

Work-and-tell

100 blow the whistle on corrupt colleagues

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PETALING JAYA: Encouraged by the Government's guarantee of anonymity, some 100 people have taken the bold step of telling on corrupt practices – mostly by their own friends and colleagues – since the Whistleblowers Act came into effect on Dec 15.

Some 95% of the cases were for-

warded to the Malaysian Anti-Corruption Commission while the remaining 5% were reported to the Road Transport Department and the Immigration Department, said Deputy Minister in the Prime Minister's

Department Datuk Liew Vui Keong. In the past, protection was only given to informers in criminal cases. Now, everyone is protected, says Liew.

However, whistleblowers will not get any protection if they disclosed information to more than one channel, including speaking to media or friends, said MACC investigation director Mustafar Ali.

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Informers have faith in Act

Growing number of cases shows trust in system

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PETALING JAYA: About 100 people have come forward to volunteer information since the Whistleblower Protection Act took effect on Dec 15 – and nearly all of them exposed the wrongdoings of friends and colleagues.

To date, 95% of whistleblowers exposed the "sins" of their workmates and people whom they know, said Datuk Liew Vui Keong.

The Deputy Minister in the Prime Minister's Department said: "Our records show that the whistleblowers know the individuals against whom they were lodging reports."

He said this showed that the whistleblowers trusted that the Whistleblower Protection Act would protect them sufficiently.

"This means that because of the Act, the people need not fear reprisals from the individuals they were exposing, should their identities be compromised," he said in an interview.

Some 95% of the cases were forwarded to the Malaysian Anti-Corruption Commission while the remaining 5% were reported to the Road Transport Department and the Immigration Department.

Liew said the Act was significant

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DATUK LIEW VUI KEONG

as it provided whistleblowers protection when exposing cases of corruption or misconduct.

"In the past, protection was only given to informers in criminal cases. Now, everyone is protected," he said.

Liew explained that the Act incorporated a "No Wrong Door" policy, enabling whistleblowers to lodge reports with any enforcement agency.

"Even if their information is not related to a particular enforcement agency, the agency should accept the report and forward the case to the relevant agency," he said.

The Act forbids the whistleblow-

er from disclosing confidential information to a third party once the report is lodged.

Liew said the enforcement agency would have the right to revoke protection if it discovered that the whistleblower's identity was compromised through no fault of its own.

The Act states that anyone who has evidence of someone who has committed a corrupt practice, act or fraudulent activity can file a complaint against that individual and refer the case to court.

The whistleblower would be provided immunity from civil or criminal charges.

If convicted, the individuals exposed by the whistleblowers could be fined up to RM50,000 or jailed not more than 10 years, or both.

Liew said that his records from Dec 15 until Dec 31, 2010, showed that 97 whistleblowers had lodged reports with the various enforcement agencies around the country.

"Protection will be extended to family members and associates of the whistleblower as well if they are aware of the information," he said.

A reward system is being formulated by the Finance Ministry to reward informants.

WHAT THE ACT IS ABOUT

THE Whistleblower Protection Act 2010, which was gazetted last June and came into force on Dec 15, aims to protect individuals who disclose information on corrupt practices or improper conduct in the public and private sector.

Section 6 of the Act states that a person may disclose improper conduct to any enforcement agency based on his belief that any person has, or is preparing to engage in improper conduct.

This is provided that such disclosure is not specifically prohibited by any written law.

This section also finds that a disclosure made in relation to an MP or a state legislative assembly shall not amount to a breach of privilege.

Section 13 states that the whistleblower shall be informed in the event that the enforcement agency finds that there is no substantiated case.

Furthermore, the section also states that the enforcement agency has to inform the whistleblower about the results of the investigation as well as the actions taken if further steps were carried out.

The enforcement agency may report to the minister if no action is taken or if the action taken is insufficient.

Section 7 of the Act assures the confidential nature of the whistleblower's identity and other information will still be protected even if the case was dropped.

However, section 11 states that the protection offered by enforcement agencies for whistleblowers may be cancelled depending on several factors – for example, if the whistleblower himself has participated in improper conduct or wilfully made a false statement which he knew or did not believe to be true.

Should protection be revoked, a written notice will be issued by the enforcement agency.

If the whistleblower still wants to be protected, he may refer the decision to the court for determination.

Section 19 deals with the relocation of place of employment to the whistleblower or any person associated with him to prevent reprisal action being taken against him.



No protection for glory seekers, says MACC

PETALING JAYA: Whistleblowers will not get any protection if they disclose information to more than one channel, a Malaysian Anti-Corruption Commission (MACC) official warned.

Investigation director Mustafar Ali said this included speaking to the media or friends about the information.

He said there were cases of whistleblowers requesting protection, yet giving other organisations or individuals their information as well.

"They want the glory of being the one who exposed corruption or bad

conduct, yet they ask for protection at the same time," Mustafar said in an interview.

He said it was very difficult for the agency to protect the identity of the whistleblower if others already knew about it.

"They must keep their mouths shut if they really want protection," he said.

Under Section 11 of the Whistleblower Act, protection may be revoked if the whistleblower discloses the information to another channel.

Mustafar said all MACC staff were trained to handle whistleblowers.

"I can confidently say that no leak (of a whistleblower's identity) will come from MACC itself," he said.

Minister in the Prime Minister's Department Datuk Seri Idris Jala said protection would also be revoked if the whistleblowers themselves were found to be involved in the improper conduct.

"If the claims are found to be false or frivolous, protection will also be cancelled," he said.

He said that each enforcement agency would have management systems to protect the confidential information received so that it would not be exposed or leaked to

other parties.

The five key government enforcement agencies are the police, Customs, Road Transport Department, MACC and the Immigration Department.

"They have held roundtable discussions with the Attorney-General's Chambers and the Legal Affairs Division to formulate a set of standard operating procedures," said Idris, adding that these would function as guidelines for all enforcement agencies when dealing with whistleblowers.

"Failure to do so would make them liable to a fine of up to

RM50,000, imprisonment for up to 10 years, or both," said Jala.

The Whistleblower Act 2010 was formulated as part of the implementation of the National Key Result Areas (NKRA) to eliminate corruption.

"Let us make a difference towards creating a bribery-free Malaysia," said Idris, who is also the Performance Management and Delivery Unit (Pemandu) chief executive officer.

Anyone with information on corrupt practices may call the MACC hotline at: 1-800-88-6000 or send an SMS to 019-6000696.