

From: Brendan Jones
Brisbane QLD Australia
E-mail: victimsofdsto@gmail.com

Cc: The Hon Tony Abbott MP
Prime Minister of Australia
Phone: (+61) (0)2 6277 770

To: His Excellency General the Honourable Sir Peter Cosgrove
AK MC (Retd)
Governor-General of the Commonwealth of Australia
Phone: (+61) (0)2 6283 3533

Cc: Her Majesty The Queen
Buckingham Palace
Phone: (+44) (0)20 7930 4832

July 22, 2014.

Royal Petition concerning Federal Government Corruption

Your Excellency,

I wrote to Your Excellency on April 14, but in three months not having received a response or acknowledgement thought I should write again.

Corruption Cases

I once again draw to Your Excellency's attention numerous cases of corruption which the government has either whitewashed, not investigated, or otherwise failed to act on.

In many of these cases Her Majesty's subjects have suffered great harm at the hands of her servants:

1. Two Austrade officials in Japan solicited a Tasmanian fisherman to sell seafood to a Japanese business person on whom they claimed they had done due diligence. But the business person did not exist, the fisherman unpaid. In fact, the two Austrade officials set up the deal to justify the existence of an Austrade office in Nagoya. The fisherman was bankrupted, yet Austrade has backed the two officials to the hilt.¹
2. Reserve Bank Governor Glenn Stevens has been accused of misleading parliament^{2 3} and of failing to protect the whistleblower who reported the Reserve Bank foreign bribery scandal.⁴ I would think these are extremely serious allegations to be made against the head of a reserve bank, but the ALP and LNP have not pursued the matter. A former director of a firm involved, Mr. Dick Warburton, was the subject of a secret internal investigation into his role in the scandal.⁵ Yet the ALP and LNP united to stop that report from being tabled in Parliament, while Tony Abbott appointed Warburton to lead his renewable energy review.⁶
3. Claims implicating Anthony Albanese in the leak of Allan Kessing's report to *The Australian*.⁷ The ramifications of these allegations are cause for public concern. Either Mr. Albanese as Shadow Transport Minister declined to act on Customs corruption at Sydney Airport(!??),^{8 9 10} or even worse, that someone in Mr. Albanese's office leaked the report yet were prepared to let an innocent man go to jail for something they did.¹¹ Despite these claims being reported in Fairfax,¹² neither the ALP¹³ nor LNP¹⁴ showed any interest in pursuing this. The AFP had already been accused of withholding evidence of Mr. Kessing's innocence from his trial.^{15 16} The AFP said they would investigate the new allegations if they were referred to them,¹⁷ only to try and charge Mr. Kessing again.¹⁸
4. Mick Skrijel¹⁹ was a whistleblower who was allegedly framed by the NCA.²⁰ An inquiry into the NCA's conduct by David Quick QC found there was substantial evidence that the

- NCA fabricated the case against Skrijel in order to secure Skrijel's conviction, and recommended a royal commission²¹ which ALP Justice Minister Duncan Kerr refused, instead referring allegations²² to the Police Ombudsman²³ who dismissed the allegations^{24 25} in report that contains inconsistencies.²⁶ In government, the LNP also declined to pursue the matter.²⁷ To my knowledge Skrijel's allegations have never been properly investigated.
5. Uninvestigated allegations regarding The Commonwealth Bank's role in the Paul Keating Piggery, which the LNP declined to pursue.²⁸
 6. Uninvestigated allegations of public service corruption in the Green Loans scheme.²⁹
 7. Allegations regarding the Zambian Prime Minister and an Australian mining company.³⁰
 8. Allegations of corruption regarding the BHP in China being investigated by the United States, the AFP having failed to act.³¹
 9. Allegations of corruption regarding Australian casino interests in China, which the AFP have also failed to act on.³²
 10. LNP politicians who wrongfully claimed expenses were allowed to repay them.³³ Despite receiving multiple complaints the AFP refused to investigate.³⁴ Yet in Queensland three MPs were jailed for wrongfully claiming expenses of \$4,500, \$8,000 and \$8,700.³⁵
 11. The LNP introduced an excise which financially advantaged LNP donor Manildra, while severely disadvantaging a rival challenging Manildra's near monopoly of ethanol.³⁶ This alleged *Abuse of Public Office* under *Section 142.2* of the *Criminal Code Act 1995*³⁷ has never been investigated.
 12. The provision of ASIO intelligence to financially benefit LNP donor Woodside³⁸ is also alleged *Abuse of Public Office* under *Section 142.2* of the *Criminal Code Act 1995*.
 13. A reserve military policeman reported a \$20M travel fraud which Defence has failed to act on in 16 years.^{39 40}
 14. DSTO scientists abusing their position to steal intellectual property from five private sector companies.⁴¹ To date, at least 14 public servants and 4 politicians are criminally implicated⁴² but the AFP,⁴³ ALP⁴⁴ and LNP⁴⁵ have all failed to act.
 15. Annually the government spends \$352M on external law firms.⁴⁶ Some of these firms have breached the *Model Litigant Policy* to unnecessarily run up their legal fees at the expense of the taxpayer.^{47 48 49 50} Despite breaches being reported prominently in the press or directly to politicians with a power to stop the breaches, the ALP and LNP have both failed to act.⁵¹
 16. Allegations of judicial corruption, including a judge who repeatedly defrauded an insurance company,⁵² and of corruption in the Federal Court.⁵³
 17. Allegations of corruption within the CSIRO, including fraud⁵⁴, conflicts of interest,^{55 56} contempt⁵⁷ and *Model Litigant* breaches,⁵⁸ two cases of intellectual property theft,⁵⁹ and a \$6M bullying inquiry (by a former Commonwealth Ombudsman) which completely exonerated the CSIRO⁶⁰ despite abundant media reports to the contrary. Despite all this, the Head of the CSIRO has just been awarded an Order of Australia⁶¹
 18. The Commonwealth Ombudsman has a long history of stonewalling corruption complaints.⁶² Yet despite some media coverage and direct approaches, neither the LNP or ALP will act.
 19. A public official removed a warning '*that the federal bureaucracy might be more corrupt than many believed*' from sacked Commonwealth Ombudsman Allan Asher's final report.⁶³ Mr. Asher accused the ALP of suppressing his report. The ALP denies it, but the ALP and LNP have both failed to pursue the matter.⁶⁴
 20. Fairfax investigative journalist Linton Besser reported endemic public service corruption.⁶⁵
⁶⁶ ALP Public Service Minister Gary Gray rejected the accusations out-of-hand and claimed

the Public Service Commissioner had powers to investigate corruption.⁶⁷ But the Public Service Commissioner denied he had such powers and refused to act on the corruption.⁶⁸ But a legal academic who with a QC strongly disputed the Public Service Commissioner's claims, calling them 'wrong' and 'very offensive'.⁶⁹ Subsequent Public Service Minister's ALP Mark Dreyfus⁷⁰ and LNP Eric Abetz⁷¹ also failed to act, the latter claiming he is powerless to intervene.⁷²

21. The AFP persecute whistleblowers while ignoring corruption. Despite this being reported prominently in the media on many occasions, neither the LNP or ALP will act.⁷³
22. Annual Medicare and Medibank insurance fraud costing \$2 Billion.⁷⁴
23. ASIC's stonewalling the circumstances of the Allstate collapse and administration,^{75 76} Conduct at odds with ASIC's purported role as a 'corporate regulator.'
24. Defence abuses. These inquiries have outlived the Gillard government that called it. Victims are unsatisfied with the DART whom they have accused of delaying and denying justice,⁷⁷ and causing further harm to the victims in the meantime.⁷⁸
25. Alleged corruption in the Honours system. A closed system where deserving awards are denied without explanation,⁷⁹ while dubious awards are handed out e.g. Orders of Australia awarded to (i) a controversial builder⁸⁰ who also lied about his degree,^{81 82 83} (ii) a public official accused of gang rape;⁸⁴ (iii) a public official in another agency accused of sexual assault⁸⁵ and (iv) lack of transparency⁸⁶ in the award to a fishing industry executive.⁸⁷
26. The Adagold Aviation scandal where Defence procurement staff allegedly leaked tender insider information to a company who offered them jobs.⁸⁸ Similar allegations were also made about Adagold's conduct here⁸⁹ and overseas,⁹⁰ yet no one has ever been charged.

Contrast this with the US where a Defense procurement official who acted similarly was jailed for nine months.⁹¹ The US Attorney said: "*Secretly negotiating employment with a government contractor, at the same time you are overseeing the negotiations of a multibillion dollar lease from that same contractor, strikes at the heart of the integrity of the acquisition process.*"⁹²
27. The MU-90 torpedo acquisition where Department of Defence public servants allegedly lied so that their consortium would win the bid.⁹³ To the best of my knowledge those responsible were never prosecuted.
28. Public officials in the Department of Defence conspired with suppliers to empty coffers before budget: paying out \$1B/year, forgoing interest payments of \$260M.⁹⁴ To the best of my knowledge those responsible were never prosecuted.
29. Defence forgery of security clearances.^{95 96 97} To the best of my knowledge only the whistleblowers were threatened, but those responsible, those who covered it up and those who already knew about it were never prosecuted.
30. "Children Overboard" is which numerous public officials supplied false and misleading information, alleged breaches of *Sections 135.1(7)*⁹⁸ and *137.1*⁹⁹ of the *Criminal Code Act 1995*, and attempting to influence a witness.^{100 101} This incident is rare in that it came closer than most, yet in the end no one was ever charged.^{102 103 104 105}

Your Excellency will see a common pattern: An offence is reported. The AFP and oversight agencies fail to act on it. When it is raised with the LNP and ALP, they decline to pursue it. Even when it is reported in the media, they still do nothing.

Public perception is that the LNP and ALP are rivals, but when it comes to corruption they are one and the same. Both deny corruption exists.¹⁰⁶ Neither will act on it,¹⁰⁷ even when it implicates their political rivals.¹⁰⁸ Both parties oppose a Federal ICAC,¹⁰⁹ and gave themselves immunity from the new whistleblower laws.^{110 111 112 113}

Why the Governor-General must be a participant in the political process

Your Excellency has refused to become involved in the political process.¹⁴⁶

Australia is a Democracy. From a young age Australians are taught we are ‘*young and free*;’ that our Democracy is wonderful; the best form of government. In truth, political philosophers have long recognised democracy has serious flaws.¹¹⁴ Recognising its problems, when the American founding fathers wrote their constitution, they didn’t use the word “Democracy,” not once.¹¹⁵

Perhaps the most well-known flaw is “one vote, one value.” On the surface it sounds egalitarian, but it also means that an ill-informed person has just as much say on the matter as a person who has studied an issue intently. If six out of ten people vote to stay in a burning house, all will perish.¹¹⁶

The US Constitution protects against this by encouraging rational debate, requiring supermajorities and allowing recall elections. But Australia does not have the last two, and free speech protection in Australia is very weak.¹¹⁷ It’s safer not to say anything.^{118 119} For example when Dick Smith criticised Ian McPhee’s approach to Aviation safety, Mr. McPhee sued him for defamation.¹²⁰

Democracy is not Liberty, because Democracy can be the very opposite of Liberty;¹²¹ It allows a majority to gang up on a minority, or to allow harm to befall them by being apathetic to their plight. The American Constitution protects minorities by recognising all individual have rights which cannot be overridden by the majority or by government majority rule.¹²²

The Australian Constitution gives very weak protection of individual rights.¹²³ Instead the public must rely on the good will of their elected officials.¹²⁴

“gary kurzer @hyperhedonist Mar 24: ‘*if there is even one honest, decent politician on twitter prepared to represent citizens, please contact me. The silence is eerie.*’”^{125 126 127}

But I have drawn to Your Excellency’s attention many corruption incidents showing that good will is well and truly lacking. Confronted with corruption and abuse by public servants, politicians from both major parties consistently refuse to act.¹²⁸

However both systems have a further protection; the separation of powers;¹²⁹ Government is divided into branches, to operate in competition with each other, providing oversight over one another.¹³⁰

In Australia this separation of powers is weak. Both the Executive and Legislature are controlled by the Prime Minister.¹³¹ The separation between these and the Judiciary has also weak; Many politicians are also lawyers,¹³² moving back and forth between government and the legal firms who make political donations and profit from government contracts.¹³³ Judges are lawyers appointed by politicians.¹³⁴ Recently we had former politician, now a federal court judge and President of the Administrative Appeals Tribunal,¹³⁵ making a ruling to keep government files secret.¹³⁶ And leading up to the dismissal, we had a High Court justice secretly advising then-Governor General Sir John Kerr.¹³⁷

The police(AFP)¹³⁸ report to the Executive. There is no independent anti-corruption authority.¹³⁹

Which brings us to Your Excellency’s role.

Australia is not a true Democracy, but a representative democracy. We only have elections once every four years. In the interim we are ruled by an oligarchy. Unlike other democracies we do not have recall elections,¹⁴⁰ so once elected that oligarchy can freely ignore the will of the people.

Indeed Tony Abbott has been accused of exactly that; win the election using one platform, then rule from another, ignoring the protests of alienated voters (such as me; I voted for him!)^{141 142}

Once elected, that oligarchy rules with absolute power. Absolute Power is defined as total control; The ability to exercise power without being accountable to anyone.¹⁴³ The technical term for this is a despotic oligarchy.

Lord Acton warned '*Power tends to corrupt and absolute power corrupts absolutely.*'¹⁴⁴

The only check on the abuse of that power is Your Excellency.

Sir David Smith, KCVO AO said: "*So the real question is not at all how much power does the Governor-General himself have or exercise, but rather how much absolute power does his presence in our system of government deny to those who are in Government ...*"¹⁴⁵

But your Excellency has already refused to take on a political role: "*I think your responsibility is to shine light but not generate heat. I think you've got to listen a lot, and take in everything you see. **But you're not a participant in the political process.***"¹⁴⁶

With respect, Your Excellency's office is already part of the political process, even if Your Excellency refuses to be:

The Office of the Governor General approves government legislation by granting it royal assent, awards honours, and provides oversight of the public service.^{147 148}

Dame Bryce's refusal to act

There is also the matter of my earlier Royal Petition concerning Crime and Corruption within the Australian Public Service.¹⁴⁹

Despite the grave seriousness of the matter I was glibly told that your predecessor, Dame Bryce, dismissed it.¹⁵⁰

Should that be true it would reflect very poorly on Dame Bryce. Sovereigns have been overthrown for ignoring the plight of their people, particularly when that plight is caused by corruption of and abuse by that sovereign's own officials.

And should Dame Bryce claim they are not *her* officials, in fact, they are. Above everyone else, only the Governor General has the power to sack them.¹⁴⁶ Even Her Majesty cannot exercise those powers unless she stands on Australian soil, and Buckingham Place made clear long ago that Her Majesty views the Governor General of Australia not as her delegate, but as her equal.¹⁵¹

When Dame Bryce rejects the petition of subjects who have tried every other avenue, particularly injustices by her own commissioners, and the failure of a Parliament she appointed, she is telling desperate people they will find no justice within the current system.

This is not only unjust, but a recipe for social instability.

But I am aware of another possibility: That the public servants who run the Office of the Governor General dismissed the royal petition without consulting her.

That being the case, it would represent the complete collapse of the separation of powers, with public servants dismissing royal petitions, and seizing the control of the last check on abuse of power by the government that the Australian Constitution offers.

This would completely undermine the constitutional monarchy on which Australia is founded.

The case for non-intervention

Your Excellency is no doubt deterred by the example set by Sir John Kerr, whose intervention remains controversial.

Your Excellency may assume it better not to intervene, believing that Democracy is self-correcting, and if left long enough the corruption problem will fix itself.

But just as the marketplace is subject to commercial monopolies which must on occasion be broken, so too is democracy subject to monopolies on power.

US Supreme Court Justice Louis Brandeis: *“Objections to despotism and monopoly are fundamental in human nature. They rest upon the innate and ineradicable selfishness of man. They rest upon the fact that absolute power inevitably leads to abuse.”*

The American founding fathers foresaw this danger:

John Adams: *“There is nothing which I dread so much as a division of the republic into two great parties, each arranged under its leader, and concerting measures in opposition to each other. This, in my humble apprehension, is to be dreaded as the greatest political evil under our Constitution.”*

Regrettably that greatest political evil has been realised in both our countries.

In both countries the benefits of incumbency are so enormous no minor party has succeeded.^{152 153}

The vast majority of Australians cast their votes between two major parties. When they are dissatisfied with one, they run back to the other. Australia's democracy is a flock of sheep continually running back and forth between two packs of wolves, all the while wondering why they are growing thinner and fewer as the wolves grow fatter.¹⁵⁴

By the many cases of corruption I have listed in this petition, Your Excellency can see that neither the Labor nor Liberal Parties will act to stop it.

Public perception is that Tony Abbott is an unpopular Prime Minister and would lose another election should it be called. But between them the Labor and Liberal Parties still hold 76% of the vote.¹⁵⁵

If Tony Abbott loses, Bill Shorten wins. Nothing will change. Much of the corruption I listed here has taken place under Labor. They will be just as reluctant to investigate it as the Liberal Party.¹⁴³

Democracy has proven incapable of tackling this corruption.

I humbly pray that Your Excellency reconsiders his decision not to be a participant in the political process, and that he asserts his control over the political process conducted by the public servants who run the Office of the Governor General, and asserts his role as a check on the absolute power of the elected government.

It is fundamentally undemocratic for a politician, elected on a promise to do something, to then turn around and do something else.

