

**EXTRACT PAGES 78 to 85 INCLUSIVE**  
**TRANSCRIPT OF PROCEEDINGS**  
**THREE YEARLY REVIEW OF CRIMINAL JUSTICE COMMISSION 23 August 1994**

MARGARET HARVEY, examined:

CYRELL JAN, examined:

ERIC THORNE, examined: The CHAIRMAN:

The next group represented is the Whistleblowers Action Group. Mr Thorne, would you like to speak to your submission and then take any questions from members of the Committee?

Mr Thorne: Certainly, Mr Chairman. Firstly, I would like to thank you and your Committee for inviting the Whistleblowers Action Group (Qld) Inc to be present at this hearing. I would also like to apologise on behalf of Mr Colin Dillon, our president, who unfortunately is not able to be present today. Cyrell Jan, from the University Queensland is the research coordinator of the Queensland whistleblowers study. She is also the resource coordinator for WAG, and she has interviewed well over 100 whistleblowers and thus has first-hand knowledge of their day-to-day experiences. On the other hand, Mrs Harvey is a whistleblower in her own right and she can testify to her own experiences should your Committee so desire.

I am a former town and shire clerk. I have been lecturing in local government, holding the position at one point as the head of program, in the School of Management at the University of Southern Queensland. I, too, am a whistleblower in my own right, having had several experiences with the Criminal Justice Commission. In 1992, I was asked by the central Queensland branch of the Institute of Municipal Management to deliver a paper on local government and the CJC. I did circulate a copy of that paper to all members of the PCJC on 7 May 1993. I thank you all for sending us the copies of the various submissions made, although I understand from others that we did not receive all of the copies. It is regrettable that, because we only received these copies on Thursday last, we were unable to go through with a fine-point pen, so to speak, to study these submissions in detail. Had more time been available, we believe that we could have provided more beneficial information to your Committee.

I realise that time is of the essence. However, because of developments, it is essential that I brief the Committee so that you are better able to be aware of some of the many problems that we see. As I mentioned, WAG originated from research conducted by the University of Queensland. WAG is also an incorporated association and has been in existence for over 12 months. The first research report has been produced by Dr Bill De Maria, which I would like to table and have incorporated in the record of proceedings.

The CHAIRMAN: I don't know that we can incorporate it in Hansard, but we can certainly receive it.

Mr Thorne: Thank you very much, Mr Chairman. The submission by WAG on 16 June demonstrates that in the areas in which we are vitally concerned—that is, official misconduct and whistleblowing—we submit that the CJC has failed miserably. It has used a very broad brush in its reports and in its submission to you and to your Committee, to such an extent that we would argue that the

information contained therein is misleading. The WAG membership is firmly of the belief that the CJC cannot be trusted in its dealings with whistleblowers. I would like to table also a statutory declaration made by one of our members to the effect that a tape in the possession of the CJC has, in fact, been tampered with whilst it has been in its possession. Let me just give another example now of the point that I made regarding misleading—

The CHAIRMAN: I would like to have the opportunity to review that before it is received and tabled. Proceed please, Mr Thorne.

Mr Thorne: In relation to this point that I want to make about the misleading reporting, in pages 70 to 72 of the CJC submission to your Committee great emphasis has been placed on the Whistleblowers Support Program. However, nowhere in this submission does the Commission indicate to you or to the public that this program consists of only one person—the manager. There is absolutely no way that one person can discharge all of the duties and functions listed in the CJC's submission either effectively or efficiently, or for that matter any one of them. WAG admits that it has been very critical of the CJC in this regard, and it does not resile from that position. To give some balance to what has taken place between the CJC and the Commission in respect of the whistleblowers program, I will table eight letters that have passed between the Commission and WAG on that matter.

The CHAIRMAN: That is fine. The Committee will receive those.

