when speaking up. We need transparency for the planet.

Australian workers are the eyes and the ears of industry and government. They can also be the voice for a safer climate and better future.



## Let's get Boyle: ATO whistleblower's appeal fails, just like justice under Dreyfus

Paul Gregoire  
*Sydney Criminal Lawyers*  
21 June 2024

RICHARD BOYLE is the last man standing from the hitlist of three whistleblowers that the then Coalition government targeted for prosecution in 2018.

Three former public servants, Witness K, David McBride and Richard Boyle, who'd all spoken out about government corruption, were charged.

The prosecutions were launched under then attorney general Christian Porter. And the Coalition wanted to fry K and his lawyer Bernard Collaery over exposing our government having bugged the Timor-Leste cabinet, while McBride revealed Australian war crimes and Boyle illegal tax practices.

At that time, legislation was in place that was designed to protect whistleblowers in speaking out about corruption, because it is in the interest of all to prevent wrongdoing. And these protections, contained in the Public Interest Disclosure Act 2013 (Cth), were drafted by current Attorney-General Mark Dreyfus.

The nation's chief lawmaker drafted the PID Act during an earlier stint as AG under Gillard-Rudd. And as an Alliance Against the Political Prosecutions was rising in 2021, Dreyfus admitted his framework was "not a perfect scheme" and committed to making the "necessary improvements" if re-elected.

But as Boyle again learnt on Thursday, as the SA Court of Appeal rejected his challenge of the 2023 determination of the SA District Court that found him not protected by the PID Act, Dreyfus' pledge to fix his dodgy laws were no guarantee that he'd ensure Porter's victims would receive a fair trial.

### A bipartisan firing squad

Key critic of the PID Act, Griffith University Professor AJ Brown, told Sydney Criminal Lawyers in mid-2021 that while the authorities may press for the charging of a whistleblower, the PID Act from that point on almost guaranteed prosecution and conviction.



Richard Boyle

Of the three public servants on the hitlist, it was Boyle who most closely followed the process laid out by Dreyfus in the PID Act to ensure that he was protected when making his public interest disclosure. And the ex-ATO officer did this to a T, which, accordingly, should have protected him.

Witness K, the ex-ASIS officer who exposed the Coalition surveilling the Timor-Leste government to deceive it, was not protected because the PID Act did not cover intelligence agency whistleblowing. So, he eventually pleaded guilty in 2021, and received a three-month-long suspended sentence.

McBride did follow the PID Act process, as he made an internal disclosure, then, as that didn't lead to any significant action, he approached the related oversight officer, and as that failed to produce any results, it was the open to him to go to the press.

The ex-ADF legal officer, however, did mistakenly approach the wrong oversight officer, yet, regardless, he was completely blocked from putting his PID defence to the court anyway.



So, despite Dreyfus' promise of reform, when Boyle put his PID defence to the court in October 2022, no law changes had been made. So, the ex-ATO officer had to argue his defence under the dodgy law, which didn't

protect him in relation to how he gathered his information to make his case.

### The art of discouraging whistleblowing

The statutorily required review of the PID Act came three years after enactment. Known as the Moss review, it delivered its final report in 2016, which made 33 recommendations. And the Coalition government's response to it wasn't forthcoming until 2020, under then PM Scott Morrison.

And Dreyfus remarked, while in opposition, that he'd been aware his PID laws were far from perfect on enactment, and to have sat by and watched as the Coalition failed to address the report recommendations to improve his Act had been difficult.

So, when Dreyfus returned to the role of chief lawmaker in 2022, he announced his first tranche of PID Act reforms on 30 November, which was the month after Boyle had put his public interest defence to the courts under the old laws and McBride had been blocked from even attempting to.



The Public Interest Disclosure Amendment (Review) Bill 2022 passed on 15 June last year. It implemented 21 of the 33 Moss report recommendations made in 2016. And these reforms would not likely have changed the respective outcomes of K's, McBride's and Boyle's cases.

And another round of reforms is now underway. Dreyfus released a consultation paper last November. And the rest of the Moss recommendations are being considered, as well as stakeholders suggestions, including the key call for the establishment of a Whistleblower Protection Authority.

And this process, which is still underway, may very likely have affected the hitlist case outcomes, in terms of what's currently on the table for consideration. Although what Dreyfus' second attempt at legislating



to save whistleblowers looks like in the end is yet to be revealed.

But it certainly won't save McBride who was last month sentenced to 5 years and 8 months prison time, with non-parole set at 2 years and 3 months.

The other key act that Dreyfus carried out on retaking office is he discontinued the prosecution of Witness K's barrister Bernard Collaery, who was the only individual caught up in the political prosecutions that wasn't a public service officer who'd gone and spoken out of place.

Dreyfus did this by exercising the power he has under section 71 of the Judiciary Act 1903(Cth), which allows the attorney general to end a prosecution, when the office bearer sees fit.

Indeed, the AG can end Boyle's case right now using this power. And he could have used it to prevent David McBride from being sent to gaol.

But Dreyfus refused to do this, even though he was well aware that his laws would likely fail these truthful citizens who spoke out against corruption in the public interest.

### Taxing to say the least

As for Boyle, he's set to stand trial in September. Why? Well, he was aware that the ATO had its employees, like him, dipping into the bank accounts of small businesses to withdraw money they owed, in a manner that was unlawful, in order to lift periodic KPIs.

And in building his case, Boyle used devices to collect information. And while this seems like a fairly reasonable approach to take to such a task, Dreyfus didn't foresee the need to put protections in place to save public interest whistleblowers from criminal prosecution in this regard.

Yet, since Boyle blew the whistle in 2018, several inquiries have vindicated his actions, finding that the tax office actually had been using the garnishee process in an unlawful manner, and following the exposure the Adelaide man brought to the practice, it's since been ended.