A Federal ICAC should be formed

Tony Abbott denies federal corruption, recently dismissing the need for a Federal ICAC, claiming that *“in Canberra we have a pretty clean polity.”*¹⁵⁶

But if he reads the papers (or his mail),¹⁵⁷ he knows that is untrue:

- **“Federal agencies lack firepower to deal with fraud”**, 2011-10-03, SMH, Linton Besser. *“An unknown number of corruption cases lie undiscovered inside the vast Commonwealth bureaucracy”*, <http://www.smh.com.au/national/federal-agencies-lack-firepower-to-deal-with-fraud-20111003-115dt.html>
- **“Public service keeps fraud cases private”**, 2011-09-24, SMH, Linton Besser, *“Confidential files obtained using freedom of information show thousands of allegations of graft and abuse of office are being levelled against government staff each year - but only a handful are properly investigated.”* <http://www.smh.com.au/national/public-service-keeps-fraud-cases-private-20110923-1kpd.html>
- **“Our costly complacency on corruption”**, Stephen Bartos, 2013-03-05, SMH, *“It is possible - no matter how great the present level of denial might be - that a federal equivalent of the NSW commission would reveal a high level of corruption. In the short term, this would tarnish Australia's reputation. But consider how much better that would be than having hidden corruption grow until finally it erupts in a scandal so gross that nobody can sweep it aside.”* <http://www.smh.com.au/federal-politics/our-costly-complacency-on-corruption-20130303-2fe2f.html>
- **“‘Suppressed’ report warned of corruption in bureaucracy,**” Markus Mannheim, *Canberra Times*, 2014-11-06. *“Former Commonwealth ombudsman Allan Asher has accused a Labor minister of suppressing the annual report he wrote during his last weeks in the job. The report, which was never published, said the government underfunded the watchdog to the point it could not operate effectively. It also warned the federal bureaucracy might be more corrupt than was commonly believed.”* <http://www.canberratimes.com.au/act-news/suppressed-report-warned-of-corruption-in-bureaucracy-20121105-28ukd.html>
- **“New body needed to fill cracks of corruption”**, George Williams, *Professor of Law at the University of NSW*, 2012-05-22. *“The lack of a national anti-corruption body means that dishonesty and breaches of public trust by parliamentarians and Commonwealth agencies may never be detected, let alone addressed.”* <http://www.smh.com.au/federal-politics/society-and-culture/new-body-needed-to-fill-cracks-of-corruption-20120521-1z17h.html>
- **Corruption expert Howard Whitton: “Systemic corruption is real in Australia, and I think that ICAC has demonstrated that it is very widespread.”** *Official Committee Hansard - Joint Committee On The Australian Commission For Law Enforcement Integrity - Reference: Operation of the Law Enforcement Integrity Commissioner Act 2006 - 21 March 2011 – Canberra.*
- **“Corruption: the creeping cancer of the Coalition”**, Peter Wicks, *Independent Australia*, 2014-05-27. *“So far, the revelations uncovered by the Independent Commission Against Corruption (ICAC) has seen nine Coalition MPs resign or say they won’t stand again. ... ICAC has also seen two Federal members of parliament have their names dragged through the mud. ... Speaking of Tony Abbott, we have also seen the man responsible for his personal campaign funding, John Caputo, dragged through ICAC and emerge not looking too flash. ... On top of that, we have seen the man in charge of the Federal Liberal Party’s fundraising ... called before ICAC with disturbing allegations. ... It seems the proceeds of organised crime may have found their way into the Liberal Party coffers.”* <http://www.independentaustralia.net/politics/politics-display/corruption-the-creeping-cancer-of-the-coalition,6517> ”

Both the Labor and Liberal Parties resist a Federal ICAC, just as they both resisted Commonwealth whistleblowing legislation.

We waited 19 years for whistleblowing laws,¹⁵⁸ only to see politicians from both major parties grant themselves immunity from prosecution under them.¹¹⁰ The Senate Committee reviewing those laws failed to engage whistleblowers, and in fact rejected my own submission entirely.¹⁵⁹

As we speak, those flawed whistleblowing laws are being used to abuse two whistleblowers, but any journalist who reports their story risks 6 months imprisonment. The abuse became so intense one of those whistleblowers withdrew their allegations.¹²²

Your Excellency no doubt sees that neither the Labor nor Liberal parties can be trusted to clean up corruption within a government they have between them controlled for 70 years.

American politician Jessie Ventura explains *‘Party politics is like pro-wrestling; you go on TV and pretend to hate a man, and then you go out and have dinner together.’*

I humbly pray that Your Excellency uses the power and wisdom of the crown to assert to Tony Abbott and Bill Shorten the need for them both to form a Federal ICAC, right now, using the Christine Milne’s private members bill if they cannot offer their own.¹⁶⁰ Meanwhile that corruption is costing the government \$19B per annum.¹⁶¹

Tim Wilson should be dismissed from his post as Human Rights Commissioner

I had applauded the appointment of Tim Wilson as Human Rights Commissioner as he declared himself to be a strong advocate for the primacy of free speech (“*almost total free speech*”) ¹⁶² and a libertarian who believed that human rights can stop government abuse of the individual. ¹⁶³

But once appointed Mr. Wilson failed to defend free speech. ^{164 165 166 167 168 169 170 171} As the Abbott government restricted free speech, he has either remained silent or endorsed the restrictions. For example, he endorsed the use of codes to place restrictions on what public servants can say, preventing them from criticising the Prime Minister, punishable by termination. ^{172 173 177}

And while Mr. Wilson claimed it is inappropriate for public servants to express partisan views, he himself as Commissioner published a column ridiculing the Greens and the Left. ¹⁷⁹

I have questioned Mr. Wilson on his failure to defend freedom of speech and his apparent lack of understanding of its fundamental tenets, but he has not responded. ¹⁷⁴ In the sole case where the Abbott government promoted free speech reform, 18C, Mr. Wilson has been unable to sell it, with 9 out of 10 Australians rejecting the government’s reform. ¹⁷⁵

Before his appointment Mr. Wilson said he believed that human rights can stop government abuse of the individual. Yet when I confronted him with many cases of such abuse, ¹⁷⁶ he acknowledged my letter but failed to respond. ¹⁷⁷ Instead of acting to end those abuses, he is heading off on a \$50K taxpayer-funded “Freedom Roadshow.” ¹⁷⁸

In my opinion, given Mr. Wilson’s alignment with the government on restricting free speech, ¹⁷² the partisan views he has echoed since his appointment ¹⁷⁹ (In my opinion, Mr. Asher resigned for far less) ¹⁸⁰, his failure to act on the government abuse of individual rights I have raised with him, it is my conclusion that Mr. Wilson is not interested in promoting the rights and freedoms of all Australians, and is instead being used by the government to promote their own anti-rights agenda. ^{167 168 169 172 181}

For the above reasons it is my opinion that Tim Wilson has conducted himself improperly as Human Rights Commissioner, all the while costing Australian taxpayers \$389K per year. ¹⁸² Although Tim Wilson was appointed by the government, he is not accountable to them, and may be terminated by Your Excellency ¹⁴⁷ on grounds that include misbehaviour:

“In simple terms, a person cannot be dismissed for constitutional misbehaviour without it being established that: a) his or her conduct would have a damaging effect on their capacity to do the job; and b) they would be seen by the public as bringing the position itself into disrepute.” ¹⁴⁸

I humbly pray that Your Excellency shall ask Tim Wilson to show cause as to why he should not be dismissed from the role of Human Rights Commissioner.

Customs Whistleblower Allan Kessing should be pardoned

I was sickened to learn that ALP Justice Minister Jason Clare had advised your predecessor Dame Bryce to deny Allan Kessing his pardon, because I myself was threatened by an AFP officer after asking Mr. Clare why the AFP had not acted on my own crime report. ¹⁸³

Senator Xenophon said “*The scandal here is that this man, who deserves a medal for the work that he did 10 years ago, was actually persecuted through the courts, had his life effectively ruined by virtue of being charged under Section 70 of the Crimes Act*” and asked “*How many Australians have overdosed on narcotics as a result of corrupt customs officials allowing those drugs to be brought into the country. How many Australians have been injured or killed as a result of weapons being brought into the country as a result of corrupt Customs officials?*” ^{184 185}

I humbly pray that Your Excellency shall pardon to Allan Kessing, and considers recognising the incredible sacrifice of Mr. Kessing and his family by recognising him with an honour.^{186 187}

A just man would do nothing less.

Petition

I understand I have the right to petition Your Excellency, and that under *Section 5* of the *Bill of Rights 1688* I may do so without fear of retribution.¹⁸⁸

May it please Your Excellency:

1. I humbly pray that Your Excellency shall direct the power and wisdom of the Crown to restore integrity to our government.
2. I humbly pray that Your Excellency shall direct the power and wisdom of the Crown to ensure the formation of a Federal ICAC led by an incorruptible commissioner.
3. I humbly pray that Your Excellency shall ask Tim Wilson to show cause as to why he should not be dismissed from the role of Human Rights Commissioner.
4. I humbly pray that Your Excellency shall pardon and honour Allan Kessing.
5. I also resubmit my Petition of February 6, 2014, which was supposedly denied by Dame Bryce, for your reconsideration. To avoid confusion, I have redated *The Royal Petition concerning Crime and Corruption within the Australian Public Service* for July 21, and reissued it in your name.

I pray that Your Excellency shall not favour the elected government nor the public service over the people, and shall honour his oath: *"I will do right to all manner of people after the laws and usages of the Commonwealth of Australia, without fear or favour, affection or ill will."*

I put my faith in Your Excellency because when I first dealt with him as Commander of the Defence Forces he demonstrated a personal integrity I have never seen in any other senior public servant; Not even one.

Now that Your Excellency has ascended to become the highest public official in all the land, I trust in the finer traditions of constitutional monarchy he shall use the power of the crown to restore law and order to the realm.

Because Your Excellency has not responded to my previous petition, and because I am concerned that public servants within the Office of the Governor-General may be withholding correspondence from him, if I do not receive a personal response from Your Excellency by August 5, 2014, I shall assume those public servants have improperly concealed these petitions and their contents from him.

I have the honour to be Your Excellency's humble and obedient servant.



Mr. Brendan Jones.

2014-07-22 This petition online at: <http://victimsofdsto.com/royal-cosgrove-2/>
 2014-07-21 The prior reissued petition online at: <http://victimsofdsto.com/royal-cosgrove-1/>
 2014-02-06 The prior petition to Dame Bryce at: <http://victimsofdsto.com/royal/>

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¹ Speech to APH: Senator Christine Milne, “Why we need a national anti-corruption body,” 2014-05-15, 9:31AM.

“I want to give another example. One of my constituents, who I will not name, is a fisherman in Tasmania. He was approached by two Austrade officials in Japan. He was asked to provide fish to this supposedly Japanese businessman who they vouched for. They said he was a credible person and that they had done the due diligence. They said that the government wanted this trade in order to develop the relationship with Japan in high-quality seafood. So this fisherman went ahead and did it, at the request of Austrade. He was quite happy with his own business. He did not need this business but he went ahead with it because they asked him to. // The long and the short of it is that he provided the fish to this place in Japan-to the businessman whose bona fides Austrade vouched for. After a while the fish were collected but no payment was made. Later it was revealed that there was no such businessman. The person that Austrade had vouched for did not exist. Austrade had invited my constituent to get involved with a shonk. Why? In order to justify the Austrade office in Nagoya they had to show that they were turning over a certain amount of business. So they set up this whole thing. The result of it is that my constituent went broke, and the department backed their two officers to the hilt. // There was no natural justice in this. As far as I know, those two officials remain employed in Austrade. I think it is totally wrong. I have pursued it every which way, seeking natural justice for this person. But the bigger question here is: how many other Austrade officials around the world are setting up similar kinds of scams and presenting figures to the federal government on the extent of the business that they are engaged in when, in fact, it has all been set up to secure their postings rather than the business that was supposedly there to be delivered?”

<http://greensmps.org.au/content/video/christine-milne-why-we-need-national-anti-corruption-body>
<http://www.youtube.com/watch?v=nFyR-avF138>

² **“Outspoken RBA exec 'forced out'”**, Nick McKenzie, Richard Baker and Maris Beck, SMH, 2012-09-14.

*“The sworn statement of the former Note Printing Australia company secretary, tendered in court yesterday, **contradicts key parts of Mr Stevens' parliamentary testimony**, including the governor's repeated assertion that the RBA did not know of alleged corruption inside NPA's sister company Security before a 2009 media expose.”*
<http://www.smh.com.au/national/outspoken-rba-exec-forced-out-20120913-25v7u.html>

³ **“RBA Defends Stevens on Corruption Allegations,”** Tradervox, 2012-08-22, *“Tradervox.com (Dublin) – Glenn Stevens is facing allegations that he misled the parliament about his knowledge of corruption deals involving Note Printing Australia Ltd staffs who are alleged to have bribed international officials to win currency printing contracts. In a statement to the press, the Reserve Bank of Australia has denied any wrongdoing from its Governor Glenn Stevens. The news was given by the Australian Broadcasting Corp. today. Glenn is accused of misleading the parliamentary panel when he testified before it last year where he claimed that RBA officials were unaware of these allegations prior to media reports in 2009. The central bank had emailed a statement stating that neither the governor nor its officers have misled the parliamentary panel.”* <http://www.tradervox.com/central-banks-news/220812/RBA-Defends-Stevens-on-Corruption-Allegations>

⁴ **“RBA's Stevens 'told about warning’”**, Nick McKenzie and Richard Baker, 2012-10-05. *“Reserve Bank governor Glenn Stevens was last year told in writing his deputy Ric Battellino had allegedly warned a whistleblower to "never" again mention concerns the bank's currency printing subsidiaries were using corrupt overseas agents, according to well-placed sources. A confidential letter sent to Mr Stevens in November by former Note Printing Australia company secretary Brian Hood (pictured, right) is understood to have also outlined his repeated efforts in 2007 to reveal to his bosses evidence that suggested corruption inside RBA subsidiaries Note Printing Australia and Security - only to be forced out of his job a year later. Mr Hood's revelation that he had last year extensively briefed Mr Stevens in writing about the RBA's knowledge of the bribery scandal came during evidence he gave yesterday to a*

federal parliamentary committee examining corruption risks for Australian government officials stationed overseas.” <http://www.smh.com.au/national/rbas-stevens-told-about-warning-20121004-272bp.html>

⁵ Speech to APH: Senator Christine Milne, “Why we need a national anti-corruption body,” 2014-05-15, 9:31AM. “I want to go to another example—the issue of Securrency, a subsidiary of the Reserve Bank. Mr Warburton has been appointed by Prime Minister Abbott to review Australia's renewable energy target. We know that he has been the subject of a secret internal investigation into his role as a former director of a firm involved in Australia's worst foreign bribery scandal. That investigation and those findings by KPMG were sent, in February, to the Reserve Bank Board. They deal not only with Mr Warburton and his fellow former Note Printing Australia directors but go to the knowledge of, and handling by, Note Printing Australia's sanctions-busting trip to Iraq in 1998. Yet yesterday, when I sought the parliament's approval to put that document on the table of the parliament so that we can know what exactly went on and what KPMG found out about those directors—in particular, Mr Warburton - **the government and the opposition voted together to prevent the Senate order that would have required that report to be tabled in the parliament.** I put the question: why shouldn't the parliament have access to that KPMG report on what has gone on?”

⁶ “Climate change sceptic Dick Warburton to lead review of renewable energy target”, Tom Arup, SMH 2014-02-18. <http://www.theage.com.au/national/climate-change-sceptic-dick-warburton-to-lead-review-of-renewable-energy-target-20140217-32wa9.html>

⁷ “Govt won't probe new Kessing claims,” SMH, 2009-09-07. “Mr Kessing has now revealed that he approached Mr Albanese's office in early 2005 with a suppressed report that the former Customs officer had written two years earlier outlining security shortcomings at Sydney airport.” <http://news.smh.com.au/breaking-news-national/govt-wont-probe-new-kessing-claims-20090907-fd8p.html>

⁸ Ibid. “Mr Albanese, now transport minister, was an opposition frontbencher at the time. He took no further action following the approach.”

⁹ “Allan Kessing: my side of the story,” Crikey, 2009-09-14. “I agreed to take it to my local MP, Anthony Albanese, but for whatever reason, nothing came of that.” <http://www.crikey.com.au/2009/09/14/allan-kessing-my-side-of-the-story/>

¹⁰ To state the bleeding obvious, I cannot understand why Mr. Albanese, being Mr. Kessing's local member and the Shadow Transport Minister, would not firmly and decisively act on Customs corruption:

“Customs whistleblower must be pardoned: Xenophon,” 2012-12-21, ABC, Senator Xenophon: “The scandal here is that this man, who deserves a medal for the work that he did 10 years ago, was actually persecuted through the courts, had his life effectively ruined by virtue of being charged under Section 70 of the Crimes Act.” “How many Australians have overdosed on narcotics as a result of corrupt customs officials allowing those drugs to be brought into the country. How many Australians have been injured or killed as a result of weapons being brought into the country as a result of corrupt Customs officials?” <http://www.abc.net.au/news/2012-12-21/whistleblower-xenophon/4439782>

¹¹ “Spending attack,” Chris Uhlmann, ABC, 2009-09-07, “I did provide information about its contents to the office of Anthony Albanese, MP two months before the Australian broke their story.” <http://www.abc.net.au/7.30/content/2009/s2679120.htm>

“Govt won't probe new Kessing claims,” SMH, 2009-09-07. Yet “The details involving Mr Albanese never emerged during the court case.” <http://news.smh.com.au/breaking-news-national/govt-wont-probe-new-kessing-claims-20090907-fd8p.html>

¹² Ibid.

¹³ Ibid. “Attorney-General Robert McClelland indicated on Monday the government had no plans to hold an inquiry. “There's no plans to instigate an inquiry in respect to that matter,” he said. “It's not the government's role to investigate allegations of offences, that's the role of the AFP (Australian Federal Police) ... they act on the advice of the director of public prosecutions.””

¹⁴ I have been unable to find any statements in support of Mr. Kessing by ALP or LNP figures.