Mr Thorne: The objectivity of the CJC must come under question with the language used in its submission when referring to WAG. The CJC carefully ignores the fact that WAG is an incorporated association. Another conclusion that can be drawn from the language used—intemperate language, I might add—is that it does not take too kindly to constructive criticism. This is a very serious matter when one appreciates that the Commission is exercising royal commission powers on a day-to-day basis. The CJC in its annual report as well as in its current submission to your Committee has endeavoured to demonstrate its concerns and its successes for its protection of whistleblowers. I refer, of course, to the leading case of the shire clerk of the Whitsunday Shire Council. Again, I am suggesting to you that what is not contained in that report and submission is of greater significance than that which actually has been reported. For instance, has the CJC fully investigated the wrongdoing reported by the shire clerk? What has been the outcome of those investigations? Has anybody been charged? As the shire clerk has been under a statutory obligation to report these wrongdoings to the CJC, she has incurred major financial outlays as a direct consequence of the legal obligations placed upon her by the Parliament of Queensland and also whilst acting in the public interest. What action has the CJC taken to ensure that those large personal outlays have been reimbursed to that shire clerk?

The CHAIRMAN: What you are presenting to us now, is that on behalf of this particular whistleblower?

Mr Thorne: No, it is not, but the CJC has raised this as its success story. WAG believes that the evidence that we have is significant to disprove that the CJC is efficient or effective in the area of protection of whistleblowers.

The CHAIRMAN: I will allow you to proceed and just mention that the Criminal Justice Commission will be addressing the Committee this afternoon. They are in attendance here, and I guess they will put their side of the story if they wish to do so.

Mr Thorne: I have no doubt that they will, but we will still stand by what we are saying. The question is asked: has the CJC required the local authority concerned to reimburse the shire clerk not only for the legal expenses but also for the medical expenses, which have been very, very heavy? If not, why not? Has the CJC taken the necessary precautions to ensure that the future career prospects of this whistleblower have not been permanently impaired, as we know has been the case in other situations? What action, if any, has been taken against the persons who initiated the reprisals against this person, who was merely doing her duty? When compared with another case—and I refer to it as the Kirby case—it would appear that the CJC is being very discriminatory in which job it elects to protect. The question needs to be asked: if the CJC were discharging its obligations in accordance with the spirit of the legislation, it would have made recommendations to your Committee to have the Act amended to change the onus of proof as distinct from forcing the onus of proof back onto the whistleblower, who has statutory obligations. WAG respectfully submits that the maintenance of the Whitsunday shire clerk's current position has more to do with the 1994 council elections than with the CJC's success. But what happens in the 1997 elections? The council could change, and it is realistic to suggest that the next council may not be too sympathetic to this clerk. What then? We believe that the only success that the CJC has had in this area has been in getting a Minister of the Crown to do his duty. Really, one must question whether that is a noteworthy accomplishment. I now ask that further letters be incorporated, because they demonstrate the inconsistencies of the CJC. Firstly, there are two letters, one dated 20 December 1991 and another dated 13 April 1992. The first letter indicates that the CJC has no—

The CHAIRMAN: Could you identify the letters—from whom to whom?

Mr Thorne: The letter dated 20 December 1991 is to the Executive Committee, Griffith University Student Representative Council from the CJC. The letter dated 13 April 1992 is to Mrs Harvey from the Commission. In the first letter, the Commission indicates that it had no jurisdiction to investigate certain matters. In the second letter, it indicates that it has investigated those matters complained of. I also would like to table a letter that I referred to earlier. It is a letter from the Criminal Justice Commission to Mr Kirby dated 25 February 1994, where WAG is of the opinion that the CJC has been somewhat selective in which job it protects and the need to change the legislation. There are three other letters that I would like to table.

The CHAIRMAN: Just identify them, please.