Initially, the authorities slapped Boyle with 66 criminal charges for doing what was obviously in the public interest.

But following a Senate inquiry into the handling of Boyle's complaint by the Inspector General of Taxation, which found that the investigation had

been wanting, the Commonwealth Director of Public Prosecutions dropped the charges down to 24 counts.

So, Boyle is now standing trial on two dozen charges relating to releasing protected material, which carry a combined maximum of 46 years, all due to the fact that the government wants to deter any other honest government employees, like him, from spilling the beans on corruption.

---

## Whistling in the dark

Kieran Pender

*The Saturday Paper*, 1 August 2024



Attorney-General Mark Dreyfus at Parliament House, June 6, 2024.

Lukas Coch / AAP Images

DESPITE the attorney-general's stated desire for a more transparent government, the prosecution of whistleblowers and inaction on meaningful protections continue

On a wintry Canberra evening in late June, the foyer of a plush Kingston hotel had filled to capacity with an eclectic mix of journalists, activists and passers-by. "It's like the Mos Eisley cantina scene in *Star Wars*," offered one observer.



Besuited international journalists brushed shoulders with sign-holding activists who had long awaited this moment — the return of WikiLeaks publisher Julian Assange. "Free at last", one sign read. A raucous cheer went up as Assange's lawyer Jennifer Robinson and wife Stella Assange entered the room.



Stella Morris (now Assange) and Jennifer Robinson in 2020

But while the Albanese government soaked up the plaudits for engineering Assange's long overdue return, several of the signs on display that evening hinted that not everything was well on the home front. "Assange, McBride, Boyle", offered one. Another particularly well-worn sign had the demand: "Fix the PID Act". The WikiLeaks publisher may be free, but the *Public Interest Disclosure Act* — the whistleblower protection law for federal public servants in Australia — remains broken, as recent high-profile cases demonstrate all too well.

The dissonance between Assange's much-hailed return and Australia's own secrecy woes is striking. As his jet approached Canberra Airport, it passed over the local prison — presently home to former military lawyer David McBride, sentenced in May to almost six years' imprisonment for leaking documents (with a non-parole period of two years and three months). The harshness of McBride's term seems particularly acute when compared to one of the few other secrecy cases to go to trial in recent decades: a spy who gave classified documents to a sex worker to sell to a foreign embassy, in the mid 2000s, only served six months behind bars. McBride's crime was giving documents to the national broadcaster, which helped form the basis of the landmark "Afghan Files" reporting on war crimes committed by Australian forces in Afghanistan.

Assange's lawyer Robinson made the connection explicit at a press conference at parliament the following day. "I think it's important that everyone continues to rally around the free speech issues that are so important in this case, and continue to demand better free speech protections for journalists



here in Australia and the US, and for whistleblowers,” said the London-based Australian barrister. “And with that I want to recognise David McBride, who is in prison here in Australia for having revealed information about war crimes in Afghanistan. It is unacceptable he is in prison and I cannot stand here today to talk about free speech without mentioning him.”

Assange’s release also came just a week after tax whistleblower Richard Boyle lost an appeal from a ruling that he is not protected under whistleblowing law. Boyle’s case is tragic. While working as a public servant, the South Australian had become concerned about the Australian Tax Office’s indiscriminate use of garnishee notices (which seize money directly from taxpayer accounts). Without proper regard for each taxpayer’s circumstances, Boyle and his colleagues were being pressured to meet revenue targets by issuing numerous notices during what was referred to as an “hour of power”, without proper regard for each taxpayer’s circumstances. In some cases, the notices were being used against women escaping domestic violence, or small business owners with serious health issues (some reported being suicidal as a result of the ATO’s heavy-handed tactics).

Boyle spoke up internally, to no avail (the Court of Appeal noted that his internal whistleblowing “was not dealt with appropriately”). He spoke up to the tax ombudsman, and as a last resort went public — through a joint Fairfax/ABC investigation. In the days before the story went to air, in early 2018, Boyle’s apartment was raided. Ever since he has faced prosecution.

The perverseness of Boyle’s case is that he is being prosecuted not for blowing the whistle publicly (which is lawful under the *PID Act* in certain circumstances), but for his conduct before he blew the whistle internally: taking photos of taxpayer information, recording some work conversations and sending some of this material to his lawyer. That is also why the South Australian District Court, and now the Court of Appeal, has decided he is not protected by whistleblowing law. Despite accepting that Boyle “is a whistleblower as that term is commonly understood”, the courts have adopted a narrow interpretation of the whistle-

blowing immunity: applying it only to the actual act of whistleblowing, not any preparatory conduct (no matter how closely related).



So, none of the wrongdoing of which Boyle is accused was ultimately part of his public whistleblowing. Boyle is alleged to have unlawfully taken photos of records and recorded conversations to use as part of his *internal* whistleblowing. And that whistleblowing has been vindicated by the tax ombudsman, the small business ombudsman and a Senate inquiry. Yet Boyle remains on trial. Unless he appeals to the High Court, he will face a jury in early September, and the distinct possibility of jail time (he has pleaded not guilty).

When the Albanese government took office, it took decisive action to end another whistleblower injustice of the Coalition era — the case against lawyer Bernard Collaery, who had helped his client, Witness K, expose Australia’s ruthless espionage against Timor-Leste. The attorney-general, Mark Dreyfus KC, dropped the Collaery prosecution with the flick of a pen in July 2022. But he has refused to act in the Boyle or McBride cases.

Nor has progress on whistleblower protection reform been swift. Mid last year, parliament passed initial reform to the *PID Act*, to coincide with the commencement of the National Anti-Corruption Commission. These changes were important, but they are minor and technical, largely focused on the practical operation of the scheme. They are not the complete rewrite of the scheme that the government promised.