¹⁵ “AFP 'withheld key whistleblower evidence' in Kessing case”, Chris Merritt, The Australian, 2011-08-19, <http://www.theaustralian.com.au/business/legal-affairs/afp-withheld-key-whistleblower-evidence-in-kessing-case/story-e6frg97x-1226117735249>

¹⁶ “Cracks in the Kessing case illustrate why secrecy is insidious”, Chris Merritt, The Australian, 2011-03-04, “Federal law enforcement agencies had information that could have helped the defence but they kept it to themselves. This meant Kessing's barrister, Peter Lowe, was hamstrung. He was denied critically important material that could have helped him persuade the jury there was indeed a reasonable doubt about his client's guilt. For whatever reason -- and hopefully it was ineptitude and nothing more -- the scales of justice in the Kessing case were rigged” <http://www.theaustralian.com.au/business/legal-affairs/cracks-in-the-kessing-case-illustrate-why-secrecy-is-insidious/story-e6frg97x-1226015588604>

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- ¹⁷ "Govt won't probe new Kessing claims," SMH, 2009-09-07. Yet "New AFP Commissioner Tony Negus said police would look into the matter, if asked. "If the matter is referred to us we'll have a look at it," he said" <http://news.smh.com.au/breaking-news-national/govt-wont-probe-new-kessing-claims-20090907-fd8p.html>
- ¹⁸ "AFP seeks advice on charging whistleblower Alan Kessing again," News Limited, 2009-11-08, "The Australian Federal Police is seeking advice from the Director of Public Prosecutions on whether Mr Kessing should be prosecuted after claiming he provided access to a secret report on airport security to a staff member of Labor MP Anthony Albanese, who is now transport minister." <http://www.news.com.au/national/afp-seeks-advice-on-charging-whistleblower-alan-kessing-again/story-e6frfkp9-1225770407164>
- ¹⁹ "Hell in Australia: The Mick Skrijel Story," "Threats from the [South] Australian and Victorian police never stopped. The cars kept cruising around, swearing and threatening and telephone calls were the same. We kept writing letters, pleading and begging for help. I thought that surely there would be at least one honest politician or one honest police officer that would say that that is enough, leave the people alone[,] but I was mistaken." <http://www.wattpad.com/10875719-hell-in-australia-the-mick-skrijel-story>
- ²⁰ "Policing a citizen's right to expression," Richard Ackland, AFR, 2013-09-05, "Should Duncan Kerr's concern about a pamphleteer in his electorate allow him to involve the Australian Federal Police, asks Richard Ackland. While Justice Minister Duncan Kerr was in Sydney yesterday splashing around some federal funding on legal aid, back in his Hobart electorate of Denison things have not been entirely glossy and wonderful. Last Sunday and Monday he had Mr Mick Skrijel stamping over his borough spreading leaflets that said some beastly things about poor Dunky. Skrijel will be familiar to readers of this column as the former South Australian fisherman who made allegations of drug trafficking and official protection. The NCA subsequently brought a drug cultivation charge against him. An inquiry into the NCA's conduct in this case found there was substantial evidence that the NCA fabricated the case against Skrijel in order to secure his conviction." <http://pastebin.com/tD8Vd6Vd>
- ²¹ "The Samaritan who could face a very big bill," Richard Ackland, SMH, 2003-08-08. "A South Australian QC, David Quick, was commissioned by the attorney-general to report on Skrijel's allegations and found that there was reason to suppose that evidence might have been fabricated to incriminate him. Quick said he could not come to a concluded view because of the limitations of his inquiry and that a royal commission should inquire further. There was no royal commission. Instead there was another inquiry by the Victorian deputy ombudsman (police complaints), who dismissed the allegations." <http://www.smh.com.au/articles/2003/08/07/1060145800776.html>
- ²² "Deadly Disclosures: Whistle Blowing and the Ethical Meltdown of Australia," William De Maria, "From the time of Senator Tate's decision not to take any further action on Skrijel's allegations in late 1989, it took a further three years of lobbying by Skrijel and his supporters before Duncan Kerr, the new Justice Minister, felt compelled to establish an independent inquiry. David Quick QC of the Adelaide Bar was appointed to review the matter on 20 September 1993. From the outset Quick knew that: "The allegations involve grave misconduct on the part of officers of the NCA, members of the Victorian Police Force acting under the de facto direction of the NCA, members of the Victorian Police Force acting independently. These allegations involve criminal conduct of a serious nature by persons exercising police powers and they involve therefore the integrity of institutions (including the NCA) to which those persons belonged."" <http://booko.com.au/9781862544574/Deadly-Disclosures-Whistle-Blowing-and-the-Ethical-Meltdown-of-Australia>
- ²³ "Policing a citizen's right to expression," Richard Ackland, AFR, 2013-09-05, "Kerr rejected the recommendation that a royal commission be held and has sent the matter to the Victorian Deputy Ombudsman for further investigation. Skrijel claims this is a totally inadequate response." <http://pastebin.com/tD8Vd6Vd>
- ²⁴ "Deadly Disclosures: Whistle Blowing and the Ethical Meltdown of Australia," William De Maria, "Kerr and the Attorney-General's Department were determined to take no further action on the Quick Report. However because of the adverse mention of the Victorian Police, the whole box and dice was sent to the Victorian Deputy Ombudsman (Police Complaints). He reported in late 1997 with a 200-plus page report that gave no satisfaction to Skrijel." <http://booko.com.au/9781862544574/Deadly-Disclosures-Whistle-Blowing-and-the-Ethical-Meltdown-of-Australia>
- ²⁵ "The Samaritan who could face a very big bill," Richard Ackland, SMH, 2003-08-08. "There was no royal commission. Instead there was another inquiry by the Victorian deputy ombudsman (police complaints), who dismissed the allegations." <http://www.smh.com.au/articles/2003/08/07/1060145800776.html>
- ²⁶ "Fishing tale with a sad catch", Richard Ackland, SMH, 1997-11-21, "The Deputy Ombudsman has now reported and it turns out to be another inconclusive document. However, one matter where the Deputy Ombudsman was fairly certain that Skrijel's claims of fabrication were false was in relation to the gun. The Deputy Ombudsman had further tests conducted on the gun and one expert found that Skrijel's fingerprints were on the wooden stock of the weapon. Yet, the fingerprint certificate supplied at the trial found a print on the barrel of the gun. This change of location for the fingerprint is now another mysterious and unresolved issue." <http://pastebin.com/upfQAdrE>
- ²⁷ "Fishing tale with a sad catch", Richard Ackland, SMH, 1997-11-21, "The Attorney-General, Daryl Williams, has washed his hands of the matter..." <http://pastebin.com/upfQAdrE>

²⁸ “ComBank’s 1999 Piggery Whitewash,” Stephen Mayne, 2008-01-17, “*The piggery was owned by Mr Brown and Mr Hatton, but for some strange reason, the Commonwealth Bank retained these two fine gentlemen as the guarantors of the business, never once pursuing any personal guarantees from the Treasurer turned back bench turned Prime Minister. The Commonwealth Bank helped finance the deal and subsequently became intimately involved in funding its expansion. When it got into financial trouble the debts owed by Brown and Hatton peaked at \$23 million, but still the CBA did not require any personal guarantees from the PM. And don’t forget, at this time the Federal Government was continuing the selldown of the bank but retained a controlling 50.1 per cent stake. Whilst still Prime Minister, Keating apparently sold his stake in the piggery to his partner. In reality, Big Al only held it for a few minutes as it was destined for Indonesian buyers. Why the Tax Office is now pursuing Al for a \$750,000 capital tax bill on this deal is hard to understand when the arrangement was always for Al to only own the business briefly and for everything to be sorted out later. Big Al believed this structure was selected because of Keating’s position as PM. However, he expected it to be resolved fairly once Keating became just another ordinary Woollahra millionaire with no obligations to run the country or pursue security agreements with Indonesia and other publicly important matters. Unfortunately for Al, he believed Keating shafted him and that the Commonwealth Bank took Keating’s side. When it all blew up, Al went to 60 Minutes with the story. ... Besley and Murray made much at the AGM about the fact that the Federal Attorney General, Darryl Williams, had reviewed some documents and decided not to proceed with an inquiry into the piggery affair. Prime Minister John Howard was apparently concerned about setting a precedent in pursuing a former PM and was uncomfortable in not knowing where the inquiry would finish up. Naturally, the board exercised ever so subtle pressure to discourage an inquiry and word out of Canberra is that the ComBank’s Government Affairs Manager, former John Fahey press secretary David McLachlan, did a fine job for the bank. The relief at board level was palpable when it was announced there would be no inquiry.*” <http://www.maynereport.com/articles/2007/12/18-1812-702.html>

²⁹ Speech to APH: Senator Christine Milne, “Why we need a national anti-corruption body,” 2014-05-15, 9:31AM.

“I will give you another example, under the Green Loans scheme in the last period of government. It was riddled with incidents of inappropriate behaviour from some public servants, who favoured particular suppliers. They split contracts so that they did not have to go to competitive tender. The audit reports into the scheme make for deeply troubling reading, with systematic breaches of procurement policies and basic financial management regulations. The question is: was it just maladministration or sloppiness? Were they under pressure to get these Green Loans and audits out the door? Did they do this in order to facilitate a government policy, to get it out the door? Or were any kickbacks paid? What actually was done when the audit reports came in and showed there were serious questions to be answered? The public does not know, and neither does this parliament.”

³⁰ Speech to APH: Senator Christine Milne, “Why we need a national anti-corruption body,” 2014-05-15, 9:31AM. “I will give you another example: in Zambia, as I stand here, there is an Australian mining company over there trying to get a licence to put a mine in one of their biggest national parks. It was refused by the environment agency in Zambia but then that was overturned by a minister in that country. International NGOs have alleged clearly that money changed hands. And yet you have an Australian state government backing this company to the hilt. What is the arrangement? Who is involved in this?”

³¹ Speech to APH: Senator Christine Milne, “Why we need a national anti-corruption body,” 2014-05-15, 9:31AM. “You have the United States currently investigating BHP in China in relation to corruption. This was one of the things referred to the Australian Federal Police. It was not taken up by the Federal Police, but I raised it at the last estimates and they now have.”

³² Speech to APH: Senator Christine Milne, “Why we need a national anti-corruption body,” 2014-05-15, 9:31AM.. “Equally, in Macau, where the Chinese took action against a citizen there for bribery in relation to casino developments-in particular, Crown casino developments. The Chinese citizen was jailed there for taking a bribe of \$100 million to free-up the land for the casinos and provide the licences. **And yet when that was referred to the Federal Police to look at from our end, what was done? Zilch, zero-nothing!**”

³³ “George Brandis gave the bridal speech and tore up the dance floor - all in the line of duty,” The Australian. 2013-09-30. “Two of Prime Minister Tony Abbott’s most high-profile ministers claimed thousands of dollars in taxpayer funded entitlements for attending the wedding of close friend and shock jock Michael Smith.” <http://www.theaustralian.com.au/opinion/cutandpaste/george-brandis-gave-the-bridal-speech-and-tore-up-the-dance-floor-all-in-the-line-of-duty/story-fn72xczz-1226729537096>

“George Brandis and Barnaby Joyce deny wrongdoing over travel expenses claims,” ABC, 2013-09-29. <http://www.abc.net.au/news/2013-09-29/michael-smith-wedding-barnaby-joyce-george-brandis-expenses/4987502>

³⁴ “AFP called on to look into Tony Abbott, George Brandis wedding cost claims,” Mark Kenny, Daniel Hurst, Heath Aston, SMH, 2013-10-18. “The AFP announced on Thursday that it would not be investigating the alleged misuse of MPs entitlements, despite the multiple complaints, but had forwarded them to the finance department.” <http://www.smh.com.au/federal-politics/political-news/afp-called-on-to-look-into-tony-abbott-george-brandis-wedding-cost-claims-20131017-2vpqx.html>

³⁵ “Players in a vast drama,” Elizabeth Allen, The Courier-Mail, 2007-05-14. **“Don Lane. Former special branch policeman turned Liberal MP turned National Party minister, Don “Shady” Lane was sentenced to a year in prison when he was convicted of 27 charges of misappropriating about \$4500 of public funds. ... Brian Austin. A Liberal-cum-Nationals MP, Brian Austin was named by Don Lane in the inquiry as an abuser of ministerial expenses. Austin was sentenced to 15 months’ jail when he was convicted on 25 counts of misappropriating public funds, involving \$8700 spent on private accommodation, travel and meals. He is now selling real estate in the exclusive Brisbane suburbs of Ascot, Hamilton and Clayfield. ... Leisha Harvey. The former school teacher who became a National Party health minister was convicted on 13 counts involving about \$8000 spent on meals and travel. She was sentenced to 12 months’ jail.”** Another politician, Russ Hinze, died before criminal charges were brought against him. Another, Sir Joh Bjelke-Petersen was charged with perjury, but resulted in a hung jury. <http://www.couriermail.com.au/news/players-in-a-vast-drama/story-e6freubo-111113531404>

³⁶ “Government protection of Manildra was ‘treacherous’”, Mark Riley, Mike Seccombem, John Garnaut, SMH, 2003-08-15. *“The Federal Government set out to financially “punish” an Australian petroleum company when it changed policy to protect the near monopoly of ethanol producer Manildra, the company’s chief claimed yesterday. Paul Moreton, head of the Neumann Group, yesterday described the Government’s actions as “pernicious and treacherous”. eumann lost \$400,000 on an importation of ethanol from Brazil last September when the Government introduced a 38 cent-a-litre excise while the shipment was still at sea. Neumann’s partner in the importation, Trafigura Fuels - which lost about \$600,000 on the deal - has accused the Government of using Australian diplomats in Brazil to effectively spy on its moves to import the fuel additive. ... “They weren’t just changing the law to protect Manildra, but were setting out to cause us a financial loss. Absolutely. What other conclusion can you draw?” ... The ALP later produced an Australian Electoral Commission document showing that Manildra had donated to the campaigns of several Government MPs, as well as the Liberal, National and Labor parties, at the last election. Manildra gave \$10,000 to the local campaign of Mr Abbott, \$7000 to Mr Howard’s, \$5000 to Lindsay MP Jackie Kelly’s, and \$2000 to Parramatta MP Ross Cameron’s.”* <http://www.smh.com.au/articles/2003/08/14/1060588528321.html?from=storyrhs>

³⁷ COMMONWEALTH: CRIMINAL CODE 1995

142.2 Abuse of public office

(1) A Commonwealth public official is guilty of an offence if:

(a) the official:

- (i) exercises any influence that the official has in the official’s capacity as a Commonwealth public official; or
 - (ii) engages in any conduct in the exercise of the official’s duties as a Commonwealth public official; or
 - (iii) uses any information that the official has obtained in the official’s capacity as a Commonwealth public official;
- and

(b) the official does so with the intention of:

- (i) dishonestly obtaining a benefit for himself or herself or for another person; or
- (ii) dishonestly causing a detriment to another person.

Penalty: Imprisonment for 5 years.

http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html

³⁸ A failure to act against officials who allegedly criminally supplied ASIO intelligence to Liberal Party donor Woodside:

Although it is not against Australian law for ASIO to collect intelligence, a public official supplying that information to another party for their financial benefit has breached Section 142.2 of the Criminal Code Act 1995, punishable by 5 years imprisonment. Under Section 14 of the Intelligence Services Act there are some immunity provisions for criminal actions performed by ASIO. These would allow the espionage, but not supplying the intelligence for the financial benefit of a private party. The LNP has claimed the action was in the national interest, presumably on the basis of it would allow access to cheaper energy, but this contradicts increasing energy prices for Manildra’s rival.

Although a whistleblower reported the offence to the Inspector General of Intelligence and Security, they refused to take any action:

“Intelligence agency failed to investigate spying claims, lawyer Bernard Collaery claims,” Tom Allard, SMH, 2013-12-05. *“The former senior spy who blew the whistle on alleged Australian bugging of East Timor’s government took his case to the intelligence watchdog but it did not investigate and advised him to get a lawyer if he wanted to take the matter further.”* <http://www.smh.com.au/federal-politics/political-news/intelligence-agency-failed-to-investigate-spying-claims-lawyer-bernard-collaery-claims-20131204-2yr3m.html>

“East Timor spying scandal: Tony Abbott defends ASIO raids on lawyer Bernard Collaery’s offices,” ABC, 2013-12-04. <http://www.abc.net.au/news/2013-12-04/asio-arrests-key-witness-in-east-timor-spying-scandal/5132954>

³⁹ *“A former senior non-commissioned officer claimed that, when in 1995 he became aware of an apparent travel fraud [\$20M] – with Defence-wide accountability ramifications –there was no complaint avenue to report his concerns. His subsequent attempts over the next 16 years to investigate the likely scale of fraud were not supported by the chain of*

command, by the Service police or in 2010 by the then-Minister for Defence, who the senior non-commissioned officer claimed had been misled by the Department. The senior non-commissioned officer's attempts to have the matter looked into by the Inspector-General of Defence, by the Defence Force Ombudsman, and to obtain departmental documents on the issue of fraud using Freedom of Information processes had all met with failure."

<http://www.defence.gov.au/pathwaytochange/docs/incidentscomplaints/index.htm>

⁴⁰ 2004-04-16 Letter from reserve military policeman to General Peter Cosgrove and Mr Richard Campbell Smith, Office of the Secretary, Department of Defence. "Dear Sirs. I am bringing the attached to your attention, as my efforts to have this matter dealt with by your subordinates as per Defence Instructions have failed. ..."

⁴¹ "Revealed: the government agency stealing ideas from businesses," Chris Seage, Crikey, 2013-12-02, 2013. "A number of businesses are complaining a Defence Department organisation has stolen their intellectual property" <http://www.crikey.com.au/2013/12/02/revealed-the-government-agency-stealing-ideas-from-businesses/>

⁴² 2013-12-03 Multijurisdictional State & Federal Crime Report: DSTO (CONFIDENTIAL - Qualified Privilege), To: Australian Commission for Law Enforcement Integrity, VIC Office of Public Prosecutions, VIC Police Force, NSW Police Force, NSW Office of the Director of Public Prosecutions cc: Prime Minister Tony Abbott, Senator the Hon George Brandis QC, The Hon Joe Hockey MP - Treasurer, Senator the Hon David Johnston - Defence Minister, The Hon Stuart Robert MP - Assistant Defence Minister, The Hon Michael Keenan MP - Justice Minister.

⁴³ 2011-08-22 AFP Crime Report (no response), 2013-12-03 Ibid (no response).

⁴⁴ Correspondence to Stephen Smith, Warren Snowdon, Jason Clare, Julia Gillard, Nicola Roxon, Mark Dreyfus.

⁴⁵ Correspondence to Tony Abbott (12 times), Michael Keenan (9 times), David Johnston, Stuart Robert.

⁴⁶ @FOIcentric: "The Fed Government spent \$714.67M in legal services expenditure for 2012-2013 FY. \$351.93M went to external law firms" <https://tinyurl.com/p3aqmmw>

⁴⁷ "**Gillard Government lashed for 'ignoring' breaches of Model Litigant rules**", Chris Merritt, The Australian, 2012-04-13. "The federal government has rejected criticism of the way its agencies conduct themselves in court and believes just one agency has breached the government's model litigant rules in the past two years. The government's assessment is at odds with court rulings assembled by the Rule of Law Institute, in which federal and state judges had accused several government agencies of not acting fairly. "The government ignores legitimate judicial comment on model litigant behaviour by the Crown at its own peril," said Richard Gilbert, chief executive of the Rule of Law Institute." <http://www.theaustralian.com.au/business/legal-affairs/gillard-government-lashed-for-ignoring-breaches-of-model-litigant-rules/story-e6frg97x-1226325228917>

⁴⁸ "**Fed agencies accused of cover-up of breaches**", Chris Merritt, The Australian, 2012-08-12. "The federal government has been accused of covering up breaches of its model litigant rules that have resulted in a series of government agencies being heavily criticised in court. Judgments collated by the Rule of Law Institute show courts have strongly criticised federal agencies over a series of incidents revealing apparent breaches of the model litigant rules." <http://www.theaustralian.com.au/business/legal-affairs/fed-agencies-accused-of-cover-up-of-breaches/story-e6frg97x-1226113387964>

⁴⁹ "The tax office and the expensive muzzle on complainants", Chris Seage, Crikey, January 8, 2013. "The ATO advised Kurzer of its decision after receiving advice from [Big Law firm] Minter Ellison, that no defective administration arose and no compensation was payable. **Kurzer continued to owe \$120,000. Minter Ellison charged the ATO \$128,000 for this advice**, as documents obtained by Crikey under freedom of information laws show." <http://www.crikey.com.au/2013/01/08/the-tax-office-and-the-expensive-muzzle-on-complainants>

A victims advocate provided examples for another agency: '\$800K contesting a \$200K dispute they lost, \$1M contesting a \$3,500 dispute, and running up \$300K legal bills instead of arbitration' I am also aware of other cases through victims and victims advocates, and The Rule of Law Institute has documented others here: <http://www.ruleoflaw.org.au/priorities/mlrs/>.