Mr Thorne: The first letter is dated 23 October 1991 from the Criminal Justice Commission to myself in regard to a certain matter, which I will refer to in a moment. The second is a letter from the CJC to myself dated 17 June 1991 indicating the outcomes of certain aspects of a complaint. The third is a letter of the CJC dated 4 December 1991 to Mr J. D. Bell, the Chairman of the Miriam Vale Shire Council, which indicates the outcomes of an investigation made into myself. I want to refer to a couple of those matters, because they demonstrate the fact that the CJC does not really know what

is going on within its own organisation. In one particular letter, that of 17 June 1991, the Commission actually said that, as a result of a complaint lodged by me, having discussed the matter with an officer of the Auditor-General, there was official misconduct. The CJC reported in that letter that, having investigated the matter, there was no official misconduct. When being pushed in a verbal conversation between a senior officer of the CJC and myself, that officer admitted that there was in fact official misconduct, but because the evidence was difficult to substantiate in a court of law, they decided to take no action. I submit that that is a deliberate lie on behalf of the Commission. In regard to the third letter, dated 4 December 1991, that was the outcome of a CJC investigator—and because I am under privilege here, I will name the person—Inspector John Joyce, who issued a royal invitation to a police inspector to issue a summons against a council employee, when the police had previously indicated that there was no substance to that complaint. As a result of that royal invitation—and John Joyce told me that it was in fact a royal invitation—they did issue a summons complaint against that person. When the case came on for hearing at the District Court, the Crown Prosecutor decided not to proceed, because there was no way that it could be substantiated.

The CHAIRMAN: I would like to clear that up. Are you speaking on behalf of Mr Joyce?

Mr Thorne: No, I am saying that Inspector John Joyce told me that he had issued certain words of advice to a senior member of the Queensland police force and, as a result, the Queensland police force did something that it was not prepared to do simply because it was not prepared to be investigated by the Commission. This flies completely in the face of a recent letter to the paper by the Chairman of the Commission, which says that they do not operate in that way. There is clear-cut evidence that they did operate in that way. The WAG membership has great concerns about the operation of the CJC. The perceptions gleaned by whistleblowers is that the CJC is not politically independent. This perception has resulted from the fact that potential conflicts of interest have not been recognised, as in the closed investigation of the foxtail palm affair. It has also arisen in the Heiner inquiry case, both of which are referred to in WAG's submission. This particular case is well documented and clearly establishes prima facie cases of official wrongdoing. In so far as whistleblowers are concerned, it is essential that they know that the body to whom they are making a complaint has no bias of any description. That body must have a totally open mind on the subjects, otherwise it will not attract the confidence of whistleblowers, and the whole concept of the Commission will be neutralised because whistleblowers will not be prepared to go to that body. The manner in which whistleblowers have been treated and the lack of trust whistleblowers have in the Commission, based solely on their personal experiences, the fact that any whistleblowing support program conducted by the Commission cannot be successful simply because of the problems of the organisational structure and functions of the Commission, the lack of job protection given by the CJC to whistleblowers, including its inability to protect future careers—and at this point I can say that one of our members now has hard data to indicate that he has been black-listed. Due to the inherent conflict between investigation of complaints and special needs required by whistleblowers, the Commission is not the appropriate body in the opinion of the WAG membership to implement any proposed whistleblowing protection legislation that the Parliament may introduce.

The Commission is handing over much of its investigatory function to other bodies which, given the circumstances, WAG believes is totally inappropriate, and that point can be elaborated on later. In so

far as the Lindeberg case is concerned, WAG believes that this is a litmus test of the integrity and of the political impartiality of the CJC. To date, WAG submits that they have failed. Cyrell has a few points that she would like to add from her personal experiences.