Whenever a scandal hits, expert inquiries, parliamentary committees and royal commissions seem to stress the importance of whistleblowers and recommend stronger protections. The Brereton Report into war crimes in Afghanistan hailed the whistleblowers who had contributed to it, as did the robodebt royal commission. Following the aged care royal commission,

stronger protections for whistleblowers in the aged care sector are in the works. The PwC leaks scandal has already precipitated better laws for tax-related whistleblowers. A more wide-ranging review of corporate whistleblowing is about to begin.

But when it comes to practical protections and assistance that will meaningfully help people speak up, we have so far seen little progress. At the 2019 election, the Labor Party promised to establish a whistleblower protection authority if elected — a body to oversee and enforce whistleblowing laws and support whistleblowers. Now the government is only promising to consider whether such a body is needed; it did not support a crossbench proposal to include the authority within the National Anti-Corruption Commission.



The upshot of all of this — one whistleblower in jail, another on trial, faulty laws, a lack of support — is that people stay silent. Last year, the Human Rights Law Centre (where I work as a lawyer) launched the Whistleblower Project, Australia’s first pro bono legal service for whistleblowers. My team and I speak with whistleblowers every day. They tell us over and over again about the chilling effect of the prosecutions, and their fear of speaking up without strong laws and robust support. What don’t we know because potential whistleblowers are too scared to raise concerns? What scandals remain hidden?

The prosecution of whistleblowers and inaction on meaningful protections are only part of Australia’s growing failure of transparency. Since the Australian Federal Police’s 2019 raids on the ABC and a News Corp journalist, there has been increased scrutiny of the proliferation of secrecy offences in Australian law. Two parliamentary inquiries expressed concern at the sweeping secrecy reform enacted by the

Turnbull government, while a recent review by the Attorney-General's Department identified 849 secrecy offences and non-disclosure duties under federal law. That's almost a thousand different ways in which the law criminalises the disclosure of government information.

Not even the staunchest defenders of transparency would deny the legitimate role of secrecy in our democracy. Self-evidently, intelligence agencies need it to do their job. But there is a balance to be struck, and the pendulum has now swung firmly to the side of opacity. A recent independent review highlighted considerable rule of law and human rights concerns within our secrecy framework. Some offences could see journalists and civil society advocates imprisoned for the mere receipt of confidential government information; others criminalise any leaking of information by any public servant, no matter how innocuous the information or whether the public interest is best served by disclosure.

What's more, while secrecy is ascendant, transparency regimes are crumbling. Australia's freedom of information scheme — once world leading — is now in tatters. Government departments routinely fail to meet legislatively mandated deadlines, or rely on dubious exemptions to redact documents beyond meaning. Delays in the scheme are not just frustrating, they undermine its utility. Good luck trying to get meaningful, timely information through an FOI request.

Two recent cases, both brought by former senator and self-described transparency warrior Rex Patrick, are indicative. In March, the Federal Court ruled that the longstanding practice of denying FOI requests after a minister leaves office was unlawful. That practice rendered FOIs moot after reshuffles and changes of government, and had significantly undermined the objective of the *Freedom of Information Act*. There had even been suggestions that outgoing ministers were shredding sensitive documents. The decision was a landmark moment for transparency. And yet the attorney-general, who while in opposition self-represented in FOI fights against the government, has lodged an appeal. A *Guardian Australia* headline summed up the strange state of affairs: "Labor

fighters for the right to shred documents if it loses office."



Rex Patrick

In July this year, Patrick lost a case he'd taken to the Federal Court claiming that delays in FOI reviews at the Office of the Australian Information Commissioner were so bad as to be unlawful. In August 2020, he had lodged a request with the federal department of health for documents relating to border closures during the early days of the pandemic. The department refused access to several documents, so the following month Patrick sought a review from the FOI oversight body. At the time he began the litigation, in March 2023, his review request was still pending. Not only had it not been decided by the information commissioner, it had not even been allocated to a reviewer for consideration. As the trial judge observed: "Two and a half years is a very long period of time for the [review] to have remained, effectively, untouched." But the delay was not found to be unlawful — by the judge, and then on appeal. "Recognising the delay is very lengthy, we nonetheless are not satisfied that this delay, although unfortunate, is unreasonable in the vitiating sense required [by administrative law]," said the appeal reasons.

Unfortunate is an interesting description for this sad state of affairs. In the litigation, the information commissioner blamed under-resourcing for the delays — the body has struggled since Tony Abbott attempted to abolish it while he was prime minister. Unable to

pass the necessary legislation through the Senate, the Abbott government instead slashed the commissioner's office to the bone. Although the budget has increased since, backlogs remain so bad as to render the scheme ineffective. Abbott got his wish.

Any of these issues would be cause for concern in isolation. But cumulatively, they represent a significant degradation of Australia's transparency framework. Whistleblower protection, secrecy offences, freedom of information, press freedom ... they all intersect to determine the level of accountability and transparency in our democracy.

During parliament's penultimate sitting week before the winter break, Dreyfus was pressed on transparency. In Question Time, Sophie Scamps asked whether the government would commit to establishing a whistleblower protection authority; Helen Haines queried why the government was "dragging its feet" on whistleblowing reform. A week later, at the National Press Club, the attorney-general was pressed again. Dreyfus's answers stuck to a consistent message: blaming the last government for inaction ("this is another area where the former government didn't act"), highlighting last year's amendments ("I brought a first round of reforms" — albeit minor and technical) and casting forward to promised changes ahead ("There's a second round coming"). At the Press Club, the attorney-general's interlocutor pushed back: "But do you have a timeline on that at all?" "Soon," was all Dreyfus offered.

