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House Standing Committee on Legal and Constitutional Affairs

**Inquiry into whistleblowing protections within the Australian
Government public sector**

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House of Representatives
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Synopsis

This submission is made to the House Standing Committee on Legal and Constitutional Affairs for consideration of inclusion to the overall matters as referred to in the Committees Terms of Reference. The information contained in this submission is based upon research and the personal experiences of myself (Peter Smythe). I am a former Federal Agent with the Australian Federal Police and currently employed as an Intelligence Training and Development Officer with the federal public service. I have consistently demonstrated excellent organisational, planning and coordinating skills, which are combined with a high level of integrity, discretion and loyalty. I have Degrees in Social Science – Justice Administration and a Masters of Social Science – Criminology.

This submission is based upon my own observations and research undertaken as part of my own whistleblowing experiences while employed by the federal government public service. I can provide further evidence to substantiate my claims.

I submit this document as a statement and understand that if I knowingly make any false, misleading or malicious statement I maybe guilty of an offence or be in breach of the Australian Public Service's Code of Conduct.

14/8/05

Introduction

At the beginning of my policing career I was told I would have the opportunity to meet thieves, drunks, wife beaters, drug addicts, liars, fraudsters and many other types of low life's in society and, if I was lucky, I may even get out of the office and arrest some crooks!.

I understand now the organizational concepts which refer to formal and informal processes and / or networks that exist in all organizations. My combined exposure to the study of sociology and workplace observations has convinced me that formal processes do not work, people do. If you look closely at the inner workings of any organization and examine the formal processes you will discover operational gaps. "These gaps are not problems that need fixing; they're opportunities that deserve leveraging. The real genius of organizations is the informal, impromptu, often inspired ways that real people solve real problems in ways that formal processes can't anticipate. When you're competing on knowledge, the name of the game is improvisation, not standardization¹". This is the basis from which whistleblowers step off into the unknown responses of their employers and colleagues. It is also the same informal processes that begin to work against them.

I have developed an interest in trying to understand the social drivers that influence corruption behaviors. Issues like social factors that are reinforced by the psychological dispositions of the officers concerned and, the behaviors of the 'deviant' officers developing as a result of social, psychological and organizational cultural influences that impact upon each other. The difference being that for some, these factors or influences seem to amplify certain traits whereas in others, they seem to cancel each other and therefore have no influence in undermining the individual officer's moral or ethical beliefs. Those who are not affected generally remain honest. These officers are considered submissive, not strong enough or not prepared to go the extra bit for the organization. This results in the situation where liars and cheats do well at the expense of the meek and the negative cultural drivers get reinforced, becoming norms and making the organization more than likely to operate outside of the legal parameters in which it is supposed to function. Democracy and its support systems are so interrelated that a proportional relationship exists. Therefore, each time a law enforcement agency cheats, misleads or fails to disclose important facts, it diminishes the very democratic principals for which it stands. It's necessary also to understand that complicity is needed to make corruption work and whistleblowers know this so well. Anyone who has worked in the field of intelligence and research knows that getting people to look at an issue makes it an issue. So, corrupt officers can simply create a history around people (whistleblowers) they wish to target. As Jerry Ratcliffe has pointed out "often they begin with a scarcity of reliable information and therefore conclude there is a significant knowledge gap. The next step is to examine the issue (or person (sic)) further and the awareness of the problem grows", this is known as the feedback loop which is employed by senior law enforcement managers to producing a self fulfilling prophecy².

