

WhistleBlowers' Documents Exposed

WBDE Human Rights and Ethics Panel
PO Box 140
NEWTOWN NSW 2204 AUSTRALIA

16 July 2007

Web: <http://www.wbde.org>

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Dear Mr de Swardt

In March 2007 WhistleBlowers' Documents Exposed (WBDE) sent the attached letter to the Monitoring Bodies for UNCAC at United Nations Office on Drugs and Crime at Vienna International Centre (as addressed). At that time we were not aware that TI was also an avenue, and accordingly we attach that letter and this additional petition for your information and action.

Through our involvement and assistance to whistleblowers and their cases in and out of court we have accumulated thousands of original documents, some of which we have published on the web especially our official site <http://wbde.org>. Our reference files also include official reports, investigations, court documents, parliamentary proceedings, and it is from this material that we perceive and report that:

Corruption in Australia government is high, much higher than intimated in UN publications. Many officers and ministers simply sit and service the systemic, seemingly sadistic, corruption above them. Of particular note is the level which Australia government officers persecute many dissenting reporters (whistleblowers). Backed and supported by complicit politicians, ministers, and government 'watchdogs' they falsely eliminate the whistleblower from his job, ban him from future employment particularly by applying false psychiatric labeling, and 'black-banning' them in secret files, and punishing them in the courts if they apply for justice.

When, in the past it has become obvious that the existing publicly funded 'watchdogs' ignore government corruption, it writes another piece of legislation to ignore, or opens another government 'watchdog' department to ignore the growing pile of evidence.

The government is fully resourced to destroy the whistleblowers, and simple measures like Trial By Jury to allow the public to judge, is denied – advocates of Trial By Jury can, and have been jailed for their unwanted free speech.

The workers' unions which are specifically formed to protect and fight for public servants turn a blind eye and side with the powerful employer.

Corrupt judges, premiers' and ministers' departments, ombudsmen's offices, corruption bodies such as ICAC, etc – all stand together and profit mutually as cases increase, and the leaders are backed by, and promoted, by the corrupt officers from the top down.

Individuals within the 'troubled' departments such as education, health, police, welfare, etc, who try to help their vulnerable member clients are publicly destroyed, perhaps forever.

The government's oft-applied ploy is to fund its psychiatrists to apply psychiatric labels to their outspoken victims (whistleblowers). Two government organizations specifically active in this behaviour are Comcare at the federal level, and NSW's HealthQuest at a state level.

Psychiatric labeling ensures the whistleblower is reduced to poverty, unable to obtain employment, viewed with suspicion forever after, and risks summary incarceration if they continue to speak out against the government.

If they attempt to regain their rights in the courts they are destroyed as the court judiciary are appointed and overseen by the government; favours are granted and called in through the mesh of corrupt officials as officers are not held responsible or accountable from the top down.

The CASE 2 mentioned in the attached letter concerns Mrs Kerrison who has just received a bill from her employer Department of Education/TAFE and the Crown solicitors for around half a million dollars – quite obviously an atrocity as all that she did was report some “white supremacists” keeping aborigine students out of their education entitlements; and other criminal acts. Mrs Kerrison's case is just one case out of many. The lawyers grow fatter. The public purse grows leaner as this 14-year inhuman saga rolls on.

Other whistleblowers are in the same predicament.

Seemingly it provides 'real' entertainment for sadistic individuals in power to feed off. It follows that it provides a real deterrent to other prospective reporters and their legitimate complaints.

The whistleblowers are savaged unmercifully

WBDE have received communications from reporters/whistleblowers who have simply left this country in order to make a new life and career away from the government individuals who have acted to deny them their rights to work and reputation in Australia.

Australia has well-written Acts and policies, but when neither the judges nor the 'watchdogs' apply the law to either commence addressing the corruption, or to protect the dwindling band of whistleblowers, unless we can obtain action through UNODC and UNCAC our plight simply worsens.