The Albanese government undeniably talks a better game on transparency than the Coalition governments before it. In a major speech in 2019, while opposition leader, Albanese insisted "journalism is not a crime. It's essential to preserving our democracy. We don't need a culture of secrecy. We need a culture of disclosure. Protect whistleblowers — expand their protections and the public interest test. Reform freedom of information laws so they can't be flouted by government." (The speech disappeared from Albanese's website around the time McBride was due to be sentenced; after media enquiries, it was reinstated — with technical problems blamed.) Earlier this year, Dreyfus wrote an entire essay in this magazine

about the need to restore trust in government through transparency and accountability.

But in the final analysis, governments are measured not by words but actions. And more than two years in, it feels increasingly hollow to blame the last lot for Australia's ongoing secrecy crisis.

There are now only 10 months until the latest date for the next election. The government has been vague about whether the second, more substantial round of whistleblowing reform will be enacted before parliament rises. Promised reforms to secrecy offences are yet to be introduced, and some proposed changes could make the situation worse not better. The government has not yet formally responded to a Senate inquiry into the FOI framework, which raised significant concerns. All the while McBride remains in jail and the Boyle prosecution drags on. Unfortunate indeed.

As with all political issues, the current transparency agenda is a matter of choices and priorities. The Albanese government could choose to pursue robust whistleblower protection reforms, which would take Australia from laggard to world-leading once more. It could choose to establish an independent and well-resourced whistleblower protection authority. It could reform secrecy offences to better balance competing public interests, fix holes in the FOI framework and increase funding to the FOI watchdog. And it could pardon McBride and end the prosecution of Boyle. But so far, the Albanese government has chosen to do none of these things.

Transparency sits at the heart of our democracy. If we do not know what is done in our name, how do we exercise informed political judgement? If we do not know about wrongdoing and injustice, how can we demand accountability and justice? In a troubled world, transparency is more essential than ever.

The long-overdue return of Assange is a rare positive moment for transparency advocates in Australia, and the Albanese government should be applauded for the role it played. But any credit given must be tempered by the ongoing inaction on reform closer to home. The Albanese government talks the talk on transparency and whistle-

blowing. But they are fast running out of time to walk the walk.

---

## Hyogo governor's scandal

Editorial

*Japan News, by Yomiuri Shimbun*  
20 July 2024

MAJOR QUESTIONS remain to be answered about the Hyogo prefectural government's response to an official's accusations of wrongdoing by the governor. The whistleblower was disciplined and the matter was not fully investigated. This is a problem that could shake the whistleblowing system.

Hyogo Governor Motohiko Saito was accused of misconduct by a senior prefectural official. The official mailed a letter of accusation to the media and other organizations in March. He sent the same accusations to the prefectural government's contact section in April in accordance with the whistleblowing system.



Motohiko Saito

The accusations covered seven items, including the governor's receipt of goods and workplace bullying. In response, the governor immediately denied the accusations, calling them "a pack of lies," and removed the official from his senior position.

Also, the prefectural government claimed it had conducted its own investigation and determined that the contents of the accusation document were groundless. It suspended the official from work for three months. The official died this month, in what is believed to be a suicide.

The Whistleblower Protection Law prohibits any mistreatment of whistleblowers due to their whistleblowing. The prefectural government should have treated the official as a whistleblower and protected him. The prefecture's handling of the matter is sus-

pected to have violated the law and can only be called inappropriate.

After the official was hit by the punitive measures, the prefectural assembly established a committee based on Article 100 of the Local Government Law, which gives strong investigative authority to such committees, on the grounds that the probe by the prefectural government would not be impartial.

Meanwhile, the prefectural government has said it will also soon set up a third-party organization to further investigate the governor's alleged misconduct. In addition to thoroughly scrutinizing the content of the accusations, it is also necessary to examine the handling of the matter by the prefectural government, which unilaterally punished the official.

All of Japan's 47 prefectural governments have established whistleblowing contact sections. However, only 29 prefectures have such sections outside the prefectural government, such as at a lawyer's office. The Hyogo prefectural government is one of those that does not have a contact section outside of the prefectural government. Nearly 30% of municipal governments do not have whistleblowing contact sections at all.

Administrative bodies are also expected to serve as contact points for receiving whistleblower complaints of corporate wrongdoing. Regardless of whether the whistleblower is inside or outside of local government, a contact section for whistleblowing must be established as soon as possible.

Trouble in connection with whistleblowing is not uncommon. In Wakayama City, an employee who made a whistleblower complaint alleging misuse of public funds was forced to work on the same floor as an employee who had been disciplined as a result of that whistleblowing. The whistleblower later committed suicide.

In the Kagoshima prefectural police this year, a former chief of the community safety department was indicted on suspicion of violating the obligation to preserve secrecy under the National Public Service Law by leaking an internal document. The former department chief intends to plead not guilty, saying that his action was not a leak but an act of whistleblowing.

Whistleblowing leads to the discovery and correction of wrongdoing.



Heads of local governments and other officials must recognize anew the meaning and necessity of the whistleblowing system.

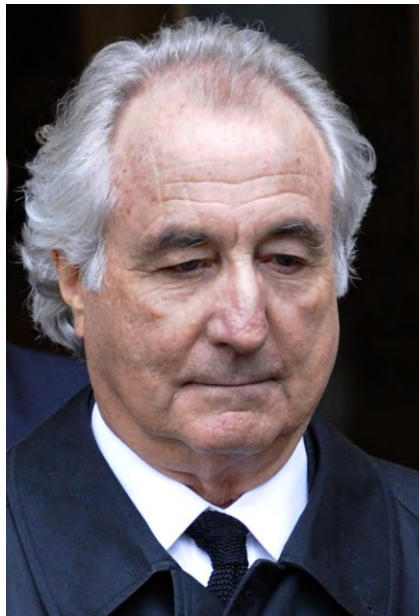
## How to make millions as a professional whistleblower

Gordy Megroz  
*GQ*, 21 August 2024



IT'S A SATURDAY in a well-appointed room in a luxury hotel in a major American city and a man named Richard Overum has just escorted me from the lobby to brief me on my new identity. My directive: Embody a high roller. A man capable of signing a check for millions of dollars at a moment's notice. And, most important, a man looking to make an investment. I need to look perfect, Overum explains. Because tonight, I'll be shadowing him on a sting.