⁵⁰ **Letter asking LNP (then in opposition) why they have fallen silent on Model Litigant Policy violations:**

2013-06-17 Letter to Julie Bishop, David Johnston, Stuart Robert, Teresa Gambaro:

Political Donations and Opposition Silence on Corruption

'I was very concerned recently when another person reporting corruption tipped [questions regarding breaches of the Model Litigant Policy] was dropped because both political parties have a close relationship to the law firms profiting from breaches of the Model Litigant Policy e.g. Clayton Utz. I checked and found that Clayton Utz has been making political donations to both parties, that they are the largest provider of legal services to the government, and that the Deputy Opposition Leader is a former Clayton Utz Partner.'

Is the Opposition's close relationship with Clayton Utz the reason they have fallen silent on abuses of the Model Litigant Policy? Will the Opposition uphold the policy when it re-enters government? Will the Opposition proceed with the APS Code of Conduct complaint I made against two public servants in my (unanswered) letter to the Attorney-General [ALP Mark Dreyfus] dated April 4, 2013? ...

Accordingly I wish to make public this letter and my earlier private letter to Senator Johnston. Please contact me by email no later than 9:00AM AEST on Wednesday June 19, 2013 granting or refusing permission to publish these letters. In any case Senator Johnston, Mr. Robert and Ms Gambaro have already had years to act and months to respond to my last letters and have done neither. I am sure Ms. Bishop will understand. ...

I have copied Ms. Bishop on this letter in case she wishes to respond as well as for her permission to publish."

(No Response)

Government law firm Clayton Utz profiting from Model Litigant Policy violations:

2012-12-04 Letter to Office of Legal Services Coordination, Attorney-General's department regarding Model Litigant Policy Abuses: *"You are aware that I wrote to Mr. Snowdon and Clayton Utz asking for alternate dispute resolution which they refused to enter into. You are also aware that when I told Clayton Utz they were violating the Model Litigant Policy they said they were only following the instructions of their client, and that the Legal Services Commission told me Clayton Utz are obligated as lawyers to carry out the unethical and unlawful instructions of their client. You are well aware of these breaches because I had already provided you with this information."* (No Response)

Australian Electoral Commission, Donor Annual Return – 2010-2011 (Clayton Utz Donations to Labor and Liberal National Parties) <http://periodicdisclosures.aec.gov.au/Donor.aspx?SubmissionID=48&ClientID=1360>

"Clayton Utz has taken the largest share of the Commonwealth's legal spend amongst external law firms. According to the Commonwealth Legal Services Expenditure Report 2010-11, released on Friday (9 December), Clayton Utz walked away with \$36.6 million (13 %) of the \$281.6 million the Commonwealth paid to external legal services providers." <http://www.lawyersweekly.com.au/news/clayton-utz-dominates-govt-legal-spend>

"She became a partner of Clayton Utz in 1985, and managing partner of the Perth office in 1994." http://en.wikipedia.org/wiki/Julie_Bishop

Jones does not allege Bishop played any role in the abuses, but Jones is concerned when the conduct was raised with Bishop to the best of his knowledge she failed to act.

Government law firm Minter Ellison profiting from Model Litigant Policy violations:

"The tax office and the expensive muzzle on complainants", Chris Seage, Crikey, January 8, 2013. "The ATO advised Kurzer of its decision after receiving advice from [Big Law firm] Minter Ellison, that no defective administration arose and no compensation was payable. Kurzer continued to owe \$120,000. Minter Ellison charged the ATO \$128,000 for this advice, as documents obtained by Crikey under freedom of information laws show." <http://www.crikey.com.au/2013/01/08/the-tax-office-and-the-expensive-muzzle-on-complainants>

Government law firm Norton Rose Fulbright profiting from Model Litigant Policy violations:

"ATO appalling in its treatment of public servant, says Fair Work Australia," Noel Towell, Canberra Times, 2014-06-30. "The Australian Taxation Office was shabby, appalling, disgraceful, unconscionable and dishonest in its treatment of one of its public servants who was recovering from a mental illness, according to Fair Work Australia. And the workplace umpire has accused the ATO of wasting thousands of dollars of taxpayers' money by flooding a commission hearing with highly paid lawyers to defend the illegal lock-out of the employee. ... The commissioner also let fly at the Taxation Office for bringing seven lawyers to a hearing, including a partner in global law firm Norton Rose Fulbright and Sydney barrister Bryce Cross. Mr Cross had been denied permission by Fair Work Australia's full bench to appear for the ATO but the barrister showed up anyway, took notes throughout the hearing and actively assisted the conduct of the government's case. "This can hardly be an appropriate expenditure of public money," the commissioner wrote. "The policy of the Commonwealth in refusing to consider conciliation in this proceeding was disappointing." <http://www.canberratimes.com.au/national/public-service/ato-appalling-in-its-treatment-of-public-servant-says-fair-work-australia-20140630-zsr9z.html>

Other cases:

A victims advocate provided examples for another agency: *"\$800K contesting a \$200K dispute they lost, \$1M contesting a \$3,500 dispute, and running up \$300K legal bills instead of arbitration"* I am also aware of other cases through victims and victims advocates, and The Rule of Law Institute has documented others here: <http://www.ruleoflaw.org.au/priorities/mlrs/>.

In FY2012-2013, government law firms received \$352M from the public purse:

@FOIcentric: "**The Fed Government spent \$714.67M in legal services expenditure for 2012-2013 FY. \$351.93M went to external law firms**" <https://tinyurl.com/p3aqmmw>

⁵¹ My own searches have revealed two government-hired law firms who breached the Model Litigant Policy but were never been held to account either by the LNP or ALP, making donations to both the ALP and LNP. These two firms also enjoy close relationships with LNP and ALP politicians working there before or after their Parliamentary careers.

⁵² Personal Communication.

⁵³ Personal Communication.

⁵⁴ 2014-06-10 Personal Communication: "**[CSIRO] Self Investigation [of the] Novartis scandal.** CSIRO commenced its own internal investigation of the scandal in which Dr Gerry Swiegers provided blew the whistle on CSIRO's defrauding of a multinational pharmaceutical company (Swiss-based Novartis) by selling it a purportedly proprietary anti-counterfeiting technology which was effectively a bulk industrial product obtained via a Chinese manufacturer. Again CSIRO's own general counsel investigated and determined no course of action. // Law suits currently lodged by Dr Swiegers reveal other allegations that CSIRO breached the Australian Corporations Act by misleading shareholders of a private spin-off company by using questionable accounting practices to leech most of the value out of the spin-off by overcharging for services such as office space. // This matter also implicates other Commonwealth Government oversight agencies including ASIC and the former Minister for Finance and Deregulation (Senator Penny Wong) who failed to undertake investigation despite compelling evidence."

⁵⁵ 2014-06-10 Personal Communication: "**Perceived conflicts of CSIRO CEO Megan Clark in her previous role as a Vice President of BHP Billiton.** Megan Clark has been involved in a number of deals preferencing her former employer BHP Billiton such as the CSIRO Chile International Centre of Excellence in Mining and Mineral Processing in which BHP Billiton received the lion's share of \$110 million in public funding to expand mining operations in Chile. In 2009, Dr Clark arranged for preferential treatment of BHP researchers over those of CSIRO employees by requisitioning prime office real estate for approximately 30 BHP researchers at the Queensland Centre for Advanced Technology (QCAT in Pullenvale) despite the site having a purpose built facility (The Technology Transfer Building) largely funded by the QLD government for this purpose. CSIRO subsequently requisitioned a large amount of the real estate in this building for its own purposes despite the building being set up exclusively for private industry partners collaborating with the CSIRO."

⁵⁶ 2014-06-10 Personal Communication: "**CSIRO CEO Megan Clark links to Carbon Capture industry.** It came to light shortly after Megan Clark was criticised for her overly harsh treatment of economist Clive Spash who wrote a paper critical of Carbon Trading schemes that Dr Clark was Chairman of the board of Cradle Mountain Carbon Pty Ltd, a company that sets aside land for plantation of trees to aid in carbon capture. Many of the research projects which analyse the accuracy of global warming predictions have subsequently been scrapped or had their funding removed, particularly after it became apparent that CSIRO was "massaging" data to support its position on Global warming. The CSIRO board declared no conflict of interest despite having to actually investigate the perceptions which reasonably arose from the directorship."

⁵⁷ 2014-06-10 Personal Communication: "**[CSIRO] Contempt [...] to Parliamentary Committees.** There are many examples in Senate Estimates Economics Legislation Committee Hearings over the past 5 years in which CSIRO senior executives have knowingly mislead members of the Senate as to their knowledge of particular allegations within the organisation."

⁵⁸ 2014-06-10 Personal Communication: "**[CSIRO] Matter of Williams v Comcare AATA [2012].** AATA Deputy President Constance criticised three senior employees for providing unreliable testimony, one of whom, Nigel Poole was forced to admit to the tribunal that there was no legitimate basis for some of the comments he made in relation to matters before the tribunal as he was effectively "no present". CSIRO took no further action against these officers after convening an internal investigation conducted by acting an General Counsel who had previously worked under and with two of the alleged. Other notable aspects of this case is that Comcare challenged Martin Williams compensation claim based upon the false and misleading testimony provided by these individuals. // In an overt breach of LSD, Comcare's legal representatives (I believe this to be Minter-Ellison) kept Mr Williams on the witness stand for 5 days and continued to throw dispersions at him even after he collapsed due to a medical condition. To put this in perspective Rudolf Hess was questioned for only 4 days at the Nuremberg trials following WWII."

⁵⁹ 2013-12-05 Letter to The Age: "A victims advocate tells me Fairfax was provided leads for **two cases of intellectual property theft by the CSIRO**; One a case of out-and-out scientific plagiarism, and another IP theft for commercial gain. I understand you were offered access to the sources, yet to my knowledge you never ran the story."

⁶⁰ 2014-07-02 Personal Communication: **The CSIRO Bullying Inquiry:**

1. The [CSIRO] CEO, despite telling Senate Estimates that she was at arms length from the investigation has been found to have interfered in the investigation process.
2. It has recently been uncovered that the investigator specifically excluded investigation of senior management and senior HR staff from the scope of investigation despite no limitations being set out in the [Terms of Reference].

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3. *The investigator failed to follow the proper investigative process by accepting the contentious responses of CSIRO without providing the participant with a right of response, effectively accepting CSIRO's version as authoritative without further testing the premise.*
 4. *The investigator rewrote and resubmitted complaints without providing the author of those complaints with an opportunity for review.*
 5. *The investigator removed key perpetrators from the complaints after redrafting the complaints which only became apparent to the participant after completion of the investigation.*
 6. *The Investigator changed the Privacy Policy to permit disclosure of complaints to CSIRO despite having previously agreed not to release such information.*
 7. *The investigator supplied a separate set of unpublished recommendations to only the CEO and another executive without providing the recommendations to the CSIRO board.*
 8. *The CSIRO is refusing to supply participants with the full report of their individual investigations claiming Legal Privilege."*

⁶¹ Yet despite the above: Twitter: "ABC Current Affairs @amworldtodaypm **Head of the CSIRO Dr Megan Clark to receive Queen's Birthday gong as her organisation loses \$100mln & up to 420 jobs**"
<https://twitter.com/amworldtodaypm/statuses/475789623587647489>

"CSIRO head Dr Megan Clark to receive Order of Australia." Chris Uhlmann, AM, ABC, 2014-07-09-08:04:54.
"Dr Clark began her career as a mine geologist and rose to lead the nation's iconic science agency the CSIRO. And since May she has had to cope with more than \$100 million worth of budget cuts and 420 projected job losses."
<http://www.abc.net.au/am/content/2014/s4021286.htm>

⁶² The Commonwealth Ombudsman's office are systemically corrupt, and have been for a long, long time. That is, they cover up corruption.

Whistleblowers Australia did a survey of whistleblowers and found not a single whistleblower had been helped by the Ombudsman, and that others had in fact been harmed by them.

I do not know a single whistleblower or victim of government abuse (including the abused soldiers before the DART) who has had a complaint successfully resolved by The Ombudsman.

Look at all the cases of defence abuse. What was the role of the Defence Ombudsman there?
<http://www.abc.net.au/4corners/stories/2014/06/09/4019501.htm>

When Defence threatened the Defence security clearance whistleblowers, they went to the Ombudsman who fobbed them off: *"Five of us went to the Ombudsman but didn't get anywhere. They put it in the too-hard basket. We were given the impression that no one wins against Defence; they are too big and too powerful."*
<http://www.couriermail.com.au/ipad/the-security-breach-defence-tried-to-hide/story-fn6ck620-1226287784790> That's why they went to the media instead.

The CSIRO bullying inquiry was conducted by a former Commonwealth Ombudsman. Victims of CSIRO said: *"Given that the investigator is a former Commonwealth Ombudsman such conduct is absolutely reprehensible. The greatest kicker is that the CSIRO paid the investigator \$6 million [yet did] not investigate anything of importance that might implicate senior management."*

Whistleblowers Australia's Brian Martin on another case: *"I didn't think official channels - in this case the Ombudsman - would give [Jo Kamminga] much satisfaction. It was likely to take a long time and not lead to any changes in substance. An unanticipated complication was that the newly appointed Ombudsman, Dennis Pearce, was a law professor at ANU, on leave from the university for three years. Would he be willing to take strong action against his employer? Jo thought he had a good case and that he could win. Getting the Ombudsman's office to move on the issue required a major effort on Jo's part. He met with various officers as well as the Ombudsman himself, provided additional documents, and pursued them with phone calls and letters. Originally he thought the case would take three months. It ended up taking three years. ... Jo's original complaint to the Ombudsman was one of the best documented accounts of bias in appointments that I've ever seen. It seems a shame that it led into murkier and murkier levels of bureaucratic discourse and manoeuvring."* <http://www.bmartin.cc/dissent/documents/ss/ssall.html>

Jean Lennane: **"Corruption of protection agencies.** *A very important issue is the corrupting process that is likely – possibly inevitably – to affect investigators and whistleblower protection agencies. It is almost universal experience that bodies which have been set up to redress injustice of this kind gradually become part of the authority system themselves, hence useless to the whistleblower."*

Former Commonwealth Ombudsman Allan Asher had written a report warning of that the federal bureaucracy might be more corrupt than was believed, and that the Ombudsman could not operate effectively. Before the report was published he was sacked by the ALP (the LNP fully-backed the ALP) for helping the Greens draft a question about refugees. The ALP then withheld his report. <http://www.canberratimes.com.au/act-news/suppressed-report-warned-of-corruption-in-bureaucracy-20121105-28ukd.html>

This has been going on for a long time, but the media has given it scant coverage. The result is people with complaints don't know any better and end up wasting months or years with the Ombudsman. Worse, the Ombudsman has been trusted with the federal whistleblower program... despite having previously pushed whistleblowers off a cliff.
<http://www.crikey.com.au/2013/07/30/you-better-be-careful-blowing-the-whistle-new-laws-have-holes/>

⁶³ **“New refugee chief muted Asher's warning,”** Markus Mannheim, Canberra Times, 2012-11-07.

“The public service watchdog who watered down criticisms of the government's approach to asylum seekers is about to head Australia's refugee program. Alison Larkins became acting Commonwealth ombudsman following Allan Asher's resignation in October last year. She later signed off on the agency's annual report for 2010-11, which omitted Mr Asher's concerns about the office's inability to monitor immigration detention effectively. Her version of the report also removed Mr Asher's warning that the federal bureaucracy might be more corrupt than many believed.”

<http://www.canberratimes.com.au/act-news/new-refugee-chief-muted-ashers-warning-20121106-28woh.html>

⁶⁴ **“‘Suppressed’ report warned of corruption in bureaucracy,”** Markus Mannheim, Canberra Times, 2012-11-06.

“Former Commonwealth ombudsman Allan Asher has accused a Labor minister of suppressing the annual report he wrote during his last weeks in the job. The report, which was never published, said the government underfunded the watchdog to the point it could not operate effectively. It also warned the federal bureaucracy might be more corrupt than was commonly believed. ... Mr Asher resigned in October last year in response to concerns about his impartiality, after he admitted scripting questions for a Greens senator to ask him at a Senate inquiry. His report for 2010-11 was not tabled in Parliament, though a report by then acting ombudsman Alison Larkins was eventually tabled three months after the agency's nominal deadline. [Ed: Larkin's report omitted the criticisms] However, Mr Asher's version can now be revealed after it was obtained under freedom of information law. It accused the government of underfunding the ombudsman's work on immigration detention, to the point he could not be confident the public service was “fair and accountable”. Mr Asher also challenged the view that the bureaucracy was “free of significant corruption”. “Unfortunately, many of these assumptions are simply not valid, nor are they backed by substantive evidence,” he said. “In fact, there is little to suggest that Australian government agencies are any more immune to corruption than their state counterparts, which continue to identify and deal with systemic corruption issues.” Ms Larkins's report omitted the criticisms. The office of Special Minister of State Gary Gray, who oversees the ombudsman's work, said on Monday neither the minister nor his staff requested changes or delays to Mr Asher's report. However, Mr Asher responded: “I don't believe that for a moment.” He said that, when he resigned, he specifically left himself enough time to finish the annual report. “It was my intention to make these critical points on the record in such a way that, even though the current crop of parliamentarians didn't seem to have any interest in the [ombudsman's] office, there'd be a record that might be taken up in future.” It was also “entirely inappropriate” that another officer, Ms Larkins, tabled a report for the period he was ombudsman. “It was done without any consultation. I didn't even receive a copy of the report.”” <http://www.canberratimes.com.au/act-news/suppressed-report-warned-of-corruption-in-bureaucracy-20121105-28ukd.html>

⁶⁵ **“Public service keeps fraud cases private”,** 2011-09-24, SMH, Linton Besser, *“Confidential files obtained using freedom of information show thousands of allegations of graft and abuse of office are being levelled against government staff each year - but only a handful are properly investigated.”* <http://www.smh.com.au/national/public-service-keeps-fraud-cases-private-20110923-1kpdr.html>

⁶⁶ **“Federal agencies lack firepower to deal with fraud”,** Linton Besser, SMH, 2011-10-03.

“An unknown number of corruption cases lie undiscovered inside the vast Commonwealth bureaucracy”,
<http://www.smh.com.au/national/federal-agencies-lack-firepower-to-deal-with-fraud-20111003-115dt.html>

⁶⁷ https://web.archive.org/web/20130429034843/http://www.smos.gov.au/publications/2011/pu_071011.html

⁶⁸ 2012-12-20 From Karin Fisher for PSC Stephen Sedgwick: *“I appreciate this is probably not the response to your letter that you were hoping to receive, but I hope that it has clarified the concerns that you raised and also our previous advice to you”*

⁶⁹ A legal academic who with a QC reviewed the 2012-12-20 letter said: **“I thought the responses (actually non-responses) you had from the APSC and Karin Fisher in particular were very offensive. And wrong on the facts to boot - as you pointed out.”** <https://tinyurl.com/nfy3pav>

⁷⁰ 2013-04-04(19) To Attorney-General Mark Dreyfus from Brendan Jones (No response)

⁷¹ 2014-01-22 E-mail from Brendan Jones responding to Eric Abetz's claim he has no power to intervene.

