



Ms A. M. Forward,
4586 King's Highway,
Bungendore, NSW 2621.

5 November 2001.

Ms H. Donaldson,
Secretary,
Finance and Public Administration Legislation Committee,
Australian Senate,
Parliament House,
Canberra, ACT 2600.

Dear Ms Donaldson,

Public Interest Disclosure Bill 2001.

Thank you for giving me the opportunity to respond to allegations made against me in a submission to your Committee by Mr W. Toomer. I am now retired and without access to any documentation, so my comments are unresearched. However I remember Mr Toomer and his grievance well.

It could be inferred from what Mr Toomer says that he still thinks of himself as a whistleblower. Many formal inquiries by a number of Commonwealth agencies over many years and costing several millions of dollars failed to find in Mr Toomer's favour. He remained a disgruntled employee who disagreed with the methods used by his employer, the Department of Health, to enable quarantine officers to assess the number of rats up to 10 (after which fumigation became mandatory) in the holds of grain ships. He was regarded not as a whistleblower but as an insubordinate and was disciplined accordingly. He had inflated ideas about his own importance and refused to take lawful instructions from the then Director of Health, relating to the counting of rats. Regrettably, Mr Toomer became one of those people whose obsession with his grievance took over his life.

I was the Director of the Merit Protection and Review Agency from 1990, until 1995 when legislative changes created the Public Service and Merit Protection Commission and my position became Merit Protection Commissioner. When I arrived at MPRA in July 1990 Mr Alan Doolan, a seconded officer, was finalising an investigation and report on behalf of MPRA, into Mr Toomer's grievance. I was so impressed with Mr Doolan's competence, integrity and understanding of relevant law, especially natural justice, that although it took a few years to achieve I recruited him to MPRA. On my retirement in 1998 he became Merit Protection Commissioner about which I was and remain very pleased. I know because my own reputation was at stake that Mr Doolan's investigation and MPRA's report into the Toomer matter was unfailingly fair and honest. MPRA was offered unsolicited information suggesting credible motives for Mr Toomer's behaviour when he was a quarantine officer. To use this would have been outside MPRA's charter, so it was not referred to in any way. Mr Doolan was strictly fair even when to be so was perhaps deleterious to his own or MPRA's interest.

The APS Code of Conduct to which Mr Toomer refers was not in existence at the time of the MPRA investigation of Mr Toomer's complaint. However it was not the case that Mr Doolan or myself as Director of MPRA was ever responsible for "disgraceful administrative conduct". We both did our jobs with great care, concern and fairness. Mr Toomer was provided with tentative MPRA conclusions and afforded the opportunity of an oral hearing in Melbourne before 3 members of the MPRA to respond to them. The MPRA was concerned to ensure that Mr Toomer's views were fully considered, that the report was factually accurate and that Mr Toomer was able to present any additional evidence or argument that the MPRA could consider before finalizing its views. Mr Toomer withdrew from the oral hearing accusing the MPRA of bad faith. His concerns were to obtain a report which would support his claim for compensation.

Mr Toomer refers in his submission to you (final paragraph of page 2) to extremes of administrative conduct being offered legal protection and given false credibility by political involvement. I have no idea what is meant by "extremes of administrative conduct" but I suggest it means that I did things differently from the way Mr Toomer would have liked. As for being given "false credibility by political involvement", again I do not know what "false credibility" is, but I can assure the Committee that I had no political involvement during the whole of my time with

MPRA/PSMPC. This is the sort of scurrilous slur that Mr Toomer likes to throw about, particularly at sitting ducks like Public Servants who can't respond other than to simply deny the truth of the statement. Nobody ever in all my time (8 years) involved with merit protection suggested that my work was influenced by political factors. This accusation by Mr Toomer reflects the degree to which his personal obsession clouds his judgement.

I ask that, since Mr Toomer's submission has been released for publication, this letter also be released.

Yours sincerely,

Ann Forward

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