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LIBERTY VICTORIA VICTORIAN COUNCIL FOR CIVIL LIBERTIES INC

FEATURE

Time to write in our rights

Michael Pearce SC on Liberty's
role in the consultation for a
national charter of rights — 3

ISSUE 2

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TIME TO WRITE IN HUMAN RIGHTS

The consultation for a national charter of rights will be the focus of Liberty's work over the coming year, writes Michael Pearce.



The Committee held its annual planning day on Sunday 22 February 2009. The planning day is an opportunity for the Committee to think strategically about the year ahead, to reflect on goals and policies and plan without the distractions of the normal monthly meeting agenda.

As foreshadowed in my last column, much of the time was given over to internal organisational matters and I hope over the course of the year to be making certain announcements arising from our deliberations.

The main policy focus at the planning day was the National Human Rights Consultation. Our campaign for a national charter of rights is being spearheaded by Vice-President Prof Spencer Zifcak. Consistently with our focus on the human rights consultation, we adopted as our theme for the year 'Write in Human Rights'.

By this theme we hope to encourage our members and other supporters to participate in the National Human Rights Consultation by making a written submission. You can go to the website www.libertyvictoria.org.au and make a written submission there, which we will forward on your behalf.

The experience of the Victorian consultation in 2005, which resulted

in the *Charter of Human Rights and Responsibilities Act 2006*, was that written submissions were very influential. So I encourage all members to take the time to put in a written submission. They must be received by 15 June 2009.

It is evident that opponents of effective human rights protection are organising to try to block a national charter and we must try to counter that.

As part of the consultation, a number of public meetings will be held in Victoria. Details are given on the following page of this newsletter and I urge all members to make an effort to attend and put their views to the consultation panel. It is evident that opponents of effective human rights protection are organising to try to block a national charter and we must try to counter that.

The campaign to block a national charter kicked an own goal recently with the *Herald Sun* report that Victoria Police held legal advice that they could not participate in a national campaign

against bikie gangs because it might breach the rights of gang members under the Victorian Charter.

The Police were forced to admit that they held no such advice and the Victorian Government was quick to point out that nothing in the Charter prevented effective policing against bikie gangs. The Government is to be congratulated for its refusal to be panicked into joining the national bidding war for the toughest anti-bikie laws.

No such plaudits go to the *Herald Sun* for its beat-up or for its continued anti-Charter campaign. While the *Herald Sun* is perfectly entitled to oppose a charter of rights, both at the State and federal levels, that stance is difficult to reconcile with its reliance on rights contained in the Victorian Charter in court and tribunal hearings.

For example, in January this year it applied to VCAT to release the name of a taxi driver who had killed his wife, arguing that the suppression of his name was contrary to the right to freedom of expression in section 15 of the Victorian Charter — see *XFJ v Director of Public Transport* [2009] VCAT 96.

Now come on, you people at the *Herald Sun*! If the Charter is such a bad thing, what are you doing relying on it in court?



French philosopher and civil libertarian Voltaire.

Voltaire Award 2009

I am very pleased to announce the winner of the annual Voltaire Award. The award has been presented in the past by Free Speech Victoria to recognise an outstanding contribution to free speech. Since our merger last year with FSV we have assumed responsibility for the award. We have consulted closely with our new members from FSV and have reached a strong consensus that this year's award should go to GetUp!

GetUp has revolutionised public debate in Australia by by-passing the traditional media outlets,

whose concentrated ownership has been inimical to freedom of expression in many ways. GetUp has politicised the internet generation and run a number of important public campaigns. Most significantly it is currently running a strong campaign against the Federal Government's proposals for internet censorship.

I therefore commend GetUp to you as a worthy recipient of the Voltaire Award.

The award will be presented to GetUp at our annual dinner in May or June this year, details to follow shortly.

- Michael Pearce SC

GetUp!
Action for Australia

GetUp is an independent, grass-roots community advocacy organisation giving everyday Australians opportunities to get involved and hold politicians accountable on important issues.

Whether it is sending an email to a member of parliament, engaging with the media, attending an event or helping to get a television ad on the air, GetUp members take targeted, coordinated and strategic

action. GetUp does not back any particular party, but aims to build an accountable and progressive Parliament — a Parliament with economic fairness, social justice and environment at its core.

GetUp is a not-for-profit and receives no money from any political party or the government. We rely solely on funds and in-kind donations from the Australian public.