Ms Jan: In my capacity as both researcher with both the Queensland whistleblowers study and as resource coordinator with the Whistleblower Action Group, I have interviewed over 100 whistleblowers and their families. I have asked many of them what they think about the CJC's newly established whistleblowers support program. This is what they tell me—"I don't want counselling, I want my job back"; "I don't need a psychologist, I need my legal fees paid"; "I don't want counselling, I want justice". What whistleblowers want from the CJC is simply that it does the job it was set up to do. They want proper investigation of their complaints. They want to see justice done in the public interest. They want the wrongdoing to be remedied and the wrongdoers brought to account. They want to know that, if they expose wrongdoing in the public interest, their job will be secure, or at least that their career will be protected from black-listing. They want assurance that, if they have to go through the legal system in order to bring the wrongdoer to justice or to secure redress for the reprisals that they have suffered, they will not personally be liable for exorbitant legal expenses. They want to know that they will not have to defend themselves in court through having been denied legal aid. Finally, they want to be treated with dignity and respect and not summoned for an interview with only an hour's notice when they are on holiday and then subjected to a lengthy interview, as has happened to Margaret.

For some whistleblowers that interview is more like a Gestapo-type interrogation, as happened to Eric. What whistleblowers really want from the CJC is very simple. They want honesty to prevail and corruption to be eliminated, and this is precisely what the CJC was designed to provide.

Whistleblowers complain to me continually about the CJC. They complain about the inexplicable delays, the inaction, the quashing of investigation into their complaints. They complain about the lame excuses for the resulting inaction, such as the discovery that a case which has been under CJC investigation for months is now suddenly regarded as being outside CJC jurisdiction. They complain about the investigation being turned back upon themselves so that in the eyes of the CJC the whistleblower has suddenly become the one with the problem, as has happened to Margaret. It is true that whistleblowers do need counselling because they are truly suffering, but the reason their lives have fallen apart is because the CJC has fallen down on its job. If the investigations had been conducted in a proper manner, many whistleblowers would be walking tall, their self-esteem intact and no need for counselling. Having the CJC offer counselling to whistleblowers is like an arsonist bringing a bucket to the raging fire he himself has lit. Whistleblowers are more likely to seek the support they need from somebody or some organisation which understands not only what they are suffering but also what has caused that suffering. But how can you really offer counselling to someone for the shock they suffer when they finally realise that our legal system does not provide justice, that our investigatory bodies do not investigate properly, that our anti-corruption agencies do not fight corruption, even when the evidence is placed before them? How can you mitigate the suffering of honest workers who simply believed they were doing their job and then they are regarded with suspicion and treated as though they are the wrongdoer? How do you counsel for the grief whistleblowers feel when they discover that they do not live in a democracy, that they cannot even speak the truth without fear of reprisal? The Queensland whistleblower study reveals that only 25 per cent of our sample of Queensland public service whistleblowers actually bothered to take

their complaint to the CJC. When I ask them why, they tell me it is because they do not believe the CJC will provide them protection. Of that small number who did go to the CJC with their allegations, only a very few felt that the CJC had been effective in dealing with their disclosures. You have a copy of our research report No. 1. I refer you to page 32. Only 22 people of our sample actually went to the CJC and of those, only four believed the CJC had been effective in dealing with their complaint. That is a very small percentage.

I would like now to tell you the story of one of our local government whistleblowers. He exposed corruption within a local shire council and lost his job for his trouble. He went to the CJC with his allegations, which included significant breaches of building regulations. After a delay of three and a half months, during which he heard nothing, the CJC finally responded that the matter had been investigated and had been found to be of little significance, warranting no further investigation. During the following six months, this whistleblower provided additional information to the CJC. Twelve months later, the CJC is apparently still "investigating the matter", although the whistleblower has heard nothing. On the Queensland whistleblower study questionnaire he rated the CJC as not only totally ineffective in dealing with his disclosure but also as totally unconcerned in its attitude to his allegations. In his submission to the Senate select committee on public interest whistleblowing in March of this year, this whistleblower reported that he had in fact received "protection" from the CJC. However, that protection was an offer to relocate his family to a sheep station in outback Queensland. He asked what he had done to deserve this protection, or was it punishment? He told me what he really wanted was an income. When I first interviewed this whistleblower a year ago, he was already in dire financial straits and in a very bad way emotionally. His family life was in tatters. A year later, he still has not been able to find employment, in spite of being highly skilled and in spite of having applied for dozens of jobs all over the country for which he was eminently suited and highly qualified. He now finally has proof that he is being black-listed by his former employer. He told me just a few days ago that he was going to leave his family because he felt as though he was on the verge of killing someone and he would prefer it was not one of them. Had the CJC properly investigated this whistleblower's case and given him the career protection he needed, he and his family would still be together.