Richard Overum is not a member of law enforcement or a government official. He's something else: a rarefied practitioner in a line of work he's all but created for himself. He hunts business-people he suspects are breaking the law—a job that by virtue of oft-overlooked sections of federal law can end up paying remarkably well. Tucked into the Dodd-Frank Act, which Congress passed in the wake of the Bernie Madoff scandal and the economic calamity of the late aughts, are provisions meant to encourage people who spot signs of potential financial wrongdoing to come to the government with information. The incentive? If the agencies take enforcement action based on a tip resulting in sanctions in excess of \$1 million, the law says, one or more whistleblowers can earn an award equal to 10 to 30 percent of what's collected.



Bernie Madoff, US mastermind behind a \$65 billion Ponzi scheme

Whistleblower programs were established at the Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC) to manage and investigate tips, and the calculus for awards depends on multiple factors, including the value of the information in making the case. But the payouts can be enormous. Recent cases have rewarded SEC whistleblowers with \$29 million, \$38 million, and \$104 million. Last year, the SEC cut its biggest check yet, issuing a payout of \$279 million to one tipster who reportedly aided in a bribery case involving the Swedish telecom Ericsson that resulted in a more-than-billion-dollar settlement.

Between the start of the program in 2011 and the end of fiscal year 2023, the SEC has levied more than \$6 billion in sanctions, and paid out close to \$2 billion to whistleblowers. Overum's share? Tens of millions, he says, between funds collected and those still pending.

The evidence he passes to whistleblower programs he gathers primarily by going undercover—persuading a would-be fraudster to reveal signs of a scheme by posing as a potential investor interested in getting in on the action. That's why Overum and I have met in this hotel tonight: so I can join him for a meeting with someone he's investigating.

For some time now, Overum has been compiling intel on Mike King, a

real estate developer whose seemingly ostentatious lifestyle and possibly deceptive business practices have raised Overum's suspicions. And so, under an assumed name, Overum has approached King about making an investment with him—a covert attempt at soliciting more information about his assets, and maybe uncovering signs of a potential fraud. They've been texting and chatting about the possibility of getting into business together, and tonight have decided to continue discussions in person. Overum has permitted me to watch him work, but there's a catch: In order to not blow his cover, I'll need to be undercover too. I have to play one of his business partners—another potential investor.

Of course, knowing my part isn't enough. I have to look it: For Overum, sartorial embellishment is another part of the tradecraft. In the days prior, I'd cobbled together my nicest pair of jeans, a tailored button-down shirt that was gifted to me 10 years ago, and I'd even gotten my shoes shined at the airport on the way in. But I needed something more.

"Have a seat," Overum tells me as he unzips a black backpack and produces two high-end watches. "This is an Omega Speedmaster Dark Side of the Moon, and this one is a Zenith Defy Classic," he says. "See which one fits."

I slip one on. "It looks great," Overum says. "You'll do great."

"Are you nervous?" he asks.

"Yes," I admit.

But as I look at Overum, he seems self-possessed—poised, almost. It's as if all this—meeting King under a fake identity, preparing to expound at-length upon a business opportunity he has no real intention in investing in—is just another day at the office. And that's probably because it is.

"Okay," he says as we prepare to leave the hotel room. "Time to go to work."

**I haven't told** you what Overum looks like. Or where he lives. I'm not going to tell you what kind of car he drives or what teams he roots for. That's because I've agreed to withhold key identifying details. "I want to keep doing this for as long as I can, so it's very important that certain things about me remain a secret," he tells me. "If you

try looking me up on the internet right now, you won't find a thing."

What I can tell you about Richard Overum is that his name is not Richard Overum—that's the kind of alias he might use in the field. "Richard Overum is a play on 'dick over them,'" he tells me. While we were together, Overum used another alias, a moniker that I can't reveal because he's currently using it in yet another case. But I can tell you that it's also phallic.

"So are your aliases all dick jokes?" I ask him.

He chuckles. "That's right." (Though not a dick joke, "Mike King" is also a pseudonym.)

Overum's sense of humor—often childish—helps him add levity to his day-to-day, which is otherwise earnest and sometimes dangerous. He's been working as a professional whistleblower for over a decade now, zigzagging the country to cozy up to suspects that he charms and cajoles with cunning, lies, and manipulation in order to coax from them the blueprints for any number of white-collar scams, from Ponzi schemes to prime bank frauds. As a motivator, the cash that he might collect is never far from Overum's mind.

Back when it was instituted, in the post-Madoff era, the whistleblower programs were meant to bolster enforcement at under-resourced government agencies. Authorities at the SEC and CFTC would now have help in the form of newly incentivized citizens. And in the most general sense, the program has worked as intended: In fiscal year 2023, the SEC received over 18,000 tips, and awarded nearly \$600 million to 68 individual whistleblowers.



The vast majority of people providing tips to whistleblower programs do so only once in their life. They are not—as Overum is—repeat customers. Over the course of his career, Overum says that his tips, which can include hundreds of pages of evidence, have led to various regulatory agencies, including the SEC, taking action approximately 90 times. (An SEC spokesperson declined to comment on Overum's claim, citing agency policy to not remark on "the existence or nonexistence of a possible whistleblower submission.")