¹ Brown and Gray, 1995 page 79

² Strategic Thinking in Criminal Intelligence, J.H. Ratcliffe, 2004, p205

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History is full of whistle blowers who have been exposed to this type of structured organizational harassment. The AFP is well recorded for conducting paybacks and, like criminals they conduct themselves exclusively and often in breach of the law³. So too does the Australian Government Solicitors office. They intimidate whistleblowers under the guise of the “no ownership of witnesses” tactic and according to the AGS if you are an employee of the Commonwealth you are obligated to tell them what you know. Given that, Commonwealth Agencies have on a number of occasions arranged with the AGS to give presentations on how an agency could remove employees using Comcare legislation, simply by targeting an employee or whistleblower, move them from one position to another, and generally into positions that the employee has no experience in. Managers can then write down the performance of the whistleblower, create operational obstacles so that the stress levels in the employee reaches a point where they take sick leave. The desired result is for the whistleblower to claim leave against the employer who would refuse the claim causing the matter to default to the Administrative Appeals Tribunal. From here the AGS would run the case providing either direct support to Comcare or indirect via an outsourced legal firm. It’s referred to as the Deny, Delay and Defeat protocol and has been employed by the Federal Government on a grand scale. It is clear that this practice is specifically directed towards those employees who are identified as trouble makers, in other words, whistleblowers. As reported in the Australian news paper on Friday 23 June 2006, the Government has eagerly spent taxpayer’s money on outsourcing of legal advice. The amount of money expended by government has been described as ‘obscene’⁴.

An example of this process was the misappropriation of about \$800 Thousand dollars by the regional manager. The financial officer refused to sign balance sheets and reports saying the amounts missing were an accounting error. For her honesty this officer was placed under performance review and harassed. The manager who ripped off the taxpayer for nearly a million dollars gets an overseas promotion while the whistleblower is forced to go on stress leave and find another job. All this occurred with the full knowledge of the Head office in Canberra. They allocated an internal investigation into the matter. This found no wrong doing, the matter was covered up.

Preferential treatment is not limited to staff, some agencies perform prosecutions by profession and postcode. For example, two people came to the attention of Customs. One, of ethnic background, imports a vehicle which Customs disputes the declared value. The matter is held up in the courts for nearly two years. The taxpayer spends thousands of dollars to get back overpaid taxes. The second incident involved a prominent Adelaide businessman who is caught importing thousands of steroid type tablets. Warrants are prepared, operational orders are in place but a management decision is made not to continue on the grounds that “M X is a well known businessman in Adelaide” and Customs could experience negative media coverage should this matter proceed. So if you are rich, import what you like, you are above the law. If you are poor or ethnic, you got problems.

These examples demonstrate how Law Enforcement agencies can manipulate with ease the negative intelligence holdings of any person and can cause this to be the basis of further interest. In the event of corrupt practices being discovered and leaked by a

³ Top Policeman in Payback row – Michael McKinnon, Canberra Times 2002

⁴ The Australian – Legal Affairs Business “Obscene outsourcing blowout” June 23 2006.

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whistleblower, it becomes necessary to engage the same organizational mechanisms that are used to fight crime, to protect the corruption. Various Commonwealth laws contain provisions which create offences in relation to corruption but nothing as serious as to take away the powers of an internal investigating body. To date, there is no Law Enforcement Agency in Australia that is subjected to a powerful anti corruption body that is not made up of current serving or recently served officers who can still be linked professionally to the agency under investigation. It is therefore essential that the issue of whistleblowing is understood as an entire enforcement problem and that governments proactively work with their bureaucracies and industry to develop the strategies necessary to combat this cancerous behavior, and that understanding Whistleblowers are key elements in achieving this.

Whistleblowing – A Personal Perspective

Australian legislation is not consistent and varying definitions exist for describing corruption, a possible reflection on what social drivers exist and why much corruption is considered 'cultural'. Only NSW comes close with its Independent Commission Against Corruption (ICAC) or the Police Integrity Commission. As Commissioner Moroney has stated "greed is a common denominator" and "a lack of self discipline and moral courage" are causes of, or contribute to corruption. Police corruption is serious, complex and usually multi jurisdictional⁵.