⁷² 2014-01-21 From Eric Abetz via Chief of Staff Ben Davies: **“The Minister does not have the ability to intervene in either of these matters.”** <https://tinyurl.com/pq94v49>

⁷³ 2014-02-06 Royal Petition concerning Crime and Corruption within the Australian Public Service.

“The AFP is a corrupt police agency. They are politicised. They have been implicated in serious crime. They protect corrupt public officials by stonewalling complaints into corruption. They threaten whistleblowers, persecute them for reporting corruption, will manipulate evidence to convict them and silence journalists. ... In a just society citizens must

be able to report crimes to the police without fear of retribution, safe in the knowledge that those crimes will be investigated impartially without fear or favour. May it please Your Excellency, I humbly pray that Your Excellency shall direct the power and wisdom of the Crown to restore the integrity of the Australian Federal Police, including measures such as dismissal of the Federal Police Commissioner to be replaced by a person who may restore integrity, accountability and public trust to the force." http://victimsofdsto.com/royal/#fail_afp

⁷⁴ "Medical fraud and inappropriate practice in Medibank and Medicare, Australia 1975-1995", Kathryn Flynn, University of Wollongong, 2004. "The Australian system of universal health insurance has enjoyed great electoral popularity but the system has been open to abuse and has been beset by administrative inertia, a reluctance by governments to establish reliable estimates of the extent of fraud and overservicing, lack of adequate legislative policy and a very low rate of prosecutions." <http://ro.uow.edu.au/theses/2071/>

⁷⁵ "Tasmania's Beaconsfield mine still mired in corporate intrigue," Michael West, SMH, 2014-05-31. "Fast forward to Tuesday this week: Will Matthews, a small shareholder in that company, Allstate, appeared before the Supreme Court of Victoria to oppose an application by a coven of lawyers and accountants that his shares should be cancelled for nil consideration. Matthews has doggedly pursued his interest in Allstate since it went into administration in 2003 - so doggedly in fact that this year marks the 10th anniversary of his FOI request. Still afoot, it is perhaps an FOI world record. Since he activated his request, the population of the earth has expanded by 700 million. // Matthews has asked uncomfortable questions about the company - and put these to assorted directors, lawyers, regulators and accountants - questions such as: "Where are the financial statements and why has the annual general meeting not been held?" In pursuit of that arcane substance, the truth, the pony-tailed surfer and actuary from Brighton has duked it out with Clayton Utz, Mallesons, Taylor Woodings, Macquarie Bank, the Australian Securities and Investments Commission, and the world's largest goldminer, Newmont (which formerly controlled the mine). The only courts he has not been in have been the High Court and the tennis court. // Besides a two-hour stint on his feet before the Supreme Court of Victoria this week - browbeating Deloitte and Maddocks (Allstate's latest administrators and their lawyers) for attempting to cancel his shares in dubious circumstances - he is spearheading two actions in the Federal Court. These relate to the controversial conduct of the administration in 2003. The defendants are Allstate and its former administrators Michael Ryan and Tony Woodings. // The lawsuits, on behalf of minorities, are funded out of Singapore and promise, should they proceed, to open up some old wounds and make a few new ones. // Matthews reckons the mine should never have gone under. // Meanwhile, in his quest to make public information public, he is before the Administrative Appeals Tribunal again in a couple of weeks. Ironically, earlier this month ASIC shot off a letter to Deloitte withdrawing the relief it had given for Allstate's 2013 accounts and reserving its rights to take action against Deloitte in relation to "the apparent misrepresentation made to ASIC" and for breaches of the Corporations Act. ASIC had a sudden change of heart and did not contest the share cancellation in court this week. So Deloitte won and Matthews will finally lose his shares. // The cost of all this obfuscation must surely run into the millions. Still it proceeds apace." <http://www.theage.com.au/business/tasmanias-beaconsfield-mine-still-mired-in-corporate-intrigue-20140530-399pc.html>

⁷⁶ "One man's cry for freedom disappears into a black pit," Michael West, SMH, 2012-05-05. "This glittering cast of big-city lawyers sat with the Australian Securities & Investments Commission, which had its own taxpayer-funded barristers, and which had been punctiliously stonewalling Matthews' FOI request since 2003. Rolling forward another five years and, this very week, the commission informed the obstinate Matthews that it would release documents to him "outside of the FOI Act". What? After nine years, and millions of taxpayer dollars expended in pettifogging, they would simply surrender and hand their weathered adversary the stuff he had been asking for all along? Presumably they no longer wish to be bound by the Freedom of Information Act. // **In a watershed 219-page judgment in August 2010, the AAT overturned 90 per cent of the "public interest" exemptions claimed by ASIC and ordered it to hand over the documents. It still hasn't.** // What is this information so jealously guarded by ASIC and its corporate consorts? // **When the company that controlled the Beaconsfield Mine bit the dust in 2001, in controversial circumstances, ASIC had begun an investigation. Allstate, the company that controlled the Beaconsfield mine, had appointed a small Perth insolvency group, Taylor Woodings, as administrator. There was a cry of foul play from Will Matthews and other minority Allstate shareholders. They said the mine should never have been put in administration in the first place. Where were the missing accounts? ...**" <http://www.smh.com.au/business/one-mans-cry-for-freedom-disappears-into-a-black-pit-20120504-1y441.html>

⁷⁷ **Problems with the DART review:**

I was copied on this e-mail from a person who I am told is an abused soldier before the DART inquiry. This e-mail was provided in-full to 4 Corners, but for whatever reason the show did not address it.

"Dear Mr Mitchell [Editor of The Australian]

I am writing to you [expressing concern at the conduct of a particular DART official]:

My reasons are as follows and they are:

1) Overall, he has made decisions regarding the ADF's victims that have been hostile to their welfare. I am not

referring to the amounts of reparation payments as these decisions are not his to make anyway. He has consistently denied various assistances to victims that were within his power to supply almost right from the beginning and only changing his reactive policies when pressured, his actions were uncovered and that he was acting without compassion. In short [DART official] was acting in the cultural ways of the ADF – [...] Then there are the actions of DART only moving on critical incident issues under duress and then slowly, quite ADF like. I have been given pause to think that perhaps the adoption of this rank is appropriate after all.

2) He labelled DART applicants “complainants” without considering the real effect of institutional semantics on much damaged people. He oversaw the denial of access to counselling for suicidal and deeply disturbed victims. Even when counselling was finally offered after months of delays, the firm he engaged to supply these services could not service non-metropolitan areas. He allows processing procedures that produce unreasonably long times - weeks upon weeks upon weeks - to pass in his internal bureaucracy that process reparation payments after a determination has been made.

3) The DART’s own welfare officers he has disempowered to such an extent that when they contact the “complainants” they can say almost nothing, hedging their words and obfuscating and thus multiplying pain and suffering. This is felt both by the “complainants” and his own Officers. These Officers, whose distress is palpable though hidden by their professionalism, is in effect new life to the original ADF abuses that the victims suffered. A gift that keeps on giving, one might say. [DART official] has these things occurring on his watch and he apparently does not or will not see them.

4) The deadlines for certain victim’s application paperwork were altered to short and apparently arbitrarily decided dates. The paperwork itself is incredibly distressing. A wise or fragile victim would do well to engage on of the pre-approved law firms and when a reparation determination is made in their favour, just pay the money to that law firm. I can’t think of anywhere when a claim has been accepted, that the successful claimant still has to pay out of their own pocket. I have not heard [DART official] speak or comment publicly regarding these kinds of issues either. There are things [DART official] could have, should have advocated for to excel in his role to make him a worthy recipient of any awards. Unfortunately, he has likely made as many errors of omission as commission his job to qualify him as an outstanding candidate for any of them.

5) The offer of written apologies to victims has not been withdrawn by DART, just made incredibly difficult to obtain. They have issued just one. I am told by DART that these apologies will be probably be crafted by Defense Legal in the own time. Perhaps [DART official] could act to the fullest of DART’s charter to bring a recalcitrant Defense to heel over their stained past? I hear no and see no actions like this anywhere except a small drop in Defence’s budget by way of reparation payments. DART’s favoured means of a Defense apology is face to face mediated meeting. These have not gone well. [DART official] has overseen disastrous face to face apologies that have in the end left victims out of pocket and more distressed afterwards! Victims were paying all the costs for their support persons and the process has been rushed.

When these issues above that I have knowledge of are contrasted with his measured and stage managed performances in the media and Parliament that I have personally seen, I can only conclude that [...] is inappropriate and underserved as far as his leadership of DART and the vexing issues of abuses in the ADF.

Yours Most Sincerely”

⁷⁸ Ongoing mental and physical abuse of abused soldiers:

I was copied on this e-mail, which I am told was sent to every single member of Parliament. This e-mail was provided in-full to 4 Corners, but for whatever reason the show did not address it.

“Dear Senator,

Last week as you know, one of our members was greatly distressed by the award of an Order Of Australia Medal to the person who organised his gang rape in Navy. As you would know, the gang rapist had been recommended by the Defence Abuse Response Task Force to General Hurley, Chief Of Defence, for prosecution.[But] Instead of prosecution he has been awarded an Order Of Australia Medal. As a direct result, [...] attempted suicide [...]”

⁷⁹ Lack of Transparency in the Honours System

Karen Kline had recommended a discrimination lawyer whose landmark case taught in all law schools, whose work led the wheelchair access on all public buildings, disability access to trains and on the Gold Coast buses. His referees included the current state Human Rights Commissioner who were gobsmacked his award was refused.

Karen Kline sued under FOI to learn why, but the High Court of Australia (a panel of 5 judges, 4 of whom had Orders of Australia) unanimously rejected her case, ruling to keep the Honours process secret.

“Nurse takes FoI fight on honours to Fed court,” Markus Mannheim, Canberra Times, 2012-05-14. *“A Brisbane nurse will take the Governor-General's office to the Federal Court to try to force it to reveal how it allocates Australia Day honours. Karen Kline sought access in 2009 to documents that outline how the Order of Australia council decides who is worthy of the awards. The Governor-General's office rejected her request and the Administrative Appeals Tribunal ruled last month the office was right to suppress the papers. However, Ms Kline has gained the pro bono support of a legal firm and will launch an appeal in the Federal Court. Independent freedom-of-information expert Peter Timmins has also questioned the tribunal's decision, saying it allows Government House to be unduly secretive.”* <http://www.canberratimes.com.au/act-news/nurse-takes-foi-fight-on-honours-to-fed-court-20120513-1yla4.html>

“Honours list papers to stay suppressed,” Emma Macdonald, Markus Mannheim, SMH, 2012-12-20. *“The secret papers that detail how Australia Day honours are allotted will remain suppressed after a court ruled the public had no right to access them. ... The court also ruled that Ms Kline should pay the government's legal costs. Ms Kline, who was represented by barrister Tom Brennan acting on a pro bono basis, said on Thursday the ruling had devastated her. She said she recently lost her job as a result of the Queensland government's spending cuts and would be bankrupted. “My motivations for this case were the higher causes of greater government accountability and stronger FOI laws,” she said. “I've just lost my job, I have no assets and my partner has cancer. This is a terrible time for me.” The Governor-General's office told Parliament last month it had spent more than \$125,000 on legal fees related to the case, as well as almost 5700 “staff hours responding to the various issues raised”.* <http://www.smh.com.au/national/honours-list-papers-to-stay-suppressed-20121219-2bnr8.html>

2014-06-12 Email from Karen Kline: *“All but one of the 5 HC judges who heard my case have an AO. Justice Gaegler does not and was the only one who did not award costs against me.”*

“Liberal senator Michael Ronaldson, who has demanded the office justify the amount of money spent on the case, had previously likened the office to a “secret society”. <http://www.smh.com.au/national/honours-list-papers-to-stay-suppressed-20121219-2bnr8.html>

The Liberals have since been elected to power and **Michael Ronaldson is now Minister for State, but I have been unable to find any discussion by him criticising or speaking of reforming the Honours system**, and I am told Sharon Prendergast is still the Director of the Honours Secretariat.

“Honours list papers to stay suppressed,” Emma Macdonald, Markus Mannheim, SMH, 2012-12-20. *“A former official secretary to the governor-general, Martin Bonsey, reviewed the office's awards and appointments procedures last year and warned against allowing people to appeal against the Order of Australia council's decisions. He also said the nature of decisions about honours was “largely intuitive rather than analytical”.* <http://www.smh.com.au/national/honours-list-papers-to-stay-suppressed-20121219-2bnr8.html>

Yet ICAC warns these are conditions which allow corruption to occur: “employees have high levels of discretion in their decision-making,” and given the process is secret and has no oversight: *“policies and procedures are absent, unclear or not adequately enforced; checks such as audits are lacking; communication and reporting lines are unclear; employee supervision and performance management are inadequate”*; given relationships with other public officials, including those receiving donations from awardees *“employees develop close relationships with external stakeholders”* and given the dubiousness of some of the awards (described in the following footnotes), and the failure to review them: *“accepted ethical standards are lacking, the corporate culture condones rule breaking and short cuts.”* <http://www.icac.nsw.gov.au/about-corruption/conditions-allowing-corruption>

This royal petition describes other cases where political donors have donated money and received favourable treatment, which the public is expected to believe is coincidental. But the **lack of transparency** both in terms of political donations and in Honours awards mean the public aren't even told about the “coincidences.”

The British Honours has a long history of corruption: For example: *“The Honours (Prevention of Abuses) Act of 1925 came into being because a pair of organised criminals, Prime Minister (1916-22) David Lloyd George (1863-1945), a lawyer, and his bagman, Maundy Gregory, extorted bribes for honours. Gregory charged what the traffic would bear. Lloyd George invented the Order of the British Empire (OBE) in 1917; by 1922, he had awarded 25,000 OBEs. Discussing the bribes in a 1998 Churchill Society Lecture, John Lidstone said multiplying the 1920s values of the bribes by 100 gives rough current values. The scale, with current values in brackets, were: OBE £100 (£10,000). Knight: £10,000-£15,000 (£1 million-£1.5 million). Baronet: from £25,000 (£2.5 million). Baron: £30,000-£50,000 (£3 million-£5 million). Viscount: £80,000-£120,000 (£8 million-£12 million).”* Our Corrupt Legal System, Evan Whitton, pp. 81. <http://netk.net.au/Whitton/OCLS.pdf>

Why should Australia's be any different?

There have been allegations of political bias in awards: *“Bias and the Aus Day honours,” Crikey, 2005-01-27. “That makes it even harder to explain, let alone justify, the quite blatant political bias that stands out like elephant's nuts in the 2005 Australia Day Honours List published overnight. // I have trawled through the list down to the AMs and I cannot find one Labor, Democrat or Green ex-pollie, or even hanger on, who has made it. // But how's this for Howard favourites, ex-coalition pollies, party hacks and retainers, all honoured today. // Jeffrey Kennett and Tim*

Fischer get the highest honour (AC), but surely there is some ex-Labor pollie worthy of the same? Just to keep it nice and balanced. // But when you get down to the AOs and the AMs its really quite appalling. // And the two that stand out are the AO awarded to the former Liberal Party Federal Director, Lynton Crosby, and the much lower AM given to the discredited, if not disgraced, former Minister for Coal (and Howard flatmate), The Honourable W R Parer.”
<http://www.crikey.com.au/2005/01/27/bias-and-the-aus-day-honours/>

Finally Martin Bonsey’s claim the process **"largely intuitive rather than analytical"** aligns with Dr. Kim Sawyer’s writings about corruption: “All countries value mateship, but few countries value it more than Australia. Certainly, few national leaders would want to insert it into the preamble of the Constitution. What is mateship? In its most benign form, it is simply friendship. But mateship is often more than benign. Mateship often implies a joint monetary interest. **Mates form companies, award contracts to each other, appoint each other, protect each other and honour each other.** The corporatisation of mateship is one of the most profound principles of Australia. Australia is neither a democracy, nor a meritocracy. It is a mateocracy. // One of the principal returns to mateship is a job. Mates appoint each other for three main reasons. First, a mate can be relied upon to act with fear and with favour; fear of offending their mates and favour towards their mates. Secondly, when a mate is appointed, an obligation is created, an obligation that must be repaid. An appointment of a mate is a contingent future claim on that mate. Thirdly, mates appoint each other because it minimises their risks. Mates are mates because they often think the same. With a mate, there are fewer risks.” Dr. Kim Sawyer, “Courage Without Mateship,” 2004,
<http://www.bmartin.cc/dissent/documents/Sawyer04.pdf>

⁸⁰ “Award for Luigi Casagrande out of order, say Raby Bay tenants,” Tuck Thompson, The Courier Mail, 2009-06-16. **“An Order of Australia Medal awarded to a controversial Brisbane builder has left tenants of an unfinished Raby Bay development "completely gobsmacked".** Luigi Casagrande, whose company Mostia Constructions was also investigated for drilling 3400 holes into the Captain Cook Bridge, received his award last week in the Queen's Birthday honours. But engineers say his company's multimillion-dollar building at Raby Bay is so flawed it should be demolished. Cleveland Real Estate principal Patrick McCann, a tenant at Raby Bay Harbour, said he was stunned when he heard about the award. “Gobsmacked is the operative word,” he said. Tony Ooi, who operates a restaurant in the complex, said there were “inherent leaks all over the place” that he had had to repair at his own expense. The Order of Australia award seemed “a bit rich, considering the building we are in”, he said. Mostia has been sued for \$48 million by owners for the development. Two engineering firms, Cardno and Qantec McWilliam, completed studies suggesting demolition might be the best option for the eight-year-old building. Mr Casagrande, who is a director of Queensland Motorways and oversees the Gateway Bridge upgrade, received his award for service to the Italian community and to the “development and management of transport infrastructure”. In 2001, he received a Commonwealth Centenary Medal for “distinguished achievement in business and the building industry”. Mr McCann said Mostia had yet to finish three penthouses at the development . Raby Bay Harbour tenants complained about not being able to work in their offices during heavy rain. The Building Services Authority also fined Mostia for failing to fix defects at a Sunshine Coast high-rise in 2005.” <http://www.couriermail.com.au/news/award-for-luigi-casagrande-out-of-order-say-raby-bay-tenants/story-e6freon6-1225735950973>

⁸¹ “Queensland Motorways director Luigi Casagrande resigns after fake degree claims,” Tuck Thompson, The Courier Mail, 2010-06-09, **“Controversial builder Luigi Casagrande has resigned as director of the Government-owned Queensland Motorways board amid allegations he faked his credentials.** // Mr Casagrande, a 2009 Order of Australia recipient, had repeatedly claimed in company annual reports he had a Dott Ing, an advanced engineering degree, from the University of Padua. // The Courier-Mail reported on Monday that the university had no record of the degree and Mr Casagrande declined to clarify the issue. // Despite being on its board since 1995, Mr Casagrande's credentials were never checked by Queensland Motorways bosses. // After QML was contacted by The Courier-Mail last week, Mr Casagrande was asked to provide a copy of his degree. // Instead he tendered his resignation on Wednesday, effective immediately. // The action also puts Mr Casagrande's Order of Australia at risk if the honours panel considers his actions dishonest and disreputable.” <http://www.couriermail.com.au/news/queensland-motorways-director-luigi-casagrande-resigns/story-e6freon6-1225877552353>

⁸² Senate Finance and Public Administration Legislation Committee, Answers To Questions On Notice, Additional Estimates Hearing – February 2011: Question to Office of the Official Secretary to the Governor-General **“Question: 1. Has the secretariat investigated withdrawing the Order of Australia given to Luigi Casagrande in 2009 following allegations of fraud made against him regarding his educational qualifications? 2. What decision was made and why? 3. Do secretariat staff note in their investigations of nominations whether the person has made donations to political parties? Answer: 1. Due to the need for confidentiality, individual cases are never commented on. 2. Due to the need for confidentiality individual cases are never commented on. However, any decision the Governor-General makes with regard to the termination or cancellation of an appointment or award is on the advice of the Council and a notification is gazetted in the Commonwealth of Australia Gazette. 3. The Council considers all nominations on their individual merits and decisions on whether an award should be recommended are based on information provided by the nominator and referees (both those supplied and those sought by the Secretariat).”**
http://www.aph.gov.au/~media/Estimates/Live/fapa_ctte/estimates/add_1011/pmc/pm57.ashx

⁸³ I can find no record of Luigi Casagrande’s award being reviewed or revoked.

