

media release #5



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OF
CANDIDATE

GREG McMAHON

**INDEPENDENT SENATE CANDIDATE for QUEENSLAND
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Whistleblowers must be protected

“The approach currently being taken for the protection of whistleblowers in the public sector in Australia is flawed,” Independent Senate candidate Greg McMahon said today, “and is harming the whistleblowers the community wants its government to protect.”

Mr McMahon is the President of Queensland’s Whistleblowers Action Group and for more than 10 years was Director of Whistleblowers Australia.

“The regime of legislation needs to change,” Mr McMahon said, “and we need to adopt the Sword-and-Shield approach to protecting whistleblowers endorsed by all whistleblower organisations in Australia.

“The current regime leaves to organisations such as ombudsman offices and crime commissions – the Sword watchdog organisations – the task of investigating the whistleblowers’ disclosures of maladministration and misconduct.

“But the task of protecting the whistleblowers – the Shield role – needs to be taken from these Sword watchdogs and allocated to a separate, independent Whistleblower Protection Agency reporting directly to the Parliament,” Mr McMahon said.

He said Australia had achieved the Sword-and-Shield policy to a significant extent in the private sector, principally through the incorporation of this Sword-and-Shield separation structure in the Australian Standard on Whistleblower Protection Programs for Entities.

“However, governments,” he said, “prefer a Sword only approach, with ombudsman offices, public service commissions or crime commissions given the Shield role as well.

It has not worked," Mr McMahon said.

"And it will not work with the Integrity Commission under recent consideration by the Senate. The watchdogs of the Sword have proved to be too vulnerable to politicised decisions favouring government, and to capture by the agencies that the watchdogs are supposed to be watching."

Mr McMahon said that the critical issue in campaigning against public sector corruption was whether or not the whistleblower survived, because, if whistleblowers survived, so too did their disclosures.

He said that the presence of the whistleblower in the system, and the currency of their disclosures, placed pressures upon agencies to reform, and imposed pressure upon the watchdogs of the Sword to fulfil their role.

"The survival of a bank officer whistleblower is driving the government towards a new Royal Commission into banking," Mr McMahon said.

"The survival of a police investigator, a child victim and a catholic family, who all made disclosures against church organisations, has directed the energies of a Royal Commission into systemic cover-up of sexual abuse of children.

"And the survival of a unionist in Queensland, who disclosed the destruction of documents sought for litigation against the government, may be crushing the reputation of certain justice organisations in Queensland.

"But many do not survive," Mr McMahon said.

"Watchdogs of the Sword have ignored the plight of whistleblowers within retaliating agencies, and have assisted in the cover-up of those retaliations."

He said that retaliation rates increased in Queensland from 71 per cent in 1994 when Queensland's *Whistleblower Protection Act* was passed into law, to 83 per cent in 2007 ... a strong indication of the impact of legislation that left whistleblowers like Inspector Col Dillon (Fitzgerald Inquiry) and Mines Inspector Jim Leggate (Matthews Inquiry) without the protections of a Shield watchdog.

"The tricks and ploys played upon whistleblowers by Sword organisations have eroded the credibility of these watchdogs as protectors of those public officers who do meet their obligations to report wrongdoing," Mr McMahon said.

Mr McMahon said that whistleblowers needed the protection of a separate Shield watchdog, with roles, responsibilities, and powers to facilitate safer processes for whistleblowers during the making of disclosures and during the inevitable retaliations.

"When elected to the Senate, I shall do all in my power to afford whistleblowers the full protection they deserve, without any consideration of advantage to either side of politics, and, in the process, make government of any political complexion more accountable than it currently is," Mr McMahon said.

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