As things have stood for more than a decade, Mr Kite's and Mrs Kerrison's cases in the attached letter shows again that the issues will not be addressed by either the Government (Mr John Howard) nor the Opposition (Mr Kevin Rudd and previously Mr Kim Beazley) – both have been fully informed for more many years, and the public documents, especially those accumulating on our website, and similarly ignored.

Therefore, we again ask that organizations outside Australia please act to enforce anti-corruption measures within Australia from the top down.

The cost of corruption within Australia cannot be measured, but as a small indication WBDE count the annual cost of keeping the officers who are being used against Mrs Kerrison as being well in excess of \$3 million per year, and growing exponentially as it requires more corrupt officers to 'service' and maintain the existing corruption each year.

We are seeking assistance, and ask UNODC, through TI, and our own civil organization, to:

1. Instigate all steps needed to efficiently and effectively force Australia to address and rectify its past and present persecution of whistleblowers; and
2. install real protection for future whistleblowers; and
3. Initiate asset recovery from the corrupt officers who have been instrumental or complicit in persecuting whistleblowers in Australia.,

Please be advised that the need is urgent. At present it appears that in Australia the UNCAC and its anti-corruption ethos have no visible application - that corruption operates as usual. This should be truthfully reflected in UNCAC reports. We look forward, in due course, to receiving your advice and response addressed to Mrs Hill, WBDE Human Rights & Ethics Panels.

Yours sincerely

WBDE Human Rights and Ethics Panel

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15 March 2007

For the personal attention of:

The Monitoring Bodies for
UN Convention Against Corruption (UNCAC)
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Who We Are:

WhistleBlowers Documents Exposed (WBDE) is a self-funded people's activist initiative working in the public interest particularly in whistleblower cases. Our panels investigate, report, and lobby against corrupt actions and willful blindness including Australian public office from the top level (Prime Minister, Premiers, Politicians, pseudo watchdog Agencies etc) down. More information and some of our actions are published more fully on our WhistleBlowers' Documents Exposed site: <http://www.wbde.org/>

WBDE acknowledge the work commenced in devising the principles propounded in [United Nations Convention Against Corruption](#) (UNCAC) and its call on countries to promote actively the involvement of non-governmental and community-based organizations such as WBDE. We note that:

1. The United Nations Office on Drugs and Crime (UNODC), in their Legislative Guide for the Implementation of the United Nations Convention Against Corruption , in the Acknowledgements on Page vi :”... *thank the Governments of Australia... for their generosity in providing funding for the promotion of the United Nations Convention against Corruption* “
2. Australia’s representative to UNCAC, probably the Prime Minister Mr John Howard, submitted the New South Wales Independent Commission Against Corruption [NSW ICAC] as its anti-corruption legislation and body. This was published, evidently with approval in UNODC Legislative guide for the implementation of the United Nations Convention against Corruption Section **G. Information resources**, p56 ... **Part 2 Examples of national legislation a) Anti-corruption legislation and bodies...**

“Australia: *New South Wales Independent Commission against Corruption*
<http://www.icac.nsw.gov.au/Independent Commission against Corruption Act, 1988 New South Wales Consolidated Acts> <http://www.austlii.edu.au/cgi->

bin/disp.pl/au/legis/nsw/consol%5fact/icaca1988442/?query=title+%28+%22independent+commission+against+corruption+act+1988%22+%29

However UNCAC's implied endorsement and approval of Australia's processes in the areas of anti-corruption and whistleblower cases may be seriously misplaced.

The 2 references above could imply to trusting people that UNCAC have found that there is some degree of anti-corruption action in Australia, and some degree of safety in Australia for whistleblowers who report perceived corrupt acts to New South Wales Independent Commission Against Corruption [NSW ICAC], especially in government office.

We believe that UNCAC should take explicit steps to clarify this to the general reader for fear that they endanger themselves if they are lulled into a false sense of security.