⁸⁴ 2014-02: This was sent by a victims' advocate to all members of Parliament.

"Dear [identity removed],

Last week as you know, one of our members was greatly distressed by the award of an Order Of Australia Medal to the person who organised his gang rape in [branch name removed].

As you would know, the gang rapist had been recommended by the Defence Abuse Response Task Force to General Hurley, Chief Of Defence, for prosecution.

Instead of prosecution he has been awarded an Order Of Australia Medal.

As a direct result, [identity removed] attempted suicide [identity removed].

The good news is:-

1. [identity removed] was not successful
2. [identity removed] is now back in Australia being properly looked after.
3. [former employer], are taking it extremely seriously and promptly investigating the matter.

The bad news:-

1. Is that Sharon Prendergast, Director Honours And Awards Secretariat, Government House, has not taken the matter so seriously:-
2. She and her staff have still failed to respond to requests for the material required to prompt a full investigation pursuant to the Ordinance of Termination and Cancellation. All she has said via email is put it in writing, yet clearly more is required given the gravity of the matter.
3. When she was informed by the Government House Switchboard that the member had attempted suicide, she chose not to contact back and inquire about his safety and health, unlike [former employer].

We wonder whether [identity removed] has anything to do with the lack of concern.

We say as Victims and Electors that changes must be made to the legislation affecting the Australian Honours System as follows:-

1. That before awarding an Australian Honours Award to any current or former military member, a check should be made with the Defence Abuse Response Task Force and

DLA Piper Volume 2 to see if the proposed recipient is on the radar as an abuser.

If they are, they cannot be awarded an Australia Honour until their abuse involvement is resolved.

2. The Australian Honours System must be more open and transparent to protect the integrity of the System,.
3. The process of Termination And Cancellation must be more open and transparent and easy to access so that when issues like this arise, action is taken more promptly and with greater compassion regardless of race, rank or colour!

Yours Respectfully
[identity removed]"

⁸⁵ 2014-06-11: E-mail from victims' advocate: "[A]nother [agency] employee who has been the subject of sexual misconduct (read assault) has also been named on the honours list. Suffice to say many of those impacted have been left feeling quite ill. Unfortunately the matters in question are still under investigation so it is not appropriate to say much more at this point."

⁸⁶ **Rejection of FOI by the Governor-General's office.** Andrew Laughton unsuccessfully sought an explanation from the Governor-General's office regarding the award of an Order of Australia to Terry Romano (for reasons he described below). Official Secretary to the Governor-General Stephen Brady didn't attempt to explain Mr. Romano's award, but said because Romano's nomination documents were an 'administrative matter' he did not have to release them under FOI. https://www.righttoknow.org.au/request/terry_romaros_order_of_australia#incoming-375
https://www.righttoknow.org.au/user/andrew_laughton/requests

⁸⁷ "**Petition for Order of Australia awards to be covered by freedom of information act**", Andrew Laughton: "At the moment the Order of Australia committee is totally anonymous with no accountability at all, and even the nominations are totally hidden. I can prove that at least one person has obtained a medal by either fraud or corruption. This defeats the entire point of the honours system in the first place, and associates honest people with corruption and it is an insult to those people that have been stolen from by people that have been given this honour. To put into place a

system that is more open to scrutiny and less open to corruption.” <https://www.communityrun.org/petitions/amend-the-freedom-of-information-act-to-include-order-of-australia-nominations> “As it stands at the moment, being awarded an Order of Australia medal for services to the fishing industry, and for owning a company that processed tuna waste and produced Omega 3 oils is very flimsy in the first place, but to anybody aware of the full story it is a case of blatant corruption. // The best way to inform the committee that recommends to the Governor-General's Office who to award Medals to, that they have been misinformed, possibly fraudulently, possibly through corruption, is to get a copy of the original nomination form that contains this information. // Terry Romaro has done a lot of other things not listed in this page, and for him to be awarded this honour is an insult to those who he has stolen from, as well as to other recipients by association, and significantly reduces the value of the award. // There is also the very real danger that this award may lead to unsuspecting members of the public trusting him more than they should, and it could lead to their lives being destroyed as well. // It is remotely possible that Terry has actually done something to merit this award, but it is certainly nothing that is available to the public, and given his history it is very unlikely. // Terry Romaro stands out as being a very bad egg and I have a lot of other documents to prove it, but how many others have also been given this honour that do not deserve it? // It should be possible for anybody to review all the nominations, to be able to see why different people received awards and why others did not. If for some reason Terry's award is not an anomaly but part of a bigger picture of corruption the public should be aware of this so that they can treat awardees appropriately.” <http://aquasate.com/OAM/index.php> @2014-06-12

⁸⁸ “Faulkner to probe Defence contract scandal,” Richard Baker, The Age, 2010-09-03, “**The Herald yesterday revealed how Defence's 2005 Middle East troop flight contract was compromised by Joint Movements Group officers David Charlton and John Davies, who passed inside information about the tender to the winning contractor, Strategic Aviation, which later employed them.** Confidential emails written during the 2005 tender showed Strategic Aviation directors referring to being "fed" information by Mr Charlton and to Mr Davies being "very handy to get information to us". Strategic Aviation has provided the Middle East troops' flights since 2005. <http://www.smh.com.au/national/faulkner-to-probe-defence-contract-scandal-20100902-14rpk.html>

⁸⁹ “Defence contract row widens,” Richard Baker, The Age, 2010-09-30, “*Brisbane's Adagold Aviation has won 52 of 56 Department of Immigration and Citizenship asylum-seeker flight contracts awarded between June last year and March 31, amassing \$6.49 million of the \$7.28 million spent by the federal government on such flights. In 2008-09, Adagold won 23 of 45 asylum seeker flights, worth \$2.31 million. The next most successful company won 12 contracts worth \$894,000. // Owners of some of the five other aviation brokers or charter airlines on the department's panel of providers have told The Age that they had occasionally submitted bids so cheap that it would have cost them thousands of dollars to fulfil the contract, only to still lose out. // "Immigration won't tell us why we did not get the contract or the price of the successful bid," said one firm's manager. " It makes you wonder what is going on as we all pretty much operate on the same margins."*” <http://www.theage.com.au/national/defence-contract-row-widens-20100929-15xgz.html>

⁹⁰ “Defence contract scandal widens,” Richard Baker, The Age, 2010-08-18, “*A \$90 Million Australian Defence Force contracting scandal has taken a new twist, with the revelation a Brisbane aviation company and a consultant at the centre of a Defence Department inquiry worked together to win a contract from the Danish military. The Age has confirmed Mr Charlton accompanied Adagold executives to meetings with Danish military personnel as part of its successful bid for a 2008-09 contract to fly Danish soldiers around Afghanistan. Like the Australian air charter troop contract, Adagold's Danish contract attracted controversy, and last year was the subject of a formal complaint to Danish ministers by a local aviation firm that missed out. ... Adagold has also struck controversy in South Africa, where its local arm, Adajet Aviation, has been the subject of audits that found it won several defence contracts despite submitting higher bids than its rivals, prompting corruption allegations.*” <http://www.smh.com.au/national/defence-contract-scandal-widens-20100817-128jr.html>

⁹¹ “Former Air Force acquisition official released from jail,” Kimberly Palmer, 2005-10-03, “**A former senior Air Force acquisition official was released from prison in Marianna, Fla., Friday after serving nine months for giving Boeing Co. preferential treatment in contract awards in exchange for a job.** // Darleen Druyun's sentence also included a \$5,000 fine, 150 hours of community service and seven months of community confinement upon release... // Druyun, 57, in April 2004 pleaded guilty to giving Boeing preferential treatment. She served as principal deputy assistant secretary of the Air Force for acquisition and management from 1993 to 2002, where she oversaw contract negotiations for Boeing's leasing of tanker aircraft for the Pentagon. That deal was worth \$20 billion. // Druyun secretly met with Michael Sears, then a senior executive for Boeing, at the Orlando airport in October 2002 to discuss her salary, bonus and starting date at the company. // In January 2003, Druyun accepted a position as vice president and deputy general manager of Boeing's missile defense systems, where she remained until she was terminated in November 2003.... Druyun and Sears, who was sentenced to four months in prison in February, agreed to lie about their discussions. ... **"Darleen Druyun placed her personal interest over the interests of the Air Force and American taxpayers,"** said Paul McNulty, U.S. attorney for the Eastern District of Virginia, in April 2004. **"Secretly negotiating employment with a government contractor, at the same time you are overseeing the negotiations of a multibillion dollar lease from that same contractor, strikes at the heart of the integrity of the acquisition process."**” <http://www.govexec.com/federal-news/2005/10/former-air-force-acquisition-official-released-from-jail/20340/>

⁹² Ibid.

⁹³ **The DMO was a member of a consortium bidding for a torpedo contract. The DMO allegedly misled the government over the status of its own consortium's solution; the Eurotorp MU-90. The government thought it was buying a low-risk, off-the-shelf solution, already in use in other navies, all ready to go. In fact it was still in development, and so high-risk. It experiences development difficulties, and ran years late. The DMO covered the rising costs by playing double-or-nothing with taxpayers money:**

"Defence sustains friendly fire over torpedo," Tim Lester, SMH, 2010-05-21, "Gamblers know it as "doubling-up". Every time you lose a bet, you double the next bet. The gambler reasons that sooner or later they'll win a bet, recovering all the lost money plus the amount they stood to win on the original wager. // Casinos have limits on the size of a bet. They form road blocks to this practice. The gambler can often finish up staking thousands in the sad hope of winning back the paltry size of their original bet – and then lose the lot anyway. // It's a shame when it happens to a gambler. It's jaw-dropping when it happens to a federal department betting with taxpayers' money. ... [W]hat they did in trying to recover from a mismanaged effort to buy a new lightweight torpedo system, amounted to a "double-up" and it was done with wad of taxpayer dollars so large, most jaw muscles don't extend far enough for the required drop. // In polite terms, the Auditor-General says as much in a report on the program to install the MU90 anti-submarine torpedo on naval vessels and aircraft. // Approved more than 12 years ago, the program "is yet to deliver an operational capability". // rom the start, this new tool for shooting enemy subs was far more explosive for those trying to buy it than the foreign navies it was supposed to frighten. // Defence and the Howard government thought they were buying a proven torpedo. They "believed the MU90 to be an off the shelf acquisition . . . already in service with the other navies. This was not the case" says the Auditor-General. // How do you get that wrong? Who knows, but the Auditor-General notes "it took several years . . . to identify this". // "Planning and management was inadequate," the report says. There was "an underestimation of . . . risk". Risk became an even more critical issue in August 2005 when Defence asked the government to approve the project's third phase. Consider the equation that confronted John Howard's cabinet. The cost of stage three alone: \$264 million. The progress to date: ". . . no torpedoes had been delivered under Phase two, and the integration of the torpedo onto the (frigates and naval aircraft) had made limited or no progress." // So what did they do? They doubled up. // According to the Auditor-General, when the government committed \$264 million to the project's third phase in August 2005, Defence already felt it was "in a such a weak negotiating position (with those selling the technology) . . . it was necessary to use (the) commitment to Phase three work as leverage to improve Defence's poor overall contractual position". // Andrew Davies, the director of operations and capability at the Australian Strategic Policy Institute, has another name for it — "the sunk cost fallacy". // "I don't think anyone wants to be the person who stands up and says, 'Look we've spent this amount of money and this many years, but we should stop this now,' " Davies says. // "They tend to limp on and limp on and limp on and nobody wants to cut their losses." // It's not a bad description of a small-time gambler, ratcheting up their bets and ignoring the risks. // Twelve years on, the Auditor finds almost \$400 million of taxpayers' money has been sunk into the anti-submarine missile program. // Even when the \$665 million budgeted cost is finally spent our Navy will not have "the capability originally sought by the ADF, with uncertainty surrounding what will be delivered". // The purchasing process used by Defence has changed since this debacle. In the years ahead we will find out whether the new process neutralises the risk that embarrassed bureaucrats will sometimes "double up" with staggering amounts of money."

<http://www.smh.com.au/federal-politics/political-opinion/defence-sustains-friendly-fire-over-torpedo-20100521-w021.html>

⁹⁴ **Defence conspires with its suppliers needlessly spend billions in taxpayer funds to ensure renewed budget allocation, paying out \$1B per year (\$5.2B over 5 years), forgoing \$260M in interest:**

Financial practice is to ask departments which have not spent their budget allocation to show cause why their budgets should not be cut. Put simply, if they're not spending the money all the money they're being given, then they probably don't need it. But departments who don't want to give up their money can avert this by spending whatever cash is left over on fruitless purchases just to ensure their budget allocations are used up. The problem is that you, the taxpayer, are paying for those fruitless purchases.

"Defence blows millions in budget rort," Linton Besser, SMH, 2010-03-13. *"Millions of dollars are being paid unnecessarily to contractors by the Defence Department to empty its coffers and ensure its budget allocation for the next year is as big as possible. A routine practice has evolved involving department officials and large, multinational defence companies in which advanced payments are made on contracts, to mutual benefit. Under the arrangement, officials exhaust their annual budget, ensuring maximum funding for the next financial year, while the companies receiving the payments earn interest on what would have been Commonwealth funds. Big companies solicited these payments, a senior industry source told the Herald. The revelations come after a Herald investigation revealed that Defence had spent millions of dollars on luxury items not relevant to defending the country. In the past five years, more than \$5.2 billion was spent by the Defence Materiel Organisation on "prepayments", which pre-empt the "satisfactory receipt of goods or services" according to the government's definition. ... [e.g.] In June 2003, only 18 days before the close of the financial year, Defence gave a \$23.9 million prepayment to SAAB Bofors Dynamic for Bolide air defence missiles, which represented a 90 per cent prepayment when only \$5.3 million needed to be paid."*

<http://www.smh.com.au/national/defence-blows-millions-in-budget-rort-20100312-q45g.html>

⁹⁵ “Whistleblowers allege security holes in Defence,” John Stewart, Lateline, ABC, 2011-05-16. “*Three Defence whistleblowers say they have been directly ordered by superiors to falsify security checks on civilian and military personnel.*” <http://www.abc.net.au/lateline/content/2011/s3218543.htm>

⁹⁶ “**The security breach Defence tried to hide,**” Des Houghton, The Courier-Mail, 2012-03-03, “*We do know that ASIO was duped by faked security checks conducted at the base. And we do know the Defence Department lied about it and tried to cover it up. A federal inquiry said so. It found thousands of high-level security assessments in the Defence Department were compromised by incorrect data subsequently used by ASIO to issue official clearances of individuals working in sensitive areas. The background character checks involved individuals employed as private security guards working on Australian military bases, senior public servants with access to sensitive information, staff in our overseas embassies and airline air marshals. Who else was vetted we don't know. Some of the subjects had top-secret classifications. **The breaches would probably have gone unnoticed had it not been for the courage of five Brisbane civilians who blew the whistle.** ... Within weeks of starting at the base in March 2010 they sensed something was terribly wrong. “We feared straight away that national security was being breached,” says whistleblower Monica Bennett-Ryan. “Five of us went to the (Federal) Ombudsman but didn't get anywhere. “They put it in the too-hard basket. We were given the impression that no one wins against Defence; they are too big and too powerful.” She says there was a bullying culture at the base and threats not to speak out.*” <http://www.couriermail.com.au/ipad/the-security-breach-defence-tried-to-hide/story-fn6ck620-1226287784790>

⁹⁷ I am told that when these whistleblowers approached the Inspector General's office for assistance, they were threatened, and told that they would be charged for forging the security clearances, and not the people who ordered them, and that this was the reason the whistleblowers went to the media.

⁹⁸ COMMONWEALTH: CRIMINAL CODE 1995

135.1 General dishonesty: Influencing a Commonwealth public official

(7) A person is guilty of an offence if:

- (a) the person does anything with the intention of dishonestly influencing a public official in the exercise of the official's duties as a public official; and
- (b) the public official is a Commonwealth public official; and
- (c) the duties are duties as a Commonwealth public official.

Penalty: Imprisonment for 5 years.

(8) In a prosecution for an offence against subsection (7), it is not necessary to prove that the defendant knew:

- (a) that the official was a Commonwealth public official; or
- (b) that the duties were duties as a Commonwealth public official.

http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html

⁹⁹ COMMONWEALTH: CRIMINAL CODE 1995

137.1 False or misleading information

(1) A person is guilty of an offence if:

- (a) the person gives information to another person; and
- (b) the person does so knowing that the information:

- (i) is false or misleading; or
- (ii) omits any matter or thing without which the information is misleading; and
- (c) any of the following subparagraphs applies:

- (i) the information is given to a Commonwealth entity;
- (ii) the information is given to a person who is exercising powers or performing functions under, or in connection with, a law of the Commonwealth;
- (iii) the information is given in compliance or purported compliance with a law of the Commonwealth.