So without understanding how greed is translated into the Governments multi faceted public service, it's unlikely an understanding of work place crime (interchangeable with corruption) can be measure or understood. A strong attitude needs to be applied to fighting corruption and while the Federal Government has talked about it, it simply hasn't come up with the goods. Finding a suitable definition and establishing terms of reference that would safe guard the activities of whistleblowers is harder to find than we all imagine. Ongoing amendments to so call anti corruption legislation are nothing more than veiled attempts to minimize efforts for identifying and dealing with corruption. Little work has been completed to develop a national anti corruption capacity that can not be linked via resources or employees to some of the major agencies guilty of corruption, like Immigration, Foreign Affairs, AFP and Customs. In light of the Government's impatience to introduce changes to IR and anti terrorism legislation it seems strange that anti corruption strategies haven't been reinforced if for no other reason than to tackle the possible links between corruption and terrorism. This may be because corruption is often disguised by negligence.

Subsequent inquiries have clearly demonstrated that it is individually more costly to be honest in an organization where corruption is common, where honesty is quickly translated to mean incompetence, inability and even corruption. How many times have whistleblowers been accused of being motivated to speak out in order to cover up their own illegal actions (refer Nathan Moore RAAF). In this scenario the organization optimizes the control it has over huge resources to combat claims of corruption. Unless the allegations are external and backed up by irrefutable evidence corruption is hardly topical in Australian media. An organization cannot be expected to cope with every conceivable scenario of corruption and while an organization like the AFP have utilized a confidante network allegedly to combat corrupt practices, the fact is, this system is (or was) largely occupied by Managers. So it's is easy to see

⁵ Corruption and Democracy in Australia, Barry Hindness, The Australian National University 2004

why there is a reluctance for lower ranks to come forward. It's too simplistic to suppose a system of anti-corruption measures will work because it's based upon the integrity of the same individuals within the organization who manage it.

Managers go to inordinate lengths to protect themselves and their colleagues regardless of the true intentions of the complainant, and even if they act within the letter of the law they may not be acting in the spirit of the law. Remembering that placing managers in positions of confidence only serves to support the retaliation or to allow the best form of defense is attack approach. This creates and fosters the complication that people who wish to report corruption are reported as being uncooperative which then exposes them to more interventionist measures like sanctions, poor reports, addendums etc. This clearly identifies the real imbalance in power between the stratified ranks of law enforcement. Therefore, to successfully cover up foul deeds, corruption needs a multi layer of officials to survive and to have meaning because it can not function in isolation.

These interventionist measures are successful because they attack the very fibre that gives you influence, your credentials or qualifications, and there is always someone prepared to do the 'dirty work' for corrupt managers to self promote their own interests.

What this generates is an embedded cultural behavior employed regularly by senior staff that is recognized as a satisfactory way of dealing with such situations. This is then observed by lesser players who increasingly assume that aggressive and corrupt behavior is the only way to stay competitive. This is perhaps why; when so called 'honest' cops are confronted or approached for support they experience a moral dilemma as to what is and what is not corrupt behavior. These are very basic reasons why police should not police themselves. Understanding the motives of another is difficult at the best of times and problems are created by the demands of the given social setting, specifically, the self motivating necessity to present oneself as a model law enforcement officer⁶. Current mechanisms for exposing corruption only work downwards not upwards, because most often you will not get the necessary support from the colleagues of those you accuse of corruption. Therefore this Sanctioned Corruption is the sinister side of informal networks that exist in all organizations.

To appear to be effective, anti corruption investigators must adhere to the focus of the investigation. However, problems arise when it becomes necessary for terms of references to be set, the investigation scope sets boundaries for the investigators effectively limiting what can and can not be investigated. This gives managers who are supposedly operating independently of an anti corruption inquiry, the opportunity to remain in control. The Cole Inquiry into the Australian Wheat Board's kickback scandal is a good example of the Government being seen to be doing the right thing, whereas they held a strict control regime over the inquiry by setting inflexible terms of reference. Such boundaries or reference points include physical, organizational and informational limits and the investigators must adhere to these.