NATIONAL HUMAN RIGHTS CONSULTATION MEETINGS

Melbourne

14 April 2009
10am–12pm
2pm–4pm
6pm–8pm
The Windsor Hotel
The Grand Ballroom
111 Spring St

Bendigo

16 April 2009
12pm–2pm
Quality Resort
All Seasons Bendigo
The Conservatory
171–183 Mclvor Rd
Bendigo

Geelong

15 April 2009
12pm–2pm
The Sphinx Hotel
2 Thompson Rd
North Geelong

Wodonga

16 April 2009
12pm–2pm
Football and
Sports Club
Birallee Park
Function Centre
Marshall St
Wodonga

Dandenong

15 April 2009
12pm–2pm
Dandenong Club
The Views Room
1579 Heatherton Rd
Dandenong

Ballarat

Week beginning
24 May 2009

Mildura

Week beginning
26 April 2009



LIBERTY MOVIE NIGHT

Wed 15 April, 6.15pm

CINEMA NOVA, 380 LYGON ST, CARLTON

Full price: \$20

Member/concession: \$15

Tickets can be bought online at www.libertyvictoria.org.au. If you would prefer to buy them on the night, please RSVP to info@libertyvictoria.org.au. You are also invited to join us for drinks afterwards at the Carlton Yacht Club, 298 Lygon St.

ABOUT THE FILM

Set during World War II, *The Boy in the Striped Pyjamas* is a story seen through the innocent eyes of Bruno, the eight-year-old son of the commandant at a concentration camp, whose forbidden friendship with a Jewish boy on the other side of the camp fence has startling and unexpected consequences.

Law Week
11–18 May

In 2009 Law Week takes on the theme of 'Law at Work', focusing on the many roles of people and workplaces in the law. Law Week is coordinated in Victoria by Victoria Law Foundation. It is held each year to promote greater understanding of the law within the community.

For more information, go to:

www.lawfoundation.org.au

The dangers of censorship

Filtering will only cause problems, not solve them, argues [Larry Stillman](#).

I glanced through an old book before I started to write this article. It's nearly 40 years since Geoffrey Dutton and Max Harris published *Australia's Censorship Crisis*, and aside from the fact that electronic systems of communication are now pervasive, nothing much seems to have changed in how governments behave and react to communications that appear to threaten our morality or national security.

Back when such threats to the community as *Lady Chatterly's Lover* or *Portnoy's Complaint* led to suitcases being searched at ship terminals or airports, Dutton concluded his chapter with: 'Of course children need protection, and always will. But Australia is not a nation of children.'

Thus, in the current climate of moral panic about the effects of online pornography, Dutton's observation should be kept in mind. Society has every right to protect children, but how we protect them is the question. Thus, Senator Conroy's recent suggestion that the Australian Communications and Media Authority's secret blacklist of sites (supposedly only child pornography, pro-rape and incest) is up to scratch is scary.

As recent leaks from Wikileaks have shown, the secret list is itself

full of holes, often out of date, and has even covered political sites, and by accident, a dentist's site that had been hijacked by the Russian mafia. Thus, to think that well-intentioned but pressured bureaucrats can manage to get a perfect score in what they classify is preposterous, and even more preposterous was the Minister's suggestion that software could be 100 per cent effective to only include the really nasty stuff.

Under the current regime, sites covering euthanasia, abortion and terrorism could be covered under the internet service provider filters. The ridiculousness of it all was proven with the excuse of 'technical error' for including PG-rated website photos by Bill Henson on the list. Given the complexity of the legal system, if the system goes into operation anyone whose site is hijacked or accidentally included is going to have a long wait for a remedy, with lost income and reputation to boot (if they have the money to go to court, that is). But worst of all is the fact that much of the worst pornography is not on the web, but contained in private bulletin boards, emails or other services that are impossible to police.

We also need to keep in mind the

broader application of current security laws and their censorship of print materials in the current environment. Anti-terror legislation was used in 2006 to refuse classification for two pro-terrorism books from Islamic sources. The Australian Federal Police have questioned a student for borrowing books on Palestinian terrorism. Yet, while writing this piece, I downloaded a copy of one of the banned Islamic terrorism books.

The answer: think about what Dutton and Harris suggested. 'Instead of secret decision-making, we must possess the civil right to test the competence of the banners, the consistency of standards, and application or misapplication of laws which may be good, indifferent, or rotten. If we cannot do this, then we live under a system of immoral autocracy.'

That is how we need to treat the issue of contemporary porn and terror — with public caution, supervision and extreme technical care.

Dr Larry Stillman is a Senior Research Fellow at the Centre for Community Networking Research, Faculty of Information Technology, Monash University, and a Committee member of Liberty.



An attack on free speech

Imprisoning Harry Nicolaides for *lèse-majesté* was a shameless attack on his right to free speech, writes [Joshua Bernshaw](#).



In Franz Kafka's *The Trial*, Josef K wakes one morning to find he has been arrested for a mysterious and unidentified offence. I have always imagined Josef K might have thought himself to be dreaming; that somehow what was happening to him, his conversations with interrogators, his trial and ordeal, was just the manifestation of a fevered mind. Surely this is what Harry Nicolaides, an Australian citizen and resident of Melbourne, must have been thinking when he was arrested on 31 August 2008 by Thai police at the Bangkok airport.

Debate on how Nicolaides came to find himself in this situation is polarised. Some have accused him of naivety and deliberately baiting the Thai authorities. Others, perhaps prudently, have highlighted the steps Nicolaides took to ensure the contents of his novel were appropriate: sending his book to the National Library, the Thai Ministry of Culture, the Thai Ministry of Foreign Affairs, and the Bureau of the Royal Household, all without response. In the final analysis, Nicolaides' motives are unimportant, because what is

highlighted by this turn of events is the apparently shameless attack on Nicolaides' fundamental human right to free speech.

At the time of his arrest, Mr Nicolaides was waiting to board a plane to Melbourne when he was detained and charged for offences against the *lèse-majesté* provision of the Thai Criminal Code, making illegal any insulting or disrespectful words or actions directed against the Thai royal family. The offence carries a penalty of up to 15 years' imprisonment. The reason Nicolaides was arrested and charged was that his self-published book, *Verisimilitude*, released in 2005, allegedly contained several sentences concerning the rumoured romantic life of an undisclosed Thai royal.

There are many factors which make the reason for Mr Nicolaides' arrest puzzling, among them that *Verisimilitude* was published three years earlier, that only seven copies out of 50 printed were sold, and that despite a warrant for his arrest having been issued in March 2008, Nicolaides had left and entered Thailand on roughly

five occasions between March and August 2008. For this alleged offence, Mr Nicolaides was refused bail on a number of occasions and remanded in custody. Nicolaides awaited his hearing, imprisoned for approximately five-and-a-half months, at the Bangkok Remand Prison. On 19 January 2009, Mr Nicolaides received a three-year jail sentence for several fictitious lines in a novel. His comments to media, from behind the bars of his cell, were that he felt he was having a bad dream from which he could not awake.

In early February 2009, Liberty Victoria wrote to the Hon. Prime Minister Kevin Rudd and the Hon. Foreign Minister Stephen Smith, urging that diplomatic measures be taken to secure Mr Nicolaides' release from custody. On 21 February 2009, Liberty welcomed the news of Nicolaides' pardon and return home to Australia.

From the comfort of our living rooms, the issue of human rights can often seem, to some of us, a remote notion with little relevance to our day-to-day lives. Yet tragedies like Mr Nicolaides' offer a sobering reminder of the things

we cannot take for granted. Our desires to be treated with dignity and to have our rights acknowledged and respected are not immutable. Without a national legislative framework which enforces the basic minimum human rights to be afforded to all Australians, at home or abroad, our rights cannot and will not exist as independent sentinels to safeguard us. How we discuss our conceptions of rights and justice as a community is not a pointless exercise. It serves to empower individuals and communities to influence and inform public policy and government decision making. Under the current federal government, Australians are being given an opportunity to take part in a consultation process around the development of a national human rights instrument; let's not let it pass us by. It is vital that Liberty members and others interested in this process take part and contribute their views on the sorts of human rights which should be protected and promoted by our government now and into the future.

Joshua Bernshaw is a Liberty member.



Volunteering for Liberty

Philippa Briglia, Liberty Victoria's new volunteers coordinator, explains how you can work with us to defend and extend civil liberties.

Hi! I'm Philippa, the new volunteers coordinator. I'm currently in my fifth year of a Bachelor of Arts/Bachelor of Laws at Monash University, and my third year of a Diploma in Language (Arabic) at Deakin University.

Previously I have volunteered for Wednesday Night Tutoring (a student-run organisation tutoring children of refugee families in the Richmond area) and Monash-Oakleigh Legal Service (which provides free and confidential legal advice to the local community).

I have also completed a legal internship at Jobwatch – Victoria's foremost community legal centre for workplace rights – and am currently involved in building a student campaign in support of equal human and political rights for Palestinians living in Israel, Gaza and the West Bank.

I'm really proud to be involved in an organisation dedicated to the defence of human rights and civil liberties in Victoria. Even more admirable is that the work of Liberty is done almost entirely by people volunteering their time and skills to write submissions to Parliament, discuss rights-based issues, scrutinise government policy and encourage public debate.

The volunteering program at Liberty is also incredibly diverse – volunteers are encouraged to participate in the organisation in any way they wish, whether that be helping to write submissions, coordinating and publicising fundraising events, or contributing articles to the newsletter.

If you are interested in volunteering for Liberty, please register your interest online at www.libertyvictoria.org.au. I look forward to hearing from you!

NEXT PAGE: Ideas for becoming involved

VOLUNTEERING OPPORTUNITIES

LEGAL RESEARCH – assisting with the preparation of a submission to a government or parliamentary inquiry. You would work alongside one of Liberty’s Committee members in doing this. Submissions can have a major impact on law reform.

UNIVERSITY HUBS – helping to set up and run a Liberty hub at your university, which would run fundraising events, contribute to policy development and help to recruit new members.

EVENTS – helping us to organise events such as movie nights, award nights, our annual dinner and discussion panels with high-profile speakers.

This would involve preparing budgets, booking venues, organising promotional materials and preparing running sheets.

MULTIMEDIA – putting together videos and podcasts on human rights issues, designing promotional materials for events, developing PowerPoint presentations for Liberty speakers and putting together photographic exhibitions.

MEDIA WORK – drafting press releases, contacting journalists, and arranging media interviews with Liberty Committee members. This is an ideal role for anyone interested in media and communications.

WEBSITE – updating and improving the Liberty website and promoting the organisation through Facebook, YouTube and so on.

FUNDRAISING – helping the Committee to organise fundraising events. Liberty hopes to substantially increase its financial base over the coming year. You could play an important role in making that happen.

MEMBERSHIP RECRUITMENT – encouraging people to join Liberty, for example, by setting up a Liberty stall at particular events, by organising for Liberty Committee members to speak at universities and by promoting Liberty online.

ADMINISTRATIVE WORK – helping the Liberty office managers with administrative tasks, such as processing memberships, responding to enquiries, collecting the mail and doing mail-outs to members.

NEWSLETTER – writing articles for this newsletter and helping with the layout of the newsletter. This is a particularly good task for anyone with writing, editing and design skills.

EQUAL LOVE CAMPAIGN

Liberty Victoria recently endorsed Equal Love, a national campaign for same-sex marriage in Australia. It has been almost five years since the Federal Parliament passed legislation defining marriage as between a man and a woman.

The campaign aims to put pressure on the Labor Party to change its marriage policy at its national conference in Sydney in July and August. It will also work to ensure that a national charter of rights does not include an exclusively heterosexual right to marry.

There are now seven countries and several US states that recognise same-sex marriages.

Many more have civil unions. If Australia establishes a national civil union scheme instead of removing marriage discrimination, we will be entrenching the second-class status of same-sex couples, opening them up to greater discrimination, and defying a global trend towards full legal and social equality.

The campaign will continue to hold monthly planning meetings in the lead-up to the national day of action for same-sex marriage on 1 August. If you would like to become involved, please sign up at www.equallove.info

- Tim Wright



UNI HUBS

Liberty Victoria 'hubs' at universities will allow students to more easily become involved in the organisation, write [Philippa Briglia](#) and [Lizzy Fitzgerald](#).



Young people consistently prove that they care deeply about issues of social and political importance and are prepared to commit themselves wholeheartedly to making the world a better place. Liberty Victoria is looking to harness this energy and passion by making it easier for Victoria's students to get involved in the organisation's ongoing efforts to defend civil liberties and promote human rights.

To this end, Liberty is looking to set up a series of university 'hubs', beginning with Melbourne and Monash. Students committed to Liberty's core values will be able to pool their talents to actively campaign for their preservation through activities such as letter and submission writing and fundraising.

Education itself hinges on freedom of expression, and the university hubs will also aim to promote this fundamental right by helping to facilitate an energetic and ongoing dialogue about what 'liberty' really means. Many students feel disenchanted by the lack of complexity and depth with which the idea of 'freedom' is often treated in today's political sphere, so to combat this, the hubs will work to co-ordinate guest speakers, debates and movie nights.

One of the main roles of the university hubs would be to organise and run activities on campus to raise awareness of rights-related issues. This would encourage student participation in Liberty campaigns while allowing students to develop skills that will be highly beneficial in their future careers – whether legal or otherwise – such as analytical skills, public speaking, letter writing, campaigning and advocacy.

Such activities could include a debate on a current issue in human rights, to be adjudicated by a Liberty Committee member, or inviting guest speakers to run a seminar on a relevant topic. These activities would have the double benefit of encouraging discussion and debate on rights-based issues, while promoting Liberty at the university.

As Liberty relies on its membership for funds,

fundraising events are crucial to ensure that Liberty can continue to fight in the defence of civil liberties in Victoria and beyond. The university hubs would be an ideal forum in which to further promote and advertise Liberty fundraising events, such as the upcoming movie night. Independent fundraising events could also be held on campus.

Given the undoubted credentials and reputation of Liberty as a foremost human rights organisation, it is likely that the Liberty university hubs could easily be set up within the existing framework of university clubs and societies. This would not only mean the possibility of additional funding, but also greater exposure and student involvement by being included in the clubs/societies directory.

Further, this would include the option of setting up a stall at O Week to encourage first-year students to get involved in Liberty as they start their university life. O Week also provides a great opportunity to talk to new students and discover what they are looking for in a university-based organisation, and what sort of activities they would be keen to participate in.

Any students wishing to get involved in setting up a Liberty hub at their university or helping to run future Liberty events on campus should contact us. We look forward to hearing from you!

CONTACT US

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Spent convictions

Aggy Kapitaniak makes the case for a national spent convictions scheme.

What happens if an official does get it wrong? You have two injustices: the wrong and then the black mark against your name to remind you that you were wronged.

A criminal conviction can have dire consequences on a person's life. The law allows the court a discretion in relation to a disposition with or without a conviction. But what if you don't get the benefit of that discretion? One can soon become tarnished for life by circumstance without ever any chance of full atonement.

As part of Liberty's ongoing commitment to law reform, we recently wrote a submission in relation to the draft Model Spent Convictions Bill 2009.

Liberty Victoria welcomed the opportunity to comment on the institution of a national spent convictions scheme and supports the Bill. It is important to have a system that recognises a person's ability to rehabilitate and after a period of good behaviour no longer carry with them a 'black mark' on their record given the way that irrelevant spent offences can encroach upon an individual's civil liberties.

We noted what Windeyer J said in *Cobiac v Liddy* (1969) 119 CLR 257 at 269: 'a capacity in special circumstances to avoid the rigidity of inexorable law is of the very essence of

justice'.

The submission was to the Victorian Department of Justice and is part of a national initiative to have a national spent convictions scheme. Victoria lags behind other states who have spent convictions or irrelevant criminal records schemes.

The implications of a recorded criminal record are significant and can affect a person's entire life. Likewise, it is important to rehabilitate offenders in a way that is positive and encourages their integration and inclusion in community life. This is especially important in our time, a time of terrorism and where governments are increasingly legislating against perceived national securities threats (we have all seen the case against Mohamed Haneef) which erode the very core of our human rights.

It is this underlying reason why liberty supports the proposal for a bill that would remove discriminatory barriers to offenders' full participation and engagement in employment, with particular consideration given to young offenders.

Whilst the Bill goes to establish a spent convictions system, whereby after a period of good behaviour a conviction becomes spent and does not appear on a person's criminal record, there are a few deficiencies that need attention.

The area of sexual offences is one

such area. The Bill contemplates two options in relation to these offences. The first is to allow some sexual offences to become spent, whilst the other does not. This will be a policy call for the government. We need to recognise that sexual offences, like many others, range in degree and seriousness. To exclude sexual offences from this bill would deny this truth and more so only go half way in successfully meeting the Bill's objectives.

The Bill needs to go further in amending and codifying existing policies and practices in relation to the release of criminal records in general and maintain a distinction between conviction and non-conviction dispositions. The current procedure in court is that convictions more than 10 years have less weight in sentencing. They can be alleged against the offender, but courts usually attach less weight, particularly if there have been no matters subsequently.

The Bill sets up a scheme that brings Victoria in line with other states yet needs to do more. Irrelevant criminal record is now an attribute protected by equal opportunity legislation. For this Bill to have its intended impact, it needs to be amended to go further and this needs to happen right away.

Aggy Kapitaniak is a barrister and Secretary of Liberty Victoria.

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The whole point of the law, it seems to me, is that it offers the possibility of establishing that what officials do is, in fact, wrong. The value we call 'justice' is the description applied to (or withheld from) the result of an actual case, although it more accurately describes the rules by which the case was decided or settled. These rules are ordained by the State: whether they are just depends on whether they provide for the possibility of beating the State at its own game."

Geoffrey Robertson
The Justice Game

Australia's right to know?

Georgia King-Siem reports on a recent media conference in Sydney.

The 'Australia's Rights to Know' conference in Sydney on 24 March was essentially a conference by the media, for the media. Its focus was freedom of information (FOI) reform and protection of whistleblowers. Most of the conference participants were either journalists or lawyers who work in media law. As a result, freedom of speech was championed at the expense of other civil liberties. The Government also used the opportunity to launch an exposure draft of its proposed FOI law reforms and defend the virtues of its proposed federal whistleblower regime.

We were told that Australia is ranked 28th in the world for its approach to FOI, which is well behind other western democracies. Excessive costs and delays make it extremely difficult to access information detrimental to the Government's interests. Conversely, information which reflects well on the Government is often 'pushed' out into the public sphere.

As part of the Rudd Government's election promises, it has removed conclusive certificates, will reform the federal *FOI Act* and introduce an Independent Information Commissioner. The consensus of the conference was that the reforms were a welcome

improvement in Australia's FOI laws, but that they did not go far enough. One interesting comment was that without cultural change in Australia's public sector, any effective FOI laws would result in fewer records being kept and more advice being given orally to avoid possible later embarrassment.

The main privacy speaker, Robert Todd, told us that Australia does not need a privacy tort or indeed a legislated right to privacy. He argued that Australia's current privacy legislation is more than adequate and that any further protections of privacy would result in the media being unable to report important public interest events. He cited the recent UK case of JK Rowling, who, on behalf of her son David Murray (aged five), sued the paparazzi for publishing pictures of David being pushed in a buggy on a public street by his parents. The presiding Appeal Court judge, Sir Anthony Clarke, said: 'If a child of parents who are not in the public eye could reasonably expect not to have photographs of him published in the media, so too should the child of a famous parent.'

Unfortunately the speaker confused the issue by using several examples which were not relevant to privacy

reforms. Specifically, he suggested that privacy reforms would prevent the media broadcasting images of military coffins returning from a warzone or cloth-wrapped victims of war crimes or genocide. In both cases, the images would not identify a specific person and thus did not contain personal information and would not be 'protected' by privacy legislation.

Moreover, another of his examples had a clear and overriding public interest in disclosure: the young naked Vietnamese girl fleeing US napalm during the Vietnam war. His suggestion that the media would be prevented from broadcasting all three examples under greater privacy protection was unhelpful at best.

The panel was composed mostly of media personalities and in-house counsel who were strongly anti-privacy protection. Those in favour of privacy protection argued that it would not prevent media reporting of public interest stories or information which did not disclose a particular person's identity. Those against privacy protection argued that any further reforms would significantly restrict the media. The crux of the debate rested on one's definition of 'public interest' and how that might be interpreted by the

courts.

The keynote speaker on whistleblowers, Caroline Overington, gave an impassioned address on the critical role whistleblowers play in revealing incompetence and criminal negligence by government agencies. Without strong protection for whistleblowers and journalists' sources, negligence, corruption and fraud are often ignored by government and those who seek to expose it are harassed and harangued.

The panel discussed the recent report to government which recommended introducing federal whistleblower laws. The report recommends that whistleblower protections require that in order for a whistleblower to be protected, he or she must have reported the matter to the relevant government body and also reported the matter to the Ombudsman. Moreover, he or she will only be protected if the matter poses a risk to a person's life or wellbeing. Overall, the panel felt this would only protect a fraction of whistleblowers and was actually a disincentive to reporting government corruption and incompetence.

Georgia King-Siem is a vice-president of Liberty Victoria.