Penalty: Imprisonment for 12 months.

http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html

¹⁰⁰ “PM's man out on a shaky inquiry limb,” SMH, 2007-07-07. “*Attempting to influence a witness is a contempt of the Senate, which it can punish with six months' jail or a fine. But it is much more serious; under the Parliamentary Privileges Act, it is a criminal offence to attempt to influence a witness to a parliamentary inquiry or attempt to induce this witness to refrain from giving certain evidence.*” <http://www.smh.com.au/articles/2002/05/06/1019441475762.html>

¹⁰¹ “*Hammer-v-Potts,*” Margo Kingston, SMH, 2002-06-12. “*Since then, it's deepened with a report by department head Max Moore-Wilton, whose ‘investigation’ of alleged witness tampering by a senior officer was so unsatisfactory to the Senate that it asked a committee to decide whether to cite one or more public servants for contempt. From there, a criminal charge could be considered. It's got so bad that when PM&C learned that the defence force had accused one of its staff of witness tampering, it saw fit to withhold that information from the Senate inquiry until AFTER the alleged victim began giving evidence. The reason? PM&C thought the inquiry would ask the right questions to get the information out of the witness.*” <http://www.smh.com.au/articles/2002/06/12/1023864298211.html>

¹⁰² “*Inquiry highlights cover-up by the major parties,*” Janice Hamilton, The Guardian, November 6, 2002. “*It's official — Peter Reith lied. The Select Senate Committee on a Certain Maritime Incident (Children Overboard Inquiry) has*

found that former Defence Minister, Peter Reith, deliberately misled the public during last year's federal election campaign, after having been told at least 14 times that the "children overboard" claims were false. **The report is almost as equally damning of Prime Minister John Howard — his office had been informed 13 times.**"

¹⁰³ "Admiral sails away from 'children overboard' view", Fran Kelly, 7:30 Report, 2002-02-27. // Kerry O'Brien: "It's a complete U-turn for the Admiral. Last week [Admiral Chris Barrie] argued in Senate Estimates he'd seen no compelling evidence to convince him to change his original advice to the Government. Today, he's sailing in the opposite direction, and has announced a top-level internal inquiry into the communication problems in Defence which surrounded the incident." // Fran Kelly: "The Opposition will continue to try to drag the PM into this debacle but, in the short-term, **it is Admiral Chris Barrie's reputation that has been damaged. How could he not have asked the crucial questions of the crucial people until now - four months after the incident happened - and those around him knew all about it.**" <http://www.abc.net.au/7.30/content/2002/s492465.htm>

¹⁰⁴ "Reith and Jane Halton will have to be sacrificed", Crikey, 2002-02-17, "While blaming Reith is a no brainer, Halton has to be second in line because she was the person in control of the PM&C information channels and the one who will have to be found to have withheld the information." <http://www.crikey.com.au/2002/02/17/reith-and-jane-halton-will-have-to-be-sacrificed/>

¹⁰⁵ "The Fall Girl", Margo Kingston, SMH, 2002-06-29. "Margo Kingston reports on the public servant at the centre of the rows over children overboard and drowned asylum seekers ...It's the senior public servants who, in the words of public service expert John Nethercote, have become "medieval malefactors", placed in the stocks before the children overboard inquiry for hours, even days. "Where once, under ministerial responsibility, ministers had to stand up and answer for their officials, the vulnerability of the public service is now such that it must defend not only ministers but their staff," Nethercote says. As task force head, Halton has already been in the stocks over the children overboard scandal, and she'll be in them again over the mysterious and tragic sinking of the SIEV-X which drowned more than 350 asylum seekers. The Government rewarded her tour of duty by appointing her Health Department secretary after the election." <http://www.smh.com.au/articles/2002/06/28/1023864657707.html>

¹⁰⁶ "Analysis: Debunking Abbott's claim that Canberra is "pretty clean", doesn't need a Federal ICAC," Brendan Jones, Victims of DSTO, 2014-06-23. <http://victimsofdsto.com/abbott/>

¹⁰⁷ 2013-12-03 Multijurisdictional State & Federal Crime Report, To: Australian Commission for Law Enforcement Integrity, VIC Office of Public Prosecutions, VIC Police Force, NSW Police Force, NSW Office of the Director of Public Prosecutions cc: Prime Minister Tony Abbott, Senator George Brandis QC, Joe Hockey MP - Treasurer, Senator David Johnston - Defence Minister, Stuart Robert MP - Assistant Defence Minister, Michael Keenan MP - Justice Minister. (No Response)

¹⁰⁸ In opposition, on 2012-05-14 Senator David Johnston Staffer Rebecca Horton said: "**He is sorry to say, that although he does share your concerns about the way this has been handled, he can't see how he can offer you any useful assistance at this point. He does however wish you all the best and thanks you for getting in touch with him.**"

After that all further correspondence was ignored and phone calls not returned. After he was selected to government, he failed to act, even after the story was reported by the media:

"**Revealed: the government agency stealing ideas from businesses,**" Chris Seage, Crikey.com.au, 2013-12-02, "A number of businesses are complaining a Defence Department organisation has stolen their intellectual property, Crikey can reveal. Chris Seage reports new legislation [The Defence Trade Controls Act] makes the problem worse." <http://www.crikey.com.au/2013/12/02/revealed-the-government-agency-stealing-ideas-from-businesses/>

¹⁰⁹ "**Liberals, Labor dodge vote on national ICAC,**" Christine Milne, Greens, 2014-05-15. <http://greensmps.org.au/content/media-releases/liberals-labor-dodge-vote-national-icac>

¹¹⁰ **Politicians gave themselves immunity from the whistleblower 'dob in' laws:**

"**Politicians exclude themselves from dob-in laws,**" Jessica Marszalek, Herald Sun, 2013-06-07, "**Politicians have excluded themselves from new federal whistleblower laws expected to be passed this month in a move opponents believe will cover up scandal and corruption. ... Mr Wilkie's [alternate private member's] Bill allows allegations to be made about politicians. He called the omission in the government Bill a "serious flaw", and "cynical move to prevent these public officials from making public interest disclosures ... entirely at odds with the spirit of whistleblower protection". But a spokeswoman for Attorney-General Mark Dreyfus said MPs and their staff had different roles from public servants and allegations should be dealt with by the Parliament. // The parliamentary committee report notes criticisms of both Bills, but says the Government's is the best option for maintaining integrity in the Commonwealth public sector and should pass. // Senator Milne said the recommendation was disappointing and shielding MPs and staff was "dangerous for democracy".**" <http://www.heraldsun.com.au/news/politicians-exclude-themselves-from-dob-in-laws/story-fni0fiyv-1226659581403>

Note: My rejected submission to the Parliamentary Committee gave specific examples of politicians are not being held accountable in Parliament.

¹¹¹ Legal and Constitutional Committee refused to accept PID submission, only listened to their own “experts”:

2013-05-02 E-mail from Legal and Constitutional, Committee (SEN) LegCon.Sen@aph.gov.au: “Dear Mr Jones // Inquiry into Public Interest Disclosure Bill 2013 // I am writing to advise that the documents you provided to the committee in relation to the above inquiry have not been accepted. The terms of reference for this inquiry are the provisions of the Bill, and the committee is not considering or examining personal cases or grievances, and has no role in resolving such grievances. // The documents that you have provided do not address the provisions of the Bill, and clearly relate to your personal case and the alleged behaviour of other parties. Accordingly, the committee has determined that the documents are not relevant to the committee's inquiry and will not be accepted by the committee. // You are advised that you are not covered by parliamentary privilege in respect of the content of the documents you have provided. // Yours sincerely // Committee Secretary [No Name Supplied]”

¹¹² 2013-05-02 E-mail from Legal and Constitutional, Committee (SEN) LegCon.Sen@aph.gov.au: “Dear Mr Jones // It is for the committee – not those who provide material to it – to determine relevance and to make decisions about whether material will be accepted. As previously advised, the committee has considered your material and has determined that it is not relevant to its inquiry and will not be accepted. // Accordingly, I advise that no further correspondence or discussion will be entered into regarding this matter. Yours sincerely Committee Secretary [No Name Supplied]”

¹¹³ Crikey Published my concerns instead, but too late; The deeply-flawed PID laws had by then been passed:

2013-07-31 E-mail to Senate Legal and Constitutional Affairs Committee: “Dear Members of the Senate Legal and Constitutional Affairs Committee, // Please find attached a Crikey OP regarding the danger to whistleblowers who use the Public Interest Disclosure Act 2013: // <http://www.crikey.com.au/2013/07/30/you-better-be-careful-blowing-the-whistle-new-laws-have-holes/> // I had earlier tried to make a submission to your Senate Inquiry when you were examining this legislation, but your Committee Secretary advised me you had considered my submission and decided it was not relevant. // I have also copied the Attorney-General and respectfully ask to be updated on my APS Code of Conduct complaint regarding two public servants for their role in breaches of the Model Litigant Policy, and the other matters documented in my unanswered letter of April 4(19), 2013 (Attached). // regards // Brendan Jones”

¹¹⁴ American Founding Fathers on Democracy:

James Madison: “Democracies... have been found incompatible with personal security or the rights of property; and have in general been as short lived in their lives as they have been violent in their death.”

Thomas Jefferson: ‘A democracy is the only pure republic, but impracticable beyond the limits of a town.’

John Adams: “There was never a democracy yet that did not commit suicide.”

Elbridge Gerry: “The Evils we experience from the excess of democracy. The people do not want virtue, but are the dupes of pretended patriots.”

¹¹⁵ The US Constitution does not contain the word “Democracy” even once:

http://www.archives.gov/exhibits/charters/constitution_transcript.html

America is in fact a Republic.

¹¹⁶ Borsodi on the irrationality of government:

Ralph Borsodi: “What we call a government is after all nothing but a group of individuals, who, by a variety of sanctions, have acquired the power to govern their fellows. The sanctions range from the fraud of divine right to that of sheer conquest; from the imbecility of hereditary privilege to the irrationality of counting voters. In most cases the extent to which these sanctions produce capable legislators, judges, and administrators will not bear critical examination. // Nominally, government exists and functions for the public. Actually it exists and functions for the benefit of those who have in one of these absurd ways acquired power to govern. It is accepted mainly because of the sheer inertia of great masses of people. Ostensibly, of course, it is accepted because it confers a sufficiency of visible benefits upon society to make the officials who operate it tolerated in spite of the selfish and idiotic exercise of the powers conferred upon them.” [Those sanctions include an appointment to the Australian Public Service.]

¹¹⁷ “Australia: My Corrupt Country,” Brendan Jones, 2014. <http://victimsofdsto.com/hrc/#mycorruptcountry>

¹¹⁸ Most whistleblowers who approach the media find them uninterested:

For every corruption story that makes the press, there are many that are never reported.

“A Whistleblower’s Guide to Journalists,” Brendan Jones, 2014. “[T]he greatest shock to the whistleblower is the discovery that despite the popular image of reporters elbowing each other for scoops, no one will touch their story.” <http://www.bmartin.cc/dissent/documents/Jones13.pdf>

¹¹⁹ **Journalists reporting corruption stories can pay a big personal price:**

“Why does Australia promote secrecy by restricting free speech?” 2001-06-03, Crikey Editorial, <http://www.crikey.com.au/2001/06/03/why-does-australia-promote-secrecy-by-restricting-free-speech/>

ABC Investigative journalist Chris Masters who spent 13 years in court fighting a defamation action by a Brisbane crime family whom I dare not name (and won, twice, at great expense) said: “**Journalists and broadcasters are just not going to do stories when defamation proceedings become as arduous and lengthy as this one was**” and “*The hardest things that I ever did in my career were not to do with gathering the story in the first place but in defending it ... The worst thing is the emotional burden waking up every day knowing you’ve got court matters to deal with ... it gets to a point where it can be extremely demoralising. You begin to say to yourself, I didn’t get into this to be a professional witness or professional defendant.*” “*I call it my death by a 1000 courts. The emotional drain tends to be understood only by those who experience it. You watch your morale and assets erode all the while surrounded by lawyers who are having the time of their lives. Horrible.*”

Confronted with a corruption story, it is safer for a journalist and their media organisation to ignore it.

Also see: <http://www.maynereport.com/articles/2009/03/10-1024-2493.html>

¹²⁰ “**Australians who have sued for defamation,**” Stephen Mayne, The Mayne Report, 2011-07-05.

“*Ian McPhee: used his own law firm Corrs Chambers Westgarth to sue former CASA chairman Dick Smith for bagging the McPhee approach to aviation safety.*” <http://www.maynereport.com/articles/2009/03/10-1024-2493.html>

¹²¹ **America’s Founding Fathers on the tyranny of the majority; Democracy’s ‘mob rule’:**

James Madison: “*When a majority are united by a common sentiment and have an opportunity, the rights of the minor party becomes insecure.*”

Alexander Hamilton: “*Give all the power to the many, they will oppress the few. Give all the power to the few, and they will oppress the many. Both, therefore, ought to have the power, that each may defend itself against the other.*”

¹²² **In America the rights of minorities are protected by the Bill of Rights.**

“*The Defence Trade Controls Act is an Attack on the Rights and Freedoms of Australians,*” Brendan Jones, 2014-07-22. “*The US is a country founded on rights. The US Bill of Rights incorporated into the US Constitution and defended by the Supreme Court prevents the government from taking those rights away.*” <http://victimsofdsto.com/dsubcom/>

¹²³ **The Australian Constitution provides poor protection for individual rights:**

“The Constitution as a protector for fundamental rights,” Michael Kirby, “*The Hon. Michael Kirby, AC CMG argues that the Constitution is a mixed story for fundamental human rights, and presents the case for a bill of rights. ...*”

“**The Australian Constitution is one of the very few in the world that does not contain a substantive charter of fundamental human rights.** This defect came about by decision of the founding fathers (there were no mothers) in the 19th century. They rejected a bill of rights as an American intrusion into notions of parliamentary sovereignty.” <https://constitutionday.wordpress.com/the-constitution-as-a-protector-for-fundamental-rights/>

¹²⁴ “**Carr steadfast in opposition to human rights bill,**” The World Today, December 10, 2008. <http://www.abc.net.au/worldtoday/content/2008/s2442550.htm>

In my opinion, Bob Carr misses the point. The American government continually abuses the rights of its citizens, but the US Bill of Rights gives those citizens a legal means to defend themselves. That was the entire point of the Bill of Rights, because the American Founding Fathers recognised that abuse of government powers is inevitable.

In Australia the government continually abuses the rights of its subjects, but we have no means to defend ourselves.

See: “*The Defence Trade Controls Act is an Attack on the Rights and Freedoms of Australians,*” Brendan Jones, 2014-07-22. <http://victimsofdsto.com/dsubcom/>

¹²⁵ **Party politicians will not help victims of government abuse:**

“gary kurzer @hyperhedonist Mar 24: ‘if there is even one honest, decent politician on twitter prepared to represent citizens, please contact me. The silence is eerie.’” <https://twitter.com/hyperhedonist/status/448260008078102528>

This is usual. Party politicians will not help victims of government abuse. Occasionally they will write a letter, but usually they will not. If they do, they will not follow it up. The only politicians who help whistleblowers or victims of government abuse are Independent MPs.

¹²⁶ **Gary Kurzer suing ATO:**

“Tax Office sued for \$6m after allegedly ruining a man's life,” 2014-07-17, Noel Towell, The Canberra Times. “When Gary Kurzer’s day in court against the Australian Tax Office finally arrives in September, he believes he will be fighting for thousands of ordinary Australian taxpayers. The Sydney man says he lost his business, his home, his marriage and his health trying to fight the legal might of the Tax Office after a botched tax bill based on “incorrect methodologies” sparked a eight-year legal dispute. The struggle that began in 2006 with a bill for \$200,000 in tax and penalties – later corrected to just \$8000 – will culminate in a Federal Court showdown in Sydney in September, when the former architect will try to win \$5.8 million in damages for the Tax Office’s alleged negligence. The Tax Office, in its legal defence, says Mr Kurzer’s case is weak and that he will be unable to prove the Tax Office owed him a duty of care, but declined on Wednesday to publicly to discuss the case.”

<http://www.smh.com.au/nsw/tax-office-sued-for-6m-after-allegedly-ruining-a-mans-life-20140716-ztlqx.html>

¹²⁷ **Investigative Journalist Chris Seage on the ATO:**

E-mail from Chris Seage: ‘[The ATO] have engaged the same solicitors that made mistakes in the original case. Someone independent of the parties needs to mediate a resolution of the matter in line with Commissioner Chris Jordan's approach to dealing with disputes.’

<http://www.crikey.com.au/2013/07/19/what-are-your-rights-with-the-taxman-call-to-clean-up-ato-disgrace/>

<http://www.crikey.com.au/2013/02/05/the-tax-office-hired-assassins-and-how-to-gag-dissent/>

<http://www.crikey.com.au/2013/01/08/the-tax-office-and-the-expensive-muzzle-on-complainants/>

<http://www.crikey.com.au/2012/11/26/ato-whistleblower-bully-case-points-to-tick-and-flick-advice/>

¹²⁸ 2014-02-06 Royal Petition concerning Crime and Corruption within the Australian Public Service.

¹²⁹ **How the separation of powers is intended to protect minorities from the tyranny of a governing majority:**

“*Doctrine of the Separation of Powers*,” M.J.C. Vile.

Source: A chapter in *Constitutionalism and the Separation of Powers* (2nd ed.) (Indianapolis, Liberty Fund 1998).

<http://oll.libertyfund.org/pages/doctrine-of-the-separation-of-powers>

¹³⁰ **The Fundamental flaw in the separation of powers:**

“*David Hume believes we should assume all men are self-interested knaves when it comes to politics (1777)*,” Liberty Fund, “The Scottish philosopher and historian David Hume (1711-1776) believed that when thinking about politics we should assume that every man and every institution pursues their own self-interest often at the expense of the public good. ... David Hume was thinking similar thoughts about the self-interested behaviour of politicians in Parliament. In his quite realistic and sometimes cynical understanding of politics Hume argued that, when designing constitutional rules to govern the behaviour of politicians and bureaucrats, we must assume the “worst”, namely that these people will act like “knaves” unless prevented from doing so. **Hume’s solution was that a division of powers might check one branch of government by putting it into competition with and oversight by the other branches. Perhaps his cynicism didn’t go far enough as a tripartite division of government, instead of checking state power, might in fact create three bodies of knaves pursuing their own interest at the expense of taxpayers.**” <http://oll.libertyfund.org/quotes/427>

¹³¹ **Separation of powers (or lack thereof,) in Australia:**

“*Separation of powers in Australia*,” Wikipedia, “**Legislative and executive powers.** Section 64 provides that federal Ministers - members of the executive - must sit in Parliament. The specific requirement for ministers to sit in Parliament established the connection between executive and legislative, effectively preventing an American-style separation of the two. ... In *Victorian Stevedoring & General Contracting Co Pty Ltd & Meakes v Dignan*, **the High Court of Australia held that it was impossible, consistent with the British tradition, to insist upon a strict separation between legislative and executive powers.** ... The exceptionally strong party discipline in Australia, especially in the lower house, has had the effect of weakening scrutiny of the executive by the legislature since within the lower house, every member of the numerically larger party will almost always support the executive and its propositions on all issues.”

https://en.wikipedia.org/wiki/Separation_of_powers_in_Australia

¹³² “The Parliament of Australia(n lawyers),” Evan Whitton, Independent Australia, August 23, 2013.

“**Q. How many lawyers are actually in the Parliament** (not counting the Labor six making a graceful exit:

Julia Gillard, Simon Crean, Stephen Smith, Nicola Roxon, Peter Garrett, Robert McClelland.)? **A. 60**

(26.5%).” <http://www.independentaustralia.net/politics/politics-display/the-parliament-of-australian-lawyers,5652>

¹³³ Politician/lawyers.

e.g. LNP Julie Bishop is a former partner of Clayton Utz, who receives monies from the government:

“She became a partner of Clayton Utz in 1985, and managing partner of the Perth office in 1994.”

http://en.wikipedia.org/wiki/Julie_Bishop

“Clayton Utz has taken the largest share of the Commonwealth's legal spend amongst external law firms. According to the Commonwealth Legal Services Expenditure Report 2010-11, released on Friday (9 December), Clayton Utz walked away with \$36.6 million (13 %) of the \$281.6 million the Commonwealth paid to external legal services providers.”

