

PRESS RELEASE

by Whistleblowers Action Group Qld [WAG]

THE GERRYMANDER IN QUEENSLAND'S JUSTICE SYSTEM

The Whistleblowers Action Group calls for a truly independent review of Queensland's justice system. This call follows further revelations about the Office of the Director of Public Prosecutions (ODPP) and the District Court, arising from **PAULINE HANSEN's** successful appeal before Queensland's Chief Justice and the Court of Appeal.

Mr Beattie's first idea [AM, 7 Nov], namely to defend the ODPP against the criticisms of the Chief Justice, demonstrated his true intent about the ODPP – the Premier is happy with the performances of the ODPP. His second offer [PM, 7 Nov], of an in-house review of resourcing, was an attempt to address matters that were not the concern. The real concern is the apparent lack of independence of the ODPP – giving the Office more resources would only reward the ODPP for its performance.

Now Mr Beattie is offering an inquiry into allegations of misconduct by the ODPP. The Premier and Leader of the Labour Party in Queensland, however, has given the responsibility of that Inquiry to the major part of the problem with Queensland's justice system, namely the Crimes and Misconduct Commission. His tasking of the CMC with the pursuit of Federal Liberal Tony Abbott clearly demonstrates the Premier's view of the CMC as a part of the political framework in Queensland. Mr Beattie does not regard the CMC as part of the justice system. His 'Separation of Powers' concept does not extend to the ever obliging CMC

Mr Beattie uses the word 'independent' as many times in his sentences as he can when describing the ODPP and the CMC (and the Ombudsman, Information Commissioner, State Archivist, State Coroner, Chief Magistrate and now Chief Judge of Qld's District Court). The Premier realises that the 'independence' of these bodies is the issue, and his every use of the word amplifies that reality.

Why is 'independence' the issue? – let recent events demonstrate the pattern

The Shepherdson's Inquiry found prima facie evidence of fraudulent activities by members of Mr Beattie's party, but none of them went to prison even for one day. The same justice system, with the ODPP leading, was able to sentence a political opponent Pauline Hansen to prison for three years, without any proof of fraud.

The CMC, formerly CJC, through its officers that now head most of the organs of justice in Queensland, excused Ministers of the Crown for destroying evidence of child abuse collected by Magistrate Heiner. The same justice system, however, is sending a Minister of God to the Criminal Courts for the same action. In the former case, the CMC, the now Ombudsman and Information Commissioner, the now State Coroner, and a serving Magistrate have all decided that the Qld Labour Cabinet and/or the State Archivist could destroy evidence before anticipated legal proceedings were started. The same justice system is not allowing the Minister of God this defence, because, in law, this defence is legal nonsense.

The allegations of multiple pack rapes of a teenage girl within the government's John Oxley Centre have never been investigated by Queensland's justice system. It has been twelve years since staff at the Centre informed Police and Magistrate Heiner of the crimes. When the girl sued the government for its failures in its care of her, however, that same justice system issued, served and actioned, within three weeks, an arrest warrant, sending the girl to prison for eight months.

The Forde Inquiry investigated and reported allegations of the cover-up, by Bishops of the Church, of abuse of children in their care. The same Inquiry refused to investigate allegations of cover-up by the Qld Cabinet of criminal abuse within the government's John Oxley Centre. The refusal was made through an officer now a judge of the Supreme Court.

WAG awarded another woman, Mrs Julie Gilbert, the title of Whistleblower Supporter of the Year 2002. The Award recognised the disclosures that Mrs Gilbert brought to the attention of the public about the apparent bias in processes used by the ODPP. That Office dismissed charges of child abuse against a swimming coach well known to the ODPP's Minister. The ODPP decided this on the simple say so of the coach's lawyer. After a public outcry, the charges were sent to a legal authority outside Queensland for assessment. This was not done because there were not enough lawyers in the ODPP (or other resource issues), it was because the ODPP had lost any credibility to deal with the matter in an independent way.

The reason why Pauline Hansen was successful against the Chief Judge of the District Court, and why Mr Gribbin was successful against the Chief Magistrate, was that they appear to have got above any gerrymander. To get above any gerrymander, however, they had to go to the Court of Appeal and to the Supreme Court respectively. Pauline Hansen had the financial support, and the resources of character and of national profile, to do this - to threaten to go to the High Court. It was most unlikely that the Queensland Chief Justice was going to give the High Court the opportunity of delivering upon his legal aspirations the kind of criticism that the Chief Justice delivered upon Queensland's Chief District Court Judge. The economy of reasoning offered by that Chief Judge about contract law matches the nonsense of criminal law used by the CMC to look past the destruction of evidence of child abuse contained within the documents of Magistrate Heiner.

The Queensland Chief Justice has a large problem climbing the judicial steps towards his Chair. That problem is the sequence of nonsense legal arguments being used to decide issues involving politicians and their servants and associates.

In the end it was political and media forces from outside of Queensland that forced the release of Pauline Hansen from prison. It is Bronwyn Bishop, Alan Jones and national media who are also seeking justice for the girl allegedly raped at the John Oxley Centre. It is the Federal Parliament and the national media who are most likely to bring any current Ministers of the Crown guilty of destroying evidence of child abuse to the same dock whereat now stands the Minister of God. It is a legal authority outside of Queensland who is recommending whether the allegations against Scott Volkens should go to trial.

The Whistleblower's Action Group first contended, at the International Conference on Professional Ethics in Brisbane last year, that Queensland's justice system may be now so corrupted that it is unable to reform itself. WAG now is stronger of that view, as the extent of the Justice Gerrymander appears to be rising into the Queensland Courts.

Another whitewash from the Premier's tamed and tiring watchdog at the CMC will only lead to further entrenchment of Queensland's new Gerrymander

Contacts:

Mr Gordon Harris, President:	0419 724 502
Mr Greg McMahon, Secretary:	0411 757 231