⁶ Braithwaite, Valerie, John Braithwaite, Diane Gibson and Toni Makkai. 1994. "Regulatory Styles, Motivational Postures and Nursing Home Compliance." *Law and Policy* 16:363-394.

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If operational parameters are set externally, there are better chances higher level corruption will be identified. If it's set internally it will be structured so as to limit the chances of detecting widespread corruption and certainly introduces protection mechanisms that all organizations (and Governments) have, to limit the amount of damage, real or perceived that could occur. So there must be established criteria before an investigation can commence and this ensures inquiries focus on the selected subject matter yet remain specific enough to meet the Investigation Objectives. An investigation can not start until this criterion is agreed too, and all Corruption inquiries will have a central point to report back too. This is in fact the checking or vetting mechanism that is deliberately put in place so as to ensure the public only find out what they need to know.

The introduction of ethical standards into any self governing department is a ruse because all Internal Investigations are reinforced by predetermined opinions that construct interpretations within the mind of the investigator, especially if these predetermined ideas are shared with higher level managers. Should this predetermined idea be cultivated by others, especially more senior investigators then evidence gathered is used to determine conformance to the investigation criteria as it is interpreted by this predetermined opinion. This is a mechanism to ensuring that corruption inquiries focus downwards instead of upwards. Investigation conclusions are therefore achieved from comparing the investigation findings to the objectives. Reflecting this into an understanding of corruption we can see that corruption at the lower rank levels of any organization, but especially a police force will be related to its immediate environment as this is the conduit by which opportunities for corruption exist. A police officer is only capable of corruption at the level and below in which they work. So for general uniformed policing its deterrence factors are it being highly visible to the public.

Corruption at this level is generally identified, reported and acted upon very quickly and is often referred to as external corruption. Arguably then, those police officers in positions of power are therefore able to commit more complex corruption because they have access and control of those beneath them, this is described as being internal corruption⁷.

Visibility is a key to identifying corruption. Therefore, if we accept and further consider the levels at which corruption can occur, it could be said that corruption is proportional to the level of achievement, because this same level of achievement creates the opportunity to manipulate and fabricate environmental factors which progressively absorbs the deviant or corrupt behavior into everyday practices.

Essentially this situation allows or accommodates corrupt practices to the point where corruption becomes more widespread and progressively is more socially acceptable at the higher organizational levels. Taking into consideration the experiences as a whistleblower it can be argued that the counter measures experienced is from a much higher level, a level from which someone has the power to reinvent the circumstances.

⁷ Police Corruption by Brandon Halloway, Dec 2002 page 1

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Corruption in the public sector weakens democratic institutions, encourages organized crime, and undermines public services. It is fair to say that law enforcement is meant to be, and certainly expected by the wider Australian community, as a stable democratic function and negatively related to corruption. However an examination of the higher level organizational cultural practices of law enforcement agencies in Australia indicate there exists traits of corruption permissiveness⁸. For example, senior AFP managers have regularly been caught misleading the public to its involvement of sensitive and emotional matters like the Schapelle Corby or the Bali Nine, or more recently the ex AFP member, who previously worked in the Internal Investigations area of the AFP, being found highly connected to organized crime groups and significant narcotics importations. It also seems that while employed with the AFP this officer actively sought to discredit any other agents who questioned his operational activities. Yet another example is that of an AFP officer who was involved in a major cocaine trafficking and money laundering syndicate, which allegedly involved baggage handlers at Sydney airport⁹. It's clear the AFP is not honest and open enough to combat corruption within its ranks because senior managers are afraid of the damage to their reputations that whistleblowing brings. The AFP wants everyone to believe they are the only police force in the world without corruption¹⁰.

In order to perform democratic functions, like law enforcement, the people need, and are entitled to, know the truth. Nothing is more important to the functioning of democracy than informed discussion and debate. But this can only occur with full disclosure which not only ensures the integrity of other democratic institutions like the judicial system, but guarantees that corruption can not become a growth on society. Yet a universal aim of the power-hungry is to stifle dissent.¹¹ So, when we discover that in recent years numerous police officers under intense cross-examination have admitted to performing corrupt practices, alarm bells should ring. In one case it was discovered that the forging of medical certificates was a common practice, sanctioned by the commissioner. The indignation of the defense team in this case, was exceeded only by the magistrate's fury who described the crown and the federal government solicitor as "tardy" and blasted them for attempting to "deceive and mislead" the court. As the magistrate put it, "the cat was out of the bag". But no one knows exactly just how many more cats are left in the bag. It is clear that the forging of documents, in this case medical certificates is a wide spread practice being used by police. This leaves many to question just how many other cases have been tainted and how much other evidence is false or manipulated. The Magistrate in this case rejected the crown's attempts to justify the conduct and said the police "had no right to be misleading and deceptive", and that those who were, "left themselves open to criminal prosecution".

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⁸ Corruption and Democracy by Alejandro Moreno at www.worldvaluesurvey.org undated at page 3

⁹ AFP Officer Investigated in connection with airport drugs case, The World Today, Tuesday 24 May 2005, ABC Radio, S. Kennedy

¹⁰ Schapelle Corby: Countdown to a verdict: Nine's Sunday Program May 15, 2005 Reporter : Ross Coulthart Producer : Peter Hiscock

¹¹ The Corruption of Democracy, Tony Fitzgerald The Age. June 29, 2004

Defence counsel went further and said the actions of the police were “perverting the course of justice”¹². Subsequently two affidavits were handed to the court – one public and another for the magistrate’s eyes only. In the public statement, an AFP acting deputy commissioner swore the suppression was necessary to “safeguard the safety and the welfare of the participants in the witness protection program”. The federal government solicitor (AGS) sought a new order from the Federal Court to restrain any cross-examination. This response by the AFP was clearly not about protecting the witness protection program; this was clearly about the AFP going into damage control after being caught out fabricating evidence¹³. This case clearly sets out the two levels of corruption that whistleblowers encounter, the external, that of the agent being cross examined and the internal, the sanction of the commissioner and the attempts to block the courts disclosing more detail by the assistant commissioner¹⁴.

The bad news in all of this is that the AFP is now firmly located at the centre of government and strategically linked to government policies and key interests. The structure of the AFP is such that it actively promotes links between the current federal government and its day-to-day operations. When required, the AFP can provide or prevent the answers (The Dr Haneef Case). Counter terrorism and regional security are likely to remain priorities for the foreseeable future. The current actions in places like the Solomon Islands, being a joint ADF-AFP effort aim to restore law and order. When examining the complementary roles between the AFP and ADF in regional security we need to consider the coordinated whole-of-government effort in operation which is made up of many Commonwealth agencies including the, Attorney-General’s, Transport and Regional Services, Immigration and Indigenous and Multicultural Affairs, Foreign Affairs and Trade, Emergency Management Australia, Customs, ASIO, ASIS and ONA¹⁵.

So how is this incestuous relationship hidden from the Australian public? “Public interest immunity” of course and to what extent would any federal government agency go to hide, mislead or simply lie about Government policies that, if discovered would demonstrate just how corrupt these agencies could be.

The Siev-X is a fine example of the close insidious relationships that currently exist. This is a dirty story surrounding the sinking of a boat known as SIEV-X and the subsequent deaths by drowning of 353 people, mainly women and children and is an excellent example of the ways in which governments maintain official state policies. In this case the Australian Government's policy of "deterrence" of people-smuggling was carried by the human payload of an overloaded and possibly sabotaged boat identified as Suspected Illegal Entry Vessel X (SIEV-X), which sank on 19 October 2001. What this is really about is the governments ‘at all cost’ strategies to keep boats from landing on our shores, via the People Smuggling Disruption Program conducted by the AFP in Indonesia.