You may be wondering why someone who has such a great thing going would risk blowing it all up to talk to a journalist for a magazine story. That is, why go to such lengths—with the aliases and fancy clothes and watches, the anonymity, all the efforts to obscure his identity in my reporting—only to talk so openly about his process? Well, Overum says, he suspects his identity could be exposed one day, and it might only be a matter of time. There might only be so many whistles to blow before Richard Overum could be forced into the light. Giving up on this line of work is a nonstarter, so he's got other plans in that event—training up a whole new corps of whistleblowers to follow in his footsteps, to start. So talking to me is a call to arms. Everyone, he says, should know about this program. And everyone should know where to find him.

At this point, leads reach Overum in a variety of ways. He has worked with a number of lawyers who specialize in representing whistleblowers and who often point Overum in the direction of a potential target. "Sometimes it's employees of companies who see a problem but aren't comfortable being a whistleblower," he says. "Sometimes it's from somebody who just has a bad feeling about somebody and what they're doing."

Overum has also created an email tip line that he operates (activistwhistleblowers@proton.me), spreading it through his network of lawyers and confidants. Lately, he's been looking for potential targets on social media. If he sees people posing on Instagram with yachts, say, or cars that cost hundreds of thousands of dollars, while also trying to raise money, he says, bells immediately go off. "They just seem too good to be true," says Overum. He

notes that he peruses so many accounts focused on ostentatious living that his algorithm is now flooded with images of absolutely over-the-top lifestyles—themselves worthy of further investigation. "I've found so many leads this way."

Lawmakers might have been hoping to incentivize employees who stumble across signs of fraud to speak up, but they've also birthed a burgeoning cottage industry—professionals whose careers are built around whistleblower payouts. Supporting tipsters like Overum are private attorneys who specialize in presenting whistleblower evidence to the agencies, and making the case that they should investigate. In some instances, there are even firms who finance whistleblowers, taking a portion of awards when they're earned. And so the nascent industrialization of whistleblowing has begun to draw criticism from some observers who wonder whether the system's intentions have been warped—if funds originally meant to support an army of citizen whistleblowers are increasingly funneling into the pockets of a small cadre of experts.

But as long as he's able, Overum will keep blowing the whistle, sometimes pursuing as many as a dozen cases at once. By this point, he's got a process: Overum pores over financial and legal information; he hunts for aliases and bankruptcies and business setbacks. When investigations advance to a stage where he needs to interact with a target, Overum will often pose as a would-be investor. Selecting the right assumed identity for any given subject also takes work. Overum spends hours analyzing the subject, trawling through their social media or listening to any podcasts they might have done. "I need to build a psychological profile," he says. "I need to find out what's going to motivate them."

Regardless of the choice, the character needs to feel lived-in, and Overum has to be prepared to speak with a high degree of expertise in any number of fields. "A lot of what I do is Method acting," says Overum. "I have to understand what my profession is in order to be able to go 20 minutes deep on whatever it is I say I'm doing. And I need to study that role so that I can play that character."

Outreach typically begins with a call: Overum is trying to pull information that might be incriminating and also build rapport. Flattery and empathy take you far, Overum notes. And one big thing he's learned over the years is to act somewhat naive. "Not being able to understand what they're saying has allowed me to rephrase questions over and over until I get the answer from them that I'm looking for," he says. "The incriminating answer."

In between calls, there are always text messages. It's rare, Overum says, that you'll go long without hearing from a target that turns out to be running a scam. "They always need money," he says. "They're always running short on cash."

Damning information, Overum says, is surprisingly easy to tease out of a conversation. Nobody expects to meet with a would-be whistleblower. "Their guard is down because they think I'm an investor. I'm like an undercover cop in a world where undercover cops don't exist."

Over the years, he's honed a very particular skill set that has brought him into the confidences of a litany of potential lawbreakers—brazen businesspeople who often think, at first, that they are getting one over on Richard Overum.

Generally, it's the other way around. But slipups do happen. And even one misstep can threaten a case. A few years back, while driving his car, Overum was on the phone speaking with a subject. The man asked who had referred Overum to him; Overum dropped a name. The man on the phone responded: "That's funny. I just hired that person. He's never heard of you before." Overum finished up the call and pulled over to the side of the road. He was so angry at himself that he got out of the car and smashed the burner phone he'd been using to pieces with his foot. He learned from that experience: Don't ever say something to a possible scammer unless you're absolutely sure that it won't come back to bite you.

The job takes on a whole different level of danger during in-person meetings, Overum says, which are nonetheless necessary in order to "further put people at ease" and coax the most damning information out of them. In these cases, he needs to look

the part, so his closet is full of custom-made suits and designer shoes. His own natural interest in watches comes in handy on a job.

So too does a certain amount of courage. Several times, Overum says, he has met with targets who were armed. Once he headed down South to meet with somebody he suspected of running a scam. The man was ex-military and arrived at their meeting at a restaurant with a pistol holstered on his waist. While they ate and spoke about an investment opportunity, the man sprinkled anecdotes of wartime exploits into the conversation in a way that unnerved Overum. He found the experience unsettling, but, over the years, he's learned to maintain his composure. "When I was first going undercover, I would get back to my car and throw up." These days, he relaxes by listening to metal bands (Tool and Nine Inch Nails are favorites) and playing video games like *The Last of Us*.



"And before I'm about to meet with a potential scammer, I'll meditate for 30 minutes or I'll jump on Zoom with my therapist," he tells me. "After that, I'm in kill mode."

**Overum had first** been tipped off on King, the real estate developer, by one of his attorneys. And because his initial research showed signs of lavish living, like opulent houses and high-end cars—perhaps a red flag, but nothing illegal—he would have to get closer.

Overum decided to approach King as a potential investor, posing as a well-heeled businessman looking to park some money. He called King to introduce his character and let him know he was interested in meeting. Not long after that, Overum visited King's office, noticing more than one luxury automobile on the premises.

In that first meeting, King would regale Overum with stories of his experience as a developer and describe a number of different investment opportunities that, Overum thought, seemed too good to be true. Time and time again, he seemed to be telling Overum that, if these projects went as planned, he could expect a handsome return on his investment, all with apparently little associated risk.

One opportunity stuck out to Overum: land that King was preparing to develop. For the project, he had told Overum, he would need to raise millions of dollars in just a short period of time. The amount of money and the urgency of the timeline seemed odd to Overum. "Somebody with that much experience, somebody who has done all the things he's claimed to do, shouldn't need an investor to ensure a project goes off," Overum told me. Something strange was going on here, Overum was pretty sure.

"When I realized I could do this for a living—that I could go after the same kind of crooks that fucked up my childhood—and get paid for it? How could I say no to that?"

It would be important for Overum to continue growing the relationship, determining what additional information he could draw out by posing as a potential investor. King proposed they meet again, this time at a luxury hotel, for some fun followed by business.

When Overum agreed to let me shadow him that night, I watched him deftly channel his character, staying vigilant for all manner of speed bumps that might have spoiled the plot. The emergence of high-definition cameras on cell phones, for instance, is a major peril to undercover work. I took note of Overum ducking away at several points to avoid winding up in the background of someone's photo.

To do this work well requires internalizing this paranoid hypervigilance, while still exhibiting a graceful self-confidence. Managing these contradic-



tions, I quickly learned, isn't easy. When, that night at the hotel, someone asked how Overum and I knew each other—a question I'd even been preparing to answer—I froze. Was I going to blow Overum's cover on a simple introduction? Expertly and casually, Overum jumped in and described us as old friends, pivoting the conversation to safe territory.

Watching Overum in the white-marble-floored hotel foyer was to see someone uncommonly poised, and clearly in his element. Over the background din, I heard him speak about his supposed line of business with a level of expertise normally reserved for real industry veterans. At once, he was fully in character—but also, seemingly, fully himself.

Later that night, after leaving King behind, I asked Overum if anything King had told him might be incriminating. Overum told me that his claims will prove interesting only after he keeps digging and determines whether they're real or not. "If he was lying to us about anything, then yes," said Overum. "You can't misrepresent your wealth or assets to potential investors. That's fraud."

It was more than just that financially tantalizing quirk of the federal whistleblower law that drew Overum toward this line of work. His own family had been rocked by fraud, he says. While Overum was still quite young, he explains, his father made a devastating investment. The details were always fuzzy, but the event cast a long and profound shadow. "It was a scam," Overum says, succinctly.



"My father lost everything." He suffered too: His family moved around a lot in the wake of the incident, and Overum says he turned to alcohol and drugs as a teenager.

In his 20s, Overum began working in sales. "I learned how to read and react to people's body language," he says. "I

learned people's tells and how to capitalize on them."

During this time, Overum would obsess over the impression he could make on people, even practicing his smile in front of a mirror. Like an athlete, he studied filmed interactions of himself making sales pitches, and hunted for ways to improve his performance. In some ways he never really left sales. "I'm selling this fictionalized version of myself," he says of his work now, "and it all hinges on the story."

Overum's journey to becoming a professional whistleblower began in 2011, when someone he was close to told him about a problem at work. He had been hired as a contract worker but felt that he was required to perform tasks reserved for full-time employees. This offended Overum's sense of right and wrong, and he began to strategize how he might lodge a complaint with a regulatory agency.

He says he presented a state agency with a plan to investigate: He'd pose as a job applicant. If he was offered a part-time gig with full-time requirements, he figured he'd have the evidence to support his associate's claim. Sure enough, says Overum, the ruse led to an offer of contract work—one that he says contained stipulations around work hours, wardrobe, and travel that could legally be required only of full-time employees.

Overum says the staff at the agency told him they were impressed with his work. So much so that one employee made an interesting suggestion: Why not file his complaint with the federal government? "Do you know about this new whistleblower program?" he says that they asked. "You could make some money off this."

He wasn't aware of the program, but he was intrigued. He filed the case, he says, with the IRS, which also maintains its own whistleblower program. It occurred to him that "whistle-blower" didn't have to be a one-off role—that it could be something more like a job. A calling, even. "I thought, What if I quit my job and just start filing reports on these companies?" he says. The numbers seemed to make almost too much sense. "In one of these cases, I figured the government could haul \$80 million," he says. "That means I could make more than \$10 million on the reward. When I realized I could do this

for a living—that I could go after the same kind of crooks that fucked up my childhood—and get paid for it? How could I say no to that?"

Overum says he used the same tactics he'd first employed—posing as somebody looking for a job—to secure evidence against about 30 more companies. But he started to recognize some of the inherent challenges in this covert line of work. First of all, he was constantly busy, often researching case law. "I'm not a lawyer, but I was spending months building out cases to support these tips," he says. "That wore on me." Plus, there was a cash flow problem. After around three years, his cases were still inching through the regulatory agencies. By that point, he says, he'd been paid only one award. "It could take seven to 10 years, in some cases, to get a payout," he says. "That wasn't sustainable."

He stepped away, finding a job in finance—but he always found himself analyzing deals he was working on for potential fraud. "I was missing the thrill of the chase," Overum says. "I really realized that I was an investigator at heart." A few years passed, and one day Overum says he got a call from Washington, DC. An employee at the Federal Trade Commission, he says, wanted to discuss the ins and outs of a particular fraud scheme that Overum knew well. The conversation reignited his interest in hunting these cases. But to make it work, Overum would need to rely on a different system—and some partners.