I will now hand over to Margaret Harvey who has had personal experience of the CJC as a whistleblower.

Ms Harvey: Thank you, Mr Chairman and Committee members. I wish to support the statements made by Cyrell and Eric. My own personal experience with the CJC has resulted in my having no faith in their integrity or in their ability to discharge the obligations placed upon them by Parliament. In my case, I was told that the CJC had jurisdiction to investigate a complaint. They encouraged me to provide them with information. As a law-abiding citizen, I felt that I was compelled to do that. Some three months later, and after providing the Commission with all the information that they sought, I was then told that they had no jurisdiction to investigate the matter. From information given to me, I believe that they did have the jurisdiction. This has created a quandary, because CJC officers themselves did not appear to know whether they did have the jurisdiction or they did not have the jurisdiction. That is stated in some of the letters that have been tabled before you. I still believe that the CJC did have the jurisdiction to investigate this matter, and I cannot understand why they did not carry out their investigations themselves instead of passing it over to somebody else. I believe that if

they had investigated the matter that was complained of themselves it would have only taken one person perhaps to look into it; there would have been a certain amount of authority that went with that investigation, and things would not have turned out the way that they did. But I felt, as a law-abiding citizen, that I was compelled to comply with any request that the CJC made of me and, in so doing, I found myself then being the meat in the sandwich.

I was employed to do a job. I was trying to do that job. I was also trying to do anything that I was asked to do by the CJC. Finally, I found myself being the target of the CJC's investigations. Rather than me assisting the CJC, I then found that I was the one that was being investigated, and I just do not think that that is good enough. So, Mr Commissioner and Committee members, that is all I can say to you so far as my case is concerned, but I know that I am No. 1 amongst many other whistleblowers who have suffered the same sort of actions from the CJC's hands. Thank you.

The CHAIRMAN: You said that you were told that the CJC had the jurisdiction to investigate?

Ms Harvey: That is correct.

The CHAIRMAN: This involved yourself. So do you work for a unit of public administration or, to put it another way, do you work for a State Government body?

Ms Harvey: I do not work for a State Government body. I believed it was a unit of public administration, and I am still at a loss to know why it was not, because it was covered under an Act of Parliament, and the organisation that I worked for was a statute of that Act of Parliament. Not being a lawyer, I am afraid I cannot understand why it was not covered.

The CHAIRMAN: The CJC has the opportunity to respond this afternoon to any matters that arise during the course of the day; so undoubtedly they will respond and explain why they did have not jurisdiction. Is there anything else before we proceed to questions, Mr Thorne?

Mr Thorne: No, Mr Chairman, we are open to any questions you or your members may care to ask.

The CHAIRMAN: I have one. I think you said, Eric, that the CJC is not the appropriate body for overseeing or being in control of—I cannot remember the exact words—the whistleblower protection legislation that is currently proposed. What, in your view, would be the appropriate body to oversee that legislation?

Mr Thorne: WAG has given this a lot of consideration. We have also heard what the Honourable Vince Lester just asked of the previous person. We are very cognisant of that. Given that the Parliament of Queensland is a unicameral organisation as distinct from a bicameral situation, we have been forced to the conclusion that we need a model that is similar to, for instance, the Queensland Building Services Authority, which will be independent and also, as a separate arm, has a tribunal. Now, we are being forced to that conclusion simply because we believe that the power of Parliament is, in fact, not able to be operated in the manner in which it ought to be simply because of the fact that it lacks the bicameral system where checks and balances could flow and, because of that lack, we need these layers of bureaucracy which we are not terribly happy with. But we

certainly want an organisation that is independent and separate from the investigatory body, because on one hand you cannot have an investigatory body that is then charged with protection, especially given the track record of the CJC. We are currently working in more detail on such a model and how it can be funded and the mechanisms and this type of thing.