As part of WBDE processes we have records from whistleblowers who have referred their evidence and complaints to NSW ICAC for many years, and while WBDE do not have a record of NSW ICAC EVER addressing corruption, it holds records of:

- i). NSW ICAC vigorously persecuting and suing the whistleblower; and
- ii). NSW ICAC used by Police Department to deposit unwanted reports of crime, and there they remain unaddressed for years.

Therefore we deem it to be highly unsafe for people, particularly whistleblowers to lodge complaints to NSW ICAC, or make complaints of corruption to other government departments in Australia. Our records of the damage inflicted on internal reporters/whistleblowers by Australian government covers ruining the whistleblower physically and financially, torture, and summary black-bans from their workplace.

To substantiate this, we list below links to documents referred to.

NSW ICAC Prevents Investigation of Corruption and/or Crime

Since its inception NSW ICAC has been used not only to prevent corruption/crime being properly investigated, but also to actively persecute/torture whistleblower/s through the years.

CASE 1: In the case of whistleblower John Kite, NSW ICAC held the "smoking gun memo" which was written by National Parks and Wildlife. The memo identified ICAC as the organization to 'deal with' Mr Kite and his allegations
http://www.wbde.org/documents/2001_Jun_25_Transcript_NPW_Smoking_Gun_Memo_John_Kite.php ICAC accused Mr Kite
http://www.wbde.org/documents/2001_Sep_19_ICAC_John_Kite.php seemingly in an attempt to have him jailed. In 2005, 2 years after Australia signed the UNCAC, Mr Kite was vindicated. The Australian people in the form of a jury
http://www.wbde.org/documents/2005_November_30_%20abc_news_John_Kite_Cleared_php saved Mr Kite; they found for Mr Kite and against ICAC and their ilk. It was not Australian government that protected this whistleblower. Those who mounted the attack on Mr Kite are seemingly safe from retribution. Now, 4 years after Australia signed to

adhere to UNCAC apparently this is just another case of Australian corruption still unaddressed, and never likely to be.

CASE 2: The longevity of whistleblower TAFE teacher Mrs Val Kerrison ordeal extends from the first threats to her in 1994 to the present day. The government is using the Crown Solicitor's Office to currently pursue her in courts. Her story is published world wide http://www.wbde.org/documents/2006_Mar_03_IndyMedia_HealthQuestingValKerrison.php .

During Mrs Kerrison's attempts to engage Prime Minister's, Premier's, Ombudsman's, Attorney General's etc offices to do their public duty and address the corruption and crime she reported, Val made further discoveries. She uncovered that Australian government agencies such as TAFE hired another government agency HealthQuest to write fraudulent "Retirement Certificates" against unwanted staff – particularly whistleblowers, including Val.

When Val reported this seemingly glaring criminal action to Department of Public Prosecutions and Police Department they, apparently on orders from above (Premier Carr? Attorney General Shaw? Prime Minister Howard? Iemma?) directed the police to deposit/leave these serious criminal charges in NSW ICAC where they remain unaddressed to this day.

Public officers and government legal officers personally profit from their inaction while the WBDE voluntary panel members investigated and identified more than 30 actions secretly and arbitrarily carried out by government officers causing Val huge, almost fatal damage – Australian Prime Minister (the presumed signatory to UNCAC) does not even acknowledge the letters and evidence which Val, her family and friends, and others have sent to him over these years.

CONCLUSION:

1. Australia's government and signatory to UNCAC appears to pay mere lip-service to the action required to implement this Treaty as they show no commitments into actual implementation and enforcement at the national level or lower.
2. UNODC should publicly warn Australian people of possible or probably personal danger and harm to them if they relied on NSW ICAC or Australian government to mount anti-corruption action or protect them as a whistleblower.
3. UNODC should deal severely with the Australian government and signatory to the UNCAC for failure to act in accordance with the Treaty and thereby bringing UNCAC into disrepute or derision.

Yours faithfully

WBDE Human Rights and Ethics Panel