Overum discovered the lawyer Mark Pugsley, an expert in securities law who had recently represented a whistleblower who would help to unravel a \$500 million-plus tax-credit-fraud scheme. Pugsley had worked with

dozens of whistleblowers, in the process becoming a magnet for leads on prospective cases. He was instantly impressed with Overum, he told me. “He has a very strong sense of what’s right and what’s wrong,” says Pugsley. “But I also saw that he’s a guy who has big balls. Somebody who could go into situations that could be potentially difficult and, because he’s a good talker, he can talk people into giving him information. He also worked in finance, so he sort of knew the language of investing.”



Mark Pugsley

Since Overum connected with Pugsley, the lawyer’s firm has fed him dozens of tips and helped him with various operations, including with his part in one particularly cinematic investigation. Overum enticed marketers of what the government has alleged was a nearly \$500 million Ponzi scheme to board a rented private jet loaded with surveillance equipment so that he could record their conversation and later submit it to authorities—a case that eventually made headlines when FBI agents fired shots during a raid two years ago.

To address some of his other concerns, Overum enlisted the help of a New York-based firm that specializes in financing litigation. The company could provide Overum with money up front, and, when Overum won a whistleblower award, he’d pay them back a negotiated fee. This would allow

Overum to cover surveillance equipment, burner phones, and other expenses, and, most important, not have to worry about when money was coming in.

One of the firm’s managing directors told me that his organization was thrilled by the chance to get into business with Overum. “Because he had a track record of success with these cases, we believed in him and saw him as a good investment,” he says. “I was happy to give him as much money as he needed, because we’re confident we’ll see a healthy return.”

In the year since I’d met Overum, in April 2023, his work, he tells me, had resulted in various raids, arrests, asset freezes, temporary restraining orders, receiverships, and whistleblower awards. “It goes without saying that I’ve been busy,” Overum says.

By June of this year, he felt his report on Mike King was ready to be filed. Of course, he hadn’t made any investment with the developer—Overum had been stringing him along with a variety of delay tactics. Each time the rubber met the road to cough up some cash, Overum had a new ready-made excuse as to why that wasn’t the right time for him to jump in.

All the while, Overum was doing whatever he could to extract information. Overum says that King sent him documents that Overum believes, based on his own research, misrepresented the value of King’s assets. Overum—playing the part of a prospective investor—says that King was painting for him a deceptive financial picture of his business, as well as his track record and certifications. As their conversations had worn on, King proposed various investment opportunities to Overum—each with provisions that Overum found head-scratching.

“The numbers he was throwing out made no sense,” says Overum. “This follows [his] pattern of making grand promises that seem to fall apart once documents are provided.” Overum was convinced that he and Pugsley could make a case to the government that the developer was operating outside of the law. As of this summer, they were strategizing about the most advantageous way to file the report and how to most effectively present the evidence Overum had gathered—that is, trying to figure out how to get their hoped-for

reward (to say nothing of justice) as quickly as possible.

His work on this case might not necessarily satisfy critics who worry about an industry developing around whistleblower payouts. But Overum remains focused on the bottom line. “The simple fact is that whistleblower programs work,” he says. “If whistleblowers are financially motivated, they’re going to do a better job making sure their information is correct so that they can win an award one day.”

Overum figures he’ll eventually stop receiving government payouts—but not because the government will eliminate whistleblower programs. It’s because he suspects that his identity might eventually be revealed. It’s an outcome he dreads. But he’s already developing a contingency plan that won’t require him to work in quite the same way. Instead of taking on the cases all by himself, he’s imagining a sort of school to further expand the number of trained whistleblowers, a venture that will also require more lawyers expert in securities law. “I want to teach an army of people how to do this and send them off on stings,” he says.

But Overum is also operating with another sort of ticking clock in mind: The sooner he can find and expose a fraud, he can prevent more and more people from being preyed upon. And those who’ve already fallen victim can get an earlier start on the road to being made whole.

“In every single fraud we’ve exposed, the victims would never have seen a dime back if not for our efforts,” Overum points out. Altruism, in this world, doesn’t always come for free. “Obviously,” he says, “none of us would be in this if there wasn’t a financial incentive.”



Gordy Megroz is a journalist based in Colorado.

---

## Whistleblowers Australia contacts

---

Postal address PO Box U129, Wollongong NSW 2500

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

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

### Members of the national committee

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

### Previous issues of *The Whistle*

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

**New South Wales contact** Cynthia Kardell,  
phone 02 9484 6895, [ckardell@iprimus.com.au](mailto:ckardell@iprimus.com.au)

**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](mailto:feliksfrommarcoola@gmail.com)

### Queensland Whistleblowers Action Group

Website <http://www.whistleblowersqld.com.au>  
Secretary: Greg McMahon, phone 07 3378 7232

### *The Whistle*

Editor: Brian Martin, [bmartin@uow.edu.au](mailto:bmartin@uow.edu.au)

Phone 02 4228 7860

Address: PO Box U129, Wollongong NSW 2500

Thanks to Cynthia Kardell and Lynn Simpson for proofreading.

---

## Whistleblowers Australia conference

---

Whistleblowers Australia's annual conference will be held at 9.00am Saturday 16 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: Cynthia Kardell, 02 9484 6895,  
[ckardell@iprimus.com.au](mailto:ckardell@iprimus.com.au)

---

## Annual General Meeting

---

Whistleblowers Australia's AGM will be held at 9am Sunday 17 November at the Uniting Conference Centre, North Parramatta (Sydney).

**Nominations** for national committee positions must be delivered in writing to the national secretary (Jeannie Berger, PO Box 458, Sydney Markets NSW 2129) at least 7 days in advance of the AGM, namely by Sunday 10 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 proxy by giving notice in writing to the secretary (Jeannie Berger) 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 can make your payment in one of these ways.

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

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