The CHAIRMAN: Members of the Committee?

Mr BARTON: What was the statutory body you were employed by?

Ms Harvey: It was the Griffith University Students Representative Council. Griffith University was set up after an Act of Parliament, and the SRC, as it is colloquially known, is statute 2.9 of that Act.

Mr BARTON: That is the Student Representative Council?

Ms Harvey: That is correct.

Mr BARTON: You indicated that it was your belief that you had become the person being investigated?

Ms Harvey: Yes.

Mr BARTON: Can you give me an example of what sort of steps were taken that led you to that belief? Ms Harvey: Inevitably, I lost my job. I am not laying all of that at the doorstep of the CJC; I just want to make that quite clear. I do not think it helped one bit; but, in the course of losing my job, I complained back to the Criminal Justice Commission. I eventually received a letter from the Criminal Justice Commission virtually saying that it was my own fault that I had lost my job. I would like to just explain, if I may, to you, Mr Barton, that when the investigations by the Criminal Justice Commission were taking place, I was actually told by the chairperson of this organisation that I worked for that I was not to obey the Criminal Justice Commission, that I was to obey the executive of this organisation and that the Criminal Justice Commission had no jurisdiction to actually investigate. I then took that hypothesis back to the Criminal Justice Commission officer that I had been dealing with, and he said, "Don't we have the jurisdiction? Hell, you get off this phone", he said, "and I will ring you back in five minutes' time." He said, "I will show you how much jurisdiction we have got." He actually directed the university to do what he had recommended that I do. The quandary to me is that that executive actually put in their student newspaper, the Graffiti, the fact that they had been investigated by the CJC and cleared. It was quoted to me by that chairperson that the CJC had no jurisdiction. But the CJC did not write a letter and inform the executive of that organisation of the fact that they had no jurisdiction until 20 December 1991, which was almost three months after they had made these allegations to me that the CJC had no jurisdiction to investigate. Upon the executive receiving that information—and I do not know where it came from—they acted then as if they were above the law completely, that there was no-one who could touch them. I think that was a very sad situation.

Mr BARTON: When you say "they" acted above the law, do you mean your previous employer?



Ms Harvey: Yes, the executive of my previous employer. I think that is a very sad situation, because there were a lot of students' funds involved—there is in any student organisation. For one student organisation to frame the opinion that they are above the law, I think it is quite possible that all student organisations throughout Queensland could then take the same view.

Mr BARTON: Could I come back to the action that the CJC took that you believe disadvantaged you? It is more a question of them exposing to your previous employer the fact that you had been to them without being able to back you up; is that what disadvantaged you?

Ms Harvey: I think what disadvantaged me in the first place is the fact that the CJC did not do their own investigation. They left it to the internal auditor at Griffith University. I had already reported matters to the internal auditor at the Griffith University three months beforehand and nothing had been done. There had been no investigation.

The CHAIRMAN: I take it that the CJC will probably respond this afternoon to this particular matter that you are raising with the Committee. But I am fairly confident in saying that they do not have jurisdiction over a student union.

Ms Harvey: They do not have jurisdiction, Mr Chairman?

The CHAIRMAN: I do not think so. I will not say that definitively. I will allow the CJC to respond to that this afternoon.

Mr Thorne: In that case, why did they indicate in that April letter that was tabled that they had investigated the matter? I will leave that to your Committee.

The CHAIRMAN: We will leave that to this afternoon when the CJC responds. Any other matters that you want to raise with the Committee you could do by correspondence and we will endeavour to get answers for you. Are there any further questions?

Dr WATSON: Ms Jan, I will ask you a question because it is a concern. I would like to know whether you have any ideas, in the final analysis, as to how to ensure that someone's future career is not jeopardised in any way. I understand the arguments that you put forward and what people feel—they want to make sure that their career is not interrupted. If they lose their job, for their own self esteem and other reasons they want to make sure that they actually have a job and a permanent income. In my own mind I have some difficulty as to how the Legislature, in the long run—going down the track— can ensure that it does not jeopardise someone's future career?

Ms Jan: Whistleblowers tend to discover that there is a pattern of rejection of their application for jobs, which has a fairly common thread in all of them, that is, they go to the interview and they appear to be well received until their references are checked up on. All of a sudden, they are no longer in the running for the job. When this happens to whistleblowers over and over and over again, they become very suspicious. We have now just reached the point where the one whistleblower that we referred to earlier has proof that he has been black-listed. This black listing by previous employers in the whistleblowing workplace is something that whistleblowers suspect

happens to them all the time, because they have such trouble getting back into the workplace. Whistleblowers, by and large, are highly experienced, highly skilled, middle-management-status employees; they are not lower-status employees at all. These people should not find it difficult to get back into the workforce. The fact that they do, the fact that they remain long-term unemployed, continually following this same pattern of getting to the point of the interview, getting to the point where the previous references are called upon and then all of a sudden they are no longer in the running, certainly looks as though black listing is alive and well in these people's careers. How that pattern can be legislatively changed is a matter for the Parliaments.

Dr WATSON: I understand that. I am trying to get a handle on what you see may be a solution. The Legislature cannot force somebody to employ somebody. It cannot force somebody to disregard information that is presented to them. That is the difficulty I face. I understand the problem. I am extremely sympathetic to the problem. I do not know what the practical solution is.

Mr Thorne: Perhaps, Mr Chairman, and Dr Watson—

Dr WATSON: I did read your paper and I thought it was quite good.

Mr Thorne: Thank you very much. It was not of my normal high standard, however. If action was taken by the CJC immediately on any form of reprisals of which there are documented cases throughout this whistleblower study, that would make the employers realise that they need to change their attitude. Whistleblowing, or the symptom of systematic corruption, is really a management problem when all is said and done. I do not believe that we are looking at it from that perspective, which is something that WAG has been examining for quite some time. I acknowledge the practical problem that you have raised. I would suggest that the burden of proof should be on the employer that any dismissal is not, in fact, connected to the whistleblowing activity; whereas, at the present time, the poor old employee has to try to mount some form of action for which he is not equipped—he does not have the financial resources against an organisation that has. I believe that legislation indicating that where a whistleblower has hard documentary evidence down the track that he has been black-listed that that be made a serious offence. In the case of the particular whistleblower to whom we are referring, he now has that documentary evidence. He is not prepared to take it to the CJC simply because of his own experiences with the CJC. First of all, action should be taken against those effecting the reprisals immediately. Secondly, the onus of proof should be changed to the employer to demonstrate that any termination of employment or suspension has absolutely nothing to do with that. We should look at the standard of that proof that is needed. Thirdly, legislation needs to be introduced that when hard data can be produced down the track then that is an offence. Apart from that, especially with that latter one, I acknowledge that it is very difficult.

Dr WATSON: In relation to the chairperson of Griffith University, what year was that?

Ms Harvey: 1991.

Dr WATSON: Who was that?

Ms Harvey: The chairperson was Mr Steve Mitchell.

The CHAIRMAN: Any further questions? If not, on behalf of the Committee, Mr Thorne, Ms Jan and Ms Harvey, I would like to thank you very much for the time that you have put into forwarding your submission to us in the written form, the verbal presentations that the three of you have given us and answering the questions from the Committee. Thank you.

Mr Thorne: Thank you.

Brisbane - 23 August 1994