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Inquiry into whistleblowing protection laws  
House of Representatives Standing Committee on  
Legal and Constitutional Affairs  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600

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SETTLE AUTHENTICATED WHISTLEBLOWER CASES  
AND JAIL FUTURE VICTIMISERS  
- FRESH SUBMISSION -

PLEASE disregard the Attorney-General's submission. The Australian of 2/9 reported that he *"wants the new [whistleblower protection] scheme limited to "disclosures" that stay within approved channels. Under the department's plan, penalties would be imposed on public servants who reveal wrongdoing to third parties."* Compliance would serve only to feed authority's long established criminal culture of cover up and retribution that remains evident in so many unresolved long standing authenticated whistleblower cases.

Any submission by a lawyer on behalf of the Crown should be recognised as a conflict of interest. The first priority of Crown lawyers is to protect the government, a responsibility at which they have proven most adept, no matter what the government is accused of.

And please also consider very closely the conclusions by Dr A J Brown and Chris Wheeler, Deputy Ombudsman NSW, at Chapter 9 of the Griffith University Project "Whistleblowing' in the Australian Public Sector'. In addressing "Managing Whistleblowing". they conclude from surveys that a new and far more optimistic picture for managing the problem is emerging. The core problem is to reduce corruption rather than manage its effects.

After acknowledging that *"There is considerable evidence that reporting wrongdoing is typically a difficult and stressful experience* , the authors admit that the finding of a new and improved picture is based on *"some limitations in the data, which is confined to whistleblowers who remained within their agencies at the time of the research."*

Whatever the facts, I submit that the vast majority of officers will continue to mistrust authority until at least extreme cases such as that of Bill Toomer and those reported in Bill de Maria's 'Deadly Disclosures' are seen to be resolved fairly and objectively.

Mr Toomer's case warrants particular attention because he is a victim of crime and because publicly disgraced Crown lawyers personally and closely advised obviously corrupt quarantine administrators in the persecution of him.

The Toomer case is but one of several widely known authenticated and proven examples of unresolved whistleblower cases which demonstrate authority's criminal culture. eg, cases included in the 1995 report of the Senate Select Committee on Unresolved Whistleblower Cases.

Crown lawyers have deliberately ignored an official file note at the heart of Mr Toomer's case. The note was compiled by the Assistant Director (Executive Services) who was present at a meeting in shipping premises when the Director assured shipping representatives that Mr Toomer was being removed from involvement in ship inspection. The Director was not empowered to change Mr Toomer's official duties. He removed him via subterfuge means and under false accusation of inspectorial incompetence. The Director's priority was appeasement of influential shipping interests - not quarantine protection of public health and rural resources. There could be no turning back from his commitment.

After exhausting all available internal avenues Mr Toomer told the media that administration of quarantine in Western Australia was seriously defective. The Attorney-General's Department, which then included the Crown Solicitor's office, drafted disciplinary charges alleging that he made false and unauthorised statements to the media, and closely advised the WA Director in further legal strategies which facilitated compliance with the Director's commitment and had the purpose of silencing and marginalising Mr Toomer.

As may be seen from the attachment Mr Toomer was the victim of successive criminal conspiracies. The first was a campaign of discreditation by certain shipping executives: the second was by his senior administrators to have him unlawfully removed from involvement in ship inspection.

Precisely the same senior Crown lawyers of the Deputy Crown Solicitor's Perth office who were castigated by the Costigan Royal Commission for perpetuating the mammoth '*Bottom of the Harbour*' tax fraud for nearly a decade, closely advised the WA Director in his attempt to silence and discredit Mr Toomer. The DSC office claimed inadequate resources but spared no expense in assisting the persecution.

The attachment is a revised version of the "Toomer Affair" which provides further details of the conspiracies to which I refer.

The simple fact that none of Australia's eleven different whistleblower protection legislations is generally seen to work requires understanding and acknowledgment of the underlying criminal culture.

(Keith Potter) 32 Years diverse employment with the Australian Public Service, plus  
28 years involvement in whistleblowing matters.

Attachments: 1. 'The Toomer affair : authority's criminal culture of retribution and cover up'  
2. "The Deputy Crown Solicitor and the bottom of the harbour scheme"