<http://www.lawyersweekly.com.au/news/clayton-utz-dominates-govt-legal-spend>

In FY2012-2013, government law firms received \$352M from the public purse:

@FOIcentric: “The Fed Government spent \$714.67M in legal services expenditure for 2012-2013 FY. \$351.93M went to external law firms” <https://tinyurl.com/p3aqmmw>

¹³⁴ **Judges are lawyers appointed by politicians:**

“**Judicial appointments are political appointments,**” George Williams via ABC, 2004-11-22.

“Unfortunately, there is even less scrutiny of how judges are appointed. The power to appoint all the way up to the High Court is left solely in the hands of the government of the day. In this, Australia clings to tradition despite changes around the world. // Under the Australian Constitution and those of the States, judges are appointed by the Queen or her representative. In practice, the actual decision is made by cabinet or even by the Prime Minister or Premier. There is no community consultation, no selection criteria and no transparency. // This creates all sorts of problems. While governments often state that they have selected someone on the basis of “merit”, this is not always the sole criterion. Other considerations range from politics to personal friendships.”

<http://www.onlineopinion.com.au/view.asp?article=2768>

“**Legal figures question the suitability of Tim Carmody as the new Queensland Chief Justice,**” Melinda Howells, Stephanie Smail and Maria Hatzakis, ABC, 2014-06-13. “Chief Magistrate Tim Carmody Photo: Tim Carmody says he hopes to emulate his predecessor in the role of Chief Justice. Queensland's Chief Magistrate Tim Carmody has been confirmed as the next Chief Justice of the Supreme Court. The decision has been condemned by former corruption inquiry chief, Tony Fitzgerald QC. “People whose ambition exceeds their ability aren’t all that unusual,” Mr Fitzgerald said. “However, it's deeply troubling that the megalomaniacs currently holding power in Queensland are prepared to damage even fundamental institutions like the Supreme Court and cast doubt on fundamental principles like the independence of the judiciary.”” <http://www.abc.net.au/news/2014-06-12/qld-government-appoints-tim-carmody-as-chief-justice/5519358>

¹³⁵ **Duncan Kerr, a former politician, now Judge of the Federal Court of Australia and President of the Administrative Appeals Tribunal:**

“Duncan Kerr,” Wikipedia, “The Honourable Justice Duncan James Colquhoun Kerr (born 26 February 1952[1]) is a Judge of the Federal Court of Australia and President of the Administrative Appeals Tribunal. Kerr was an Australian politician; as the Labor member for Denison in the Australian House of Representatives, serving between 1987 and 2010. He was briefly the Attorney-General of Australia in 1993 and the Minister for Justice between 1993 and 1996.”

https://en.wikipedia.org/wiki/Duncan_Kerr

¹³⁶ **Former political-turned-judge rules in favour of government secrecy:**

“**Attorney-General George Brandis tries to keep East Timor war crimes secret,**” Philip Dorling, SMH, 2014-01-28. “Federal Attorney-General George Brandis has moved to block the release of secret archives that would reveal the Australian government's knowledge of Indonesian war crimes in East Timor. // Senator Brandis has issued a public interest certificate that will prevent University of NSW Associate Professor Clinton Fernandes from attending the Administrative Appeals Tribunal on Tuesday when the government argues that Justice Duncan Kerr should reject his application for access to Australian diplomatic papers and intelligence on Indonesian military operations in East Timor more than 32 years ago. // Consequently Dr Fernandes will be unable to read, hear or directly challenge the government's arguments for continuing secrecy. // In the latest round in a six-year bureaucratic and legal struggle to secure declassification of records about Indonesia's invasion and occupation of East Timor, Dr Fernandes is seeking full access to two Department of Foreign Affairs and Trade files that contain reports about a major military offensive across the island in late 1981 and early 1982. // Known as the “fence of legs”, the Indonesian military operation involved more than 60,000 conscripted East Timorese civilians being forced to form human chains that moved across large areas of land with the military behind them to flush out pro-independence guerillas. The operation ended with a massacre of several hundred East Timorese civilians.” <http://www.smh.com.au/federal-politics/political-news/attorneygeneral-george-brandis-tries-to-keep-east-timor-war-crimes-secret-20140127-31iyb.html>

“**Australia wins legal battle to suppress secret papers on East Timor 'for fear of upsetting Indonesia',**”

Philip Dorling, SMH, 2014-04-03, “The federal government has successfully blocked the release of secret archives that would reveal Australian knowledge of Indonesian war crimes in East Timor, arguing that relations with Jakarta

are presently too strained to cope with the potential embarrassment for both countries. Administrative Appeals Tribunal President Justice Duncan Kerr yesterday said that the National Archives was right to deny University of NSW Associate Professor Clinton Fernandes access to Australian diplomatic papers and intelligence on Indonesian military operations in East Timor from more than 32 years ago." <http://www.smh.com.au/federal-politics/political-news/australia-wins-legal-battle-to-suppress-secret-papers-on-east-timor-for-fear-of-upsetting-indonesia-20140403-zqq73.html>

¹³⁷ **Separation of Powers (or not!): High Court justice Sir Anthony Mason secretly advises GG Sir John Kerr:**

"The third man," Jenny Hocking, SMH, 2012-08-25. "Exclusive extract: A new book details the hidden history of the Dismissal and outs Sir John Kerr's High Court confidant. ... Sir John Kerr had been governor-general for just eight months when, in March 1975, he approached the vice-chancellor of the Australian National University with a confidential request. // Kerr put forward an unusual proposition - the formation of a group within the university to meet with him, in confidence and without the knowledge of the prime minister, and to advise him on the nature and extent of his powers as governor-general. // Kerr did not inform Prime Minister Gough Whitlam that he had sought advice from this hand-picked advisory group and Kerr never revealed the role played in the formation of this group by its most senior judicial figure, Sir Anthony Mason. // Mason was a sitting justice of the High Court, and a pro-chancellor of the ANU. He and Kerr had been "close personal friends" since Mason first appeared as a junior counsel to Kerr in the 1950s, and it was Mason who drove the discussions with Kerr on the establishment of this advisory group, conferring directly and confidentially with the Governor-General about "constitutional problems"." <http://www.smh.com.au/national/the-third-man-20120824-24rfp.html>

¹³⁸ 2014-02-06. Royal Petition concerning Crime and Corruption within the Australian Public Service. http://victimsofdsto.com/royal#fail_afp

¹³⁹ Although AFAIK every state government has an independent anti-corruption commission (albeit of varying quality), there is no independent federal anti-corruption commission (i.e. no Federal ICAC). Thus whistleblowers must take their complaints to the same department in which the corruption is taking place, with predictable results:

"You better be careful blowing the whistle — new laws have holes", Brendan Jones, Jul 30, 2013. <http://www.crikey.com.au/2013/07/30/you-better-be-careful-blowing-the-whistle-new-laws-have-holes/>
Note: Rebuttal to Attorney-General's response appears in the Comments

¹⁴⁰ **Recall elections allow voters who remove an elected official they become unhappy with:**

"Recall election," Wikipedia, "A recall election (also called a recall referendum or representative recall) is a procedure by which voters can remove an elected official from office through a direct vote before his or her term has ended. Recalls, which are initiated when sufficient voters sign a petition, have a history dating back to the ancient Athenian democracy and are a feature of several contemporary constitutions." https://en.wikipedia.org/wiki/Recall_election

¹⁴¹ **Tony Abbott accused of being a liar:**

"**Tony Abbott has a credibility issue,**" Laurie Oakes, Herald Sun, 2012-08-25, "Let's not beat about the bush. Tony Abbott tells lies. So what? Is there anything surprising about that? After all, he's a politician. But it needs to be pointed out because the central message from Abbott supporters is that the Prime Minister is the liar - Ju-liar, in fact, according to the likes of Alan Jones." <http://www.heraldsun.com.au/news/opinion/tony-abbott-has-a-credibility-issue/story-e6frfhqf-1226457761745>

"**Tony Abbott's name is mud,**" Mike Carlton, SMH, 2014-05-15. <http://www.smh.com.au/comment/tony-abbotts-name-is-mud-20140515-zrd9w.html>

"**Promises, promises, time for Tony Abbott to explain,**" Andrew Bolt, Herald Sun, 2014-05-05. <http://www.heraldsun.com.au/news/opinion/promises-promises-time-for-tony-abbott-to-explain/story-fni0ffxg-1226905003480>

"**Can you believe it? The truth according to Tony Abbott and Joe Hockey,**" Lenore Taylor, Political Editor, The Guardian, 2014-05-15. "Dog ate my homework" excuses abound as the electorate is treated to invisible definitions, provisos and fine print" <http://www.theguardian.com/world/2014/may/15/can-you-believe-tony-abbott-joe-hockey>

"**Lying and fear-mongering': Tony Abbott cops a grilling on talkback,**" Matthew Knott, SMH, 2014-05-21. <http://www.smh.com.au/federal-politics/political-news/lying-and-fearmongering-tony-abbott-cops-a-grilling-on-talkback-20140521-38ngf.html>

"**Tony Abbott is a liar: It's a mathematical truth,**" Burkard Polster and Marty Ross, SMH, 2014-05-29, "Do politicians lie? Of course they do, including, of course, Prime Minister Tony Abbott. Whether it's the manufacturing of a budget "crisis", or the systematic trashing of election promises, or pretending that taxes are anything-but-taxes, or lying about spying, or lying about lying, Abbott has demonstrated his disdain for the truth.

There is no need to go into detail here since Mike Carlton has already documented much of the fibbing, ably assisted by Annabel Crabb and Laurie Oakes and Bernard Keane and ... well, pretty much every political commentator who isn't a Liberal Party shill. And Tony Abbott is not alone. The Prime Minister leads a fine cabinet of companion liars, including the Minister for the Destruction of Education, Christopher Pyne. A "unity ticket" on the Gonski education reforms? Nope, just some airbrushing of history and yet another lie. The overarching lie is that Prime Minister Abbott is leading a conservative government. In fact, Australia is being pummelled by American-style, dog-eat-dog radicals. Far from being conservative, current Liberal Party philosophy is little more than adolescent-level libertarianism. Until there is a dramatic change in Australia's approach to education there will be no improvement in attitudes to scientific and mathematical truth, or to truth of any sort." <http://www.smh.com.au/comment/tony-abbott-is-a-liar-its-a-mathematical-truth-20140529-zrs5h.html>

¹⁴² **The ban on "harsh or extreme" criticism of Tony Abbott by public servants:**

2014-04-14 Open Letter to Human Rights Commissioner Tim Wilson: *"Some of Mr. Abbot's controversial policies were never even put to the popular vote; only revealed by him after his election. The Liberal Party's losses at the WA Senate election indicates had people known about these, a significant number of people would not have voted for him, enough for him to never have been elected Prime Minister. Mr. Abbott is not ruling democratically; He is ruling by fiat, which is consistent with these attempts to quash free speech by public servants."*

<http://victimsofdsto.com/hrc/#banharsh>

¹⁴³ **Keeping dirty laundry hidden from the public for 30 years:**

In theory, when a new government takes over crime and misconduct by the previous government can be exposed.

In practice, it doesn't happen. The Abbott government's royal commission into the Rudd government's pink batt scheme was criticised for violating this "convention".

"Cabinet confidential: the dangerous precedent in Abbott's batts probe," Stephen Bartos, Crikey, 2014-02-25.

"It is one of the fundamental conventions of our Westminster system: when a government changes, all the records of its cabinet discussions are locked away and kept confidential for 30 years. It allows cabinet discussions to be honest and forthright; a government can make decisions and have them recorded with confidence that if it loses an election its opponents will not have access to the papers. Now a chink has emerged in the conventions. At a Senate estimates hearing yesterday, the Department of Prime Minister and Cabinet revealed it had handed cabinet papers from the Rudd government to the royal commission into the home insulation scheme. It had done so following "a decision made by the Prime Minister". It was, according to Labor Senator John Faulkner, a "breach of 113 years of government and cabinet practice and convention"." <http://www.crikey.com.au/2014/02/25/cabinet-confidential-the-dangerous-precedent-in-abbotts-batts-probe/>

"Pink batts royal commission could rebound on Abbott," Canberra Times, 2014-01-11. *"The inquiry breaches convention in being into actions by a previous government. By tradition, new governments do not do that: indeed, by convention, they do not even have access to the records of a previous government. The "let sleeping dogs lie" rule has a basis in common sense that even Abbott ought to appreciate."* <http://www.canberratimes.com.au/comment/pink-batts-royal-commission-could-rebound-on-abbott-20140110-30my7.html>

Can you imagine two employees in the private-sector telling their boss he's not entitled to know anything about their respective screw-ups, because it might influence their ability to work? Let's call this for what it is: **An de-factor agreement between two political parties to keep each others dirty laundry hidden from public view.**

¹⁴⁴ **Lord Acton: Absolute power corrupts absolutely.**

1887-04-05 Letter from Lord Acton to Mandell Creighton: *"I cannot accept your canon that we are to judge Pope and King unlike other men, with a favourable presumption that they did no wrong. If there is any presumption it is the other way against holders of power, increasing as the power increases. Historic responsibility has to make up for the want of legal responsibility. Power tends to corrupt and absolute power corrupts absolutely. Great men are almost always bad men, even when they exercise influence and not authority: still more when you superadd the tendency or the certainty of corruption by authority. There is no worse heresy than that the office sanctifies the holder of it."*

¹⁴⁵ **Sir David Smith: The Governor-General is a check on the absolute power of the government:**

"The Role of the Governor-General," Sir David Smith, KCVO, AO: *"So the real question is not at all how much power does the Governor-General himself have or exercise, but rather how much absolute power does his presence in our system of government deny to those who are in Government, and who must first seek to advise and persuade him. In the words of another former Governor-General, Sir Zelman Cowen: "By a due attendance to the business of his office, by the exercise of functions and influence within the limits described by Bagehot [to be consulted, to encourage, and to warn], a Governor-General can, in appropriate cases, exercise an effective influence on the processes of government.""* Proceedings of the Eighth Conference of The Samuel Griffith Society, University House, Canberra; 7-9 March, 1997. <http://www.samuelgriffith.org.au/papers/html/volume8/v8chap8.htm>

¹⁴⁶ “Next governor-general Peter Cosgrove will keep out of politics,” Ben Packham, The Australian, 2014-01-28, <http://www.theaustralian.com.au/national-affairs/next-governorgeneral-peter-cosgrove-will-keep-out-of-politics/story-fn59niix-1226812021298>

¹⁴⁷ **Termination of public officials:**

Your Excellency is the only person who has the power to sack a commissioner. Sometimes that is at the request of Parliament. Sometimes that is on the recommendation of the Prime Minister. And sometimes it is at Your Excellency’s discretion.

PUBLIC SERVICE ACT 1999 - SECT 47

“Removal from office. (1) *The Governor-General may remove the Commissioner from office if each House of the Parliament, in the same session of the Parliament, presents an address to the Governor-General praying for the removal of the Commissioner on the ground of misbehaviour or physical or mental incapacity.*”

http://www.austlii.edu.au/au/legis/cth/consol_act/psa1999152/s47.html

PUBLIC SERVICE ACT 1999 - SECT 59

“Termination of appointment (1) *The Governor-General may, on the recommendation of the Prime Minister and by notice in writing, terminate the appointment of a Secretary.* Note: In *Barratt v Howard* [1999] FCA 1132, the Federal Court of Australia described the basis on which requirements of procedural fairness applied to the termination of an appointment of Secretary under section 37 of the Public Service Act 1922 .”

http://www.austlii.edu.au/au/legis/cth/consol_act/psa1999152/s59.html

PUBLIC SERVICE ACT 1999 - SECT 48C

“Termination of appointment (1) *The Governor-General may, by notice in writing, on the recommendation of the Prime Minister, terminate the appointment of a Special Commissioner at any time.*”

http://www.austlii.edu.au/au/legis/cth/consol_act/psa1999152/s48c.html

AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986 - SECT 41

“Termination of appointment (1) *The Governor-General may terminate the appointment of a member by reason of misbehaviour or physical or mental incapacity. ...*”

http://www.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/s41.html

AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986 - SECT 46I

“Termination of appointment (1) *The Governor-General may terminate the appointment of the Commissioner because of: (a) misbehaviour; ...*” http://www.austlii.edu.au/au/legis/cth/consol_act/ahrca1986373/s46i.html

¹⁴⁸ **Misbehaviour:** “*In simple terms, a person cannot be dismissed for constitutional misbehaviour without it being established that: a) his or her conduct would have a damaging effect on their capacity to do the job; and b) they would be seen by the public as bringing the position itself into disrepute.*” <http://jamaica-gleaner.com/gleaner/20071218/letters/letters1.html> (discusses an Australian PSC dismissal case).

¹⁴⁹ **Royal Petition to Dame Bruce concerning Crime and Corruption within the Australian Public Service:**

2014-02-06. Royal Petition concerning Crime and Corruption within the Australian Public Service.

<http://victimsofdsto.com/royal/>

¹⁵⁰ **Dame Bryce dismisses Royal Petition concerning Crime and Corruption within the Australian Public Service:**

E-mail 2014-02-21 From Office of the Official Secretary to the Governor-General gg.donotreply@gg.gov.au:

“Dear Mr Jones // I refer to your email to the Governor-General. *Her Excellency has asked me to reply to you on her behalf. // I regret to advise that the Governor-General cannot become involved in the matter you have raised. // Yours sincerely // [Name Removed]*”

¹⁵¹ **Her Royal Highness places all constitutional matters in the hands of the Governor-General:**

“*If ever Australians were reminded that Australia's sovereignty was firmly located in Canberra and not in London, it happened when the then Labor-appointed Speaker of the House of Representatives asked The Queen to intervene in the 1975 dismissal and to restore the Whitlam Government. Mr Speaker was told by Buckingham Palace that the Australian Constitution placed all constitutional matters squarely in the hands of the Governor-General. That, surely, put an end to all doubts about where Australia's sovereignty lies.*” Proceedings of the Eighth Conference of The Samuel Griffith Society, University House, Canberra; 7-9 March, 1997.

<http://www.samuelgriffith.org.au/papers/html/volume8/v8chap8.htm>

¹⁵² **A good paper on the flaws of Australia’s electoral system:**

“*Election 2004: How democratic are Australia's elections?*,” 2004-09-03, Marian Sawyer, ANU.

“*The Benefits Of Incumbency*”

Governments exploit the benefits of incumbency by using public funds for partisan purposes.

The problems for political equality are created both by the ability of corporate donors to purchase access to ministers and shadow ministers and by the skewing of electoral competition in favour of parties closest to business interests. