21st March 2023

Dear Commissioner,

Without Prejudice

Subject: Whistleblower Retaliation

I was an employee of the Northern Territory Government between 2000 and 2017. In 2017 I decided to accept a redundancy. I believe that my redundancy although voluntary was a direct result of whistleblowing.

My Experiences

In the week after my redundancy became effective I attended a public information session about the establishment of an ICAC and later appeared before a parliamentary committee in the lead up to the establishment of the ICAC. I aired my concerns about whistleblower retaliation at that time before the ICAC was established. In my opinion my comments fell on deaf ears. Refer to <https://parliament.nt.gov.au/committees/previous/spsc/ICAC> .

Now I will take you back to 2009. In 2009 I was employed as a senior teacher in a remote school in East Arnhemland. I will not bore you with the details of the alleged corruption nor will I mention the names of any of the parties who were involved in the matter. What I want to focus on is being a whistleblower and the impact it had on my mental health, career and financial security.

In late 2009 I reported certain matters under the *Public Interest Disclosures Act*. I did not do this without considering what the consequences would be for me. None the less I reported the matter. (You can easily check with the Education Department and OCPE that I was employed.)

As a result of my report and others the situation in the remote school where I worked became chaotic and the behaviour of some Department of Education employees within the school and associated with the school became sinister and menacing. At least on the managers associated with the school knew that employees in the school had made disclosures. Whether they knew exactly who. I do not know.

The 2009 school ended but the matter was still live. Early at the start of the 2010 school year I was “called” to an unscheduled meeting with a regional director and an acting principal. It appeared to me to a set-up with inability as the aim. As a result of this meeting where the regional director started shouting at me I had what can be described as a breakdown. I was told to immediately leave but refused as I had to pack up a house, that took a week.

It was only the fact that I owned a house in Darwin that I could remain in the NT. I came to Darwin and applied for workers compensation. I was sent to an “old hack GP” who in my opinion was a complete waste of time. At any rate I had a gutful of his questions and suggested garrotting him with the cable going to his very obvious emergency button under his desk. I had no intention of doing anything to him. It did achieve something though, not the arrival of the police but an immediate appointment with a psychiatrist.

The psychiatrist told me that I was not mentally ill and would never get workers compensation. The funny thing was that I was given workers compensation and had to go back to the psychiatrist who said I would not be granted it. The NT had a shortage of psychiatrists apparently at the time.

After the workers compensation and back to work programs I managed to get to 2011 when I took one year of paid study leave I was entitled to.

In 2012 school had already commenced before the Department gave me a position, I believe this was deliberate strategy. The Department had a whole year to appoint me to a school for 2012 but decided not to. I had a breakdown at this school as I could not trust anyone. Eventually I was “moved” out of this school and placed in other government agencies under the supervision of an occupational therapist and was sent to a psychologist every week.

I was in the Health Department in Health House, at the Royal Darwin Hospital, at the Berrimah Farm, at the Housing Department, the Attorney General’s Department, Local Government Department and finally ended up in the Education Department in two office based locations. I requested my position be changed from a teacher to an administration officer.

During this time I tried to find positions but to no avail.

It is my belief that the Northern Territory Government deliberately precluded me from obtaining other positions within the public service.

Further to this I was a PhD candidate, the thesis topic was teacher recruitment and retention in the Northern Territory of Australia. I made contact with staff in some schools using email addresses that were publicly available. At the time the Education Department had a research section, the head of this section made an official complaint to the university and an investigation was carried out. I was found to have behaved in an ethical manner. But the Education Department could not accept that and made another complaint. The University found that this complaint was vexatious of frivolous.

As a consequence of these complaints I engaged a solicitor to contact the Department. Only then did the harassment cease in public but I believe it continued behind the scenes.

I ceased the PhD because the Education Department appeared to be prepared to go to any lengths to discredit me. Instead I enrolled in a law degree and completed a three year degree with the sole purpose of obtaining legal knowledge to use it against the Northern Territory Government.

I firmly believe that very few if any public servants will become whistleblowers because it is too easy for the “employer” to engage in conduct that is retaliation disguised as something else. It is highly unlikely that anyone is going to put it in writing that they are doing things to you because you are a whistleblower.

The first thing they will do is not put anything in writing, no emails, letters or texts on the matter, Everything will be verbal and possibly anything in writing will use codes or generalisations.

The trusted and tried tools used by the NT public service are retaliate are inability proceedings, contrived complaints, transfer, restructure and cover-ups (telling lies, breaking of policy and procedure). But it does not stop within the public service, other bodies can also serve a retaliatory purpose.

Misuse of so-called independent professional bodies, bodies which are in reality controlled by the NT Government, here I cite two The teacher Registration Board and the Law Society. As the reader you probably will not believe me.

An individual applied to be admitted as a solicitor in the NT. Why they selected the NT I will never know, anyway they were naïve thinking as a CDU graduate they had to. The Law Society, not impressed with their application took the matter to the Supreme Court and had the person grilled for three or so days. The counsel representing the Law Society had the gall to cross examine regarding a blog the individual has nothing to do with. Apparently the Judge rather than being impartial also whaled in. The result the person had to sign a dead that they would never apply to be a solicitor in any Australian jurisdiction. Why do I tell you this? The person was a whistleblower who upset people in the Education Department and the Attorney General’s Department. I will name names here; I believe that a Mr Craig Smyth had had issues with the applicant. Join the dots back to the Law Society.

The Teacher Registration Board is another of these so-called independent bodies that are really part of the government. The TRB is headed by two former Education Department employees. All it takes are a couple of complaints about a teacher and then the TRB can start investigating.

My Perceptions of ICAC

My current perceptions of ICAC are that it is a bit of a joke. These are my perceptions from what I have noted over several years. I draw your attention to fact that perception plays a big part in how people view organisations and gain confidence in them.

I fully acknowledge that everyone has the right to apply for employment and be judged on their merits. However the Northern Territory is a very small jurisdiction despite having a large land area. The Northern Territory has very small population, it is what we would call a small pond.

These are a few issues that I perceive as being grave mistakes made by ICAC.

Employing the brother of a judge. My comments here not suggesting that judge or his brother have done anything wrong. If it looks dodgy then the public are unlikely to have confidence in the organisation.

Publishing reports without convictions. I would have thought obtaining a conviction would have been the aim of ICAC. No doubt published reports are a sort of punishment and sadly better than nothing. The one thing the reports do is show the public that something is being done. But does the public care?

Employing spouses and partners. Once again it looks dodgy and has the potential for problems.

Use of ICAC for other matters. Should politicians be using ICAC in matters that are ones for the police? It previously resulted in Ken Fleming taking to the microphone in Alice Springs, what a train wreck!

Conclusion

As I said earlier the Northern Territory although large in geographical area is a small jurisdiction. Whistleblowers are likely to be precluded from employment (because the government is the main employer) and will have to leave the Northern Territory. In my case I had to relocate overseas in order to find employment.

Currently whistleblowers are at the whim of their supervisors and ultimately the CEO’s of the agencies they are employed in. Something akin to a cat playing with a mouse, with the whistleblower as the mouse.

Yours faithfully,

Scott Beaton