¹² Betrayal of Trust, The Bulletin by Adam Walters January 2003

¹³ Ibid

¹⁴ Reflection on 20 years of the Australian Federal Police By Deputy Commissioner Adrien Whiddett http://www.afp.gov.au/about/publications/platypus_magazine/october_1999/reflect

¹⁵ **New Challenges for the Australian Federal Police:** Australian Federal Police College 19 November 2003 Dr Peter Shergold Secretary Department of the Prime Minister and Cabinet

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Given the unprecedented overloading it is obvious that SIEV-X was never destined to reach Christmas Island or Australia. It was intended that it not make that journey. With 420 people on board, when the seas became choppy, the boat floundered. Adding to this the possibility of additional mechanical sabotage. Then, six hours after the boat sank survivors reported a grey boat (Patrol vessel) using search-lights to search the waters, clearly looking for the remains of the vessel and any survivors. However, no rescue attempt was made by this vessel. So, was this a chance discovery? If yes why not stop and pick up survivors as all sea going vessels should do in accordance with international agreements, like the Tampa did. Or, was a tracking device fitted to SIEV-X, a similar question put by Labor Senate Leader John Faulkner to the AFP Commissioner in November 2002 who refused to answer on the grounds of "public interest immunity". Such a device would explain the presence of this mystery vessel, how else could the SIEV-X be located with such pin point accuracy. This same mysterious vessel then went on to alert fishing boats in the vicinity to go and see what was left. Interestingly, in September 2001 the Indonesians abruptly cancelled the apparent successful People Smuggling Protocol with Australia. There is some evidence that the AFP was in direct contact with the people who organized the sinking of the SIEV-X¹⁶.

So public interest immunity becomes a tool whereby government offices can hide specific information from the public. Another means of obstructing the release of such sensitive information is via the FOI legislation which has been used to great effect by the government and its supporting agencies to obstruct inquiries and further discussion which may result in embarrassing discoveries being made public, especially via whistleblowers, remembering that whistleblowers rarely have enough information to identify the 'smoking gun', agencies know that documentation is the medium to prove or disprove allegations.

An FOI case involving The Australian Newspaper and the Australian Federal Treasury clearly demonstrated just how far the federal government is prepared and has gone to with hold information from the public. This case, finally heard in the Federal and High Courts of Australia, centered on the increasing level of government secrecy regarding the operations of governmental departments and their associated policies. It seems that even in a democracy, politicians can not be trusted to tell the truth and nor can they be trusted to allow the laws of the land to function without intervention. In recent years the federal government has promoted a climate of openly attacking people who leak sensitive information, people like whistleblowers¹⁷. However, the opposite can still occur, that is, journalists can be held in contempt of court for not releasing the names of people who leak information to them. Unlike the police officers who openly submit false documentation, journalists and whistleblowers can look at protracted court actions and even go to jail. This is an excellent indicator on the health of democracy in Australia because the citizens involved in this case were simply trying to discover the undisclosed impact of certain federal government policies. "In a world of growing government power and reduced accountability democracy suffers"¹⁸.

¹⁶ Smoke and mirrors conceals machinery of death used by Australian Government to "deter" asylum seekers: Caron Eliot, 19 Dec 2002 at archive: <http://www.nettime.org/>

¹⁷ Secrets and Lies, The Australian, October 25, 2006, Michael McKinnon.

¹⁸ Ibid

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The AFP is clearly a tool of the federal government and another example to remind the committee of this would be the alleged eavesdropping on the Federal Labor government's foreign affairs spokesperson, Laurie Brereton. In this case it was claimed the Howard government, via its networks of law enforcement agencies and the Department of Defence had arranged for Mr Brereton to be investigated over leaks relating to intelligence about East Timor¹⁹. The Inspector General of Intelligence and Security at that time investigated the activities of the Defence Signals Directorate in relation to leak investigations carried out by the Department of Defence and the AFP in 1999 to 2001.

It's clear from the subsequent report tabled to the then Minister for Defence Robert Hill, that an elaborate ring of investigations had been set up by both civilian and military authorities. It was also clear that journalists were targeted by all investigations because so much intelligence was ending up in the media²⁰. But more importantly was the confirmation that civilian law enforcement was working closely with government and the military. Commencing at paragraph 35 of this report, we can read that "In September 2000, the AFP obtained and executed search warrants on premises associated with people whom the team had identified and at paragraph 36, By the time the investigation concluded in 2001, it had identified to its satisfaction at least one person as a source of leaked classified material and one or more likely means where by such material had found its way into the public domain²¹. More frightening is the admission in this report from Blick, at paragraph 75, "Leak Investigations carried out by the department of Defence and the AFP in 1999 -2001 received technical and other assistance from DSD, including assistance with accommodation", this demonstrates just how the lines between the military, government and private individuals has become blurred and that the fabrication of evidence is part of a wider elaborate network. Perhaps this explains why the Government continues to deny the undeniable and why laws are broken to enforce the laws of corruption.

If there is any doubt about the nefarious relationships between governments, military and public agencies, then the recent Commonwealth Ombudsman's report (03/2008) into the Westralia is a good example of just how reliant each agency has become on each other. It is also a good example of how the answer to the question was generated before the investigation was completed and is itself, an example of declining investigative practices that border on being described as corrupt. The ombudsman's report is also a good demonstration of how control is maintained over the allegations of a whistleblower. This report is selective and targets those sources which contradict the 'expected' outcome. Subsequent claims for whistleblowing related injuries have revealed that Comcare has used false and misleading evidence which has prejudicial implications for settlement. Unless new laws protecting whistleblowers are introduced and supported by tough government policies, such ongoing abuses of power and position will continue and democracy in Australia will decline.

¹⁹ Blick Report Into DSD and East Timor Leak Investigations 88/2003, Media Release Senator the Hon Robert Hill 10 July 2003.

²⁰ Ibid

²¹ Australian spy agency probes media over Timor leaks Asia Time, September 1999, By Sonny Inbaraj

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Recommendations for consideration of the Committee.

- 1) Whistleblowers should be afforded the same treatment as Police 'informants' in that they should be registered and protected by legal procedures.
- 2) Whistleblowers need to be registered and sign an agreement of understanding with formally trained professionals to manage their cases.
- 3) References to the Whistleblowers or information linked to them needs to be recorded, ie; each time a media article appears or the topic is used in courts or legal proceedings, these should be recorded and linked to the whistleblower. These links should differentiate between the information being about the whistleblower or sourced from the whistleblower.
- 4) Whistleblowers should have a national agency to report to, an agency that is regulated by legislation and monitored independently to guarantee to the highest standards the professional and personal safety of the whistleblower.
- 5) Whistleblowers should not be compelled to release information to parties that maybe linked to the whistleblower's areas of concern.
- 6) Whistleblowers need to be formally assessed via a criteria used and agreed to by independent medical, legal and political groups to ensure Whistleblowers integrity and transparency.
- 7) Whistleblowers should not be subjected to formal investigations from within their own agency but by an independent and impartial agency, not unlike the NSW ICAC.
- 8) Post reporting about the Whistleblower by the agency or individuals linked to the Whistleblower allegations should be re-assessed against a new criteria which accounts for the 'bias' factors to acknowledge probable retributions.
- 9) It should be an offence for agencies and or people implicated by the Whistleblower to engage in activities that discredit the whistleblower in an effort to offset the impact of the information, including the back dating of documents.
- 10) Commonwealth officers identified by Whistleblowers, who have in the past been found to have committed crimes such as perjury, should be exposed to workplace sanctions or legal actions proportional to the offences identified.
- 11) All evidence presented to investigations by Whistleblowers, whether relevant to a specific topic or not, should be collected, stored and presented in any summary of allegations.

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