

# Australian government spends almost \$3m waging 'war' on whistleblowers in court

Christopher Knaus in The Guardian, 13 August 2020

Whistleblowers should be treated as heroes, not as criminals, independent senator Rex Patrick says



▲ Documents show the government has spent almost \$3m pursuing whistleblowers in court, including former ACT attorney general Bernard Collaery and his client, former intelligence officer Witness K. Photograph: Lukas Coch/AAP

The government has spent almost \$3m pursuing whistleblowers Richard Boyle, David McBride, Bernard Collaery and Witness K through the courts, documents show.

Newly-independent senator Rex Patrick said the taxpayer-funded pursuit of whistleblowers showed the [Coalition](#) was waging a “war” designed to “destroy their lives” through the courts.

By far the most costly case [mounted by the government](#) is against Collaery, the barrister and former ACT attorney general, and his client Witness K, a former intelligence officer.

The pair helped [expose an Australian espionage operation](#) against Timor-Leste during oil and gas negotiations in 2004.

Collaery’s actions allowed Timor-Leste, one of the world’s poorest nations, to challenge a treaty with Australia over the Greater Sunrise reserves in the Timor Sea, eventually [renegotiating](#) and achieving a better outcome.

The Guardian has [previously reported](#) that the government had spent \$2m on the criminal case against Collaery and Witness K.

But government responses to questions from Patrick show the full amount is \$2.47m, which includes the amount the government has spent responding to Collaery’s subpoenas.

A further \$360,512 has been spent prosecuting McBride, a former defence lawyer, who leaked documents to the ABC. Those documents later [formed the basis for the Afghan Files](#), a series of reports documenting alleged war crimes in Afghanistan.

The prosecution of Boyle, a former tax office employee [who blew the whistle](#) on aggressive debt collection practices, has so far cost \$36,779.

Boyle's allegations were corroborated, at least partially, in an [inquiry by the inspector general of taxation](#).

He had previously attempted to raise his concerns internally, but parliament has heard the Australian taxation office conducted only a "superficial" investigation before he went public.

The legal costs incurred by the government represent "external legal costs incurred by the Commonwealth Director of Public Prosecutions, which includes counsel fees and legal disbursement costs".

Patrick said Australians would be rightly disgusted at the government's behaviour.

"It totally undermines confidence in Australia's whistleblower laws and policies," Patrick said. "Whistleblowers should be treated as heroes, not as criminals."

The cases against the whistleblowers are all still in progress.

More broadly, critics have complained that Australia's whistleblowing laws do not adequately protect people with a genuine concern about government wrongdoing.

The laws tend to funnel whistleblowers through internal channels and make it extremely difficult to speak publicly without retribution.

Last year, the Centre for Public Integrity called for an overhaul of the public sector whistleblowing regime.

Integrity expert AJ Brown, of Griffith University, has argued the whistleblowing laws require simplification, to make it easier for individuals to speak outside the usual channels.

Brown's proposed reforms would also make it easier to blow the whistle on intelligence and national security matters if revealing information met a simplified public interest test and posed no real risk of harm to national security, defence or law enforcement.

He has also called for the creation of a whistleblower authority and a rewards scheme for whistleblowers, similar to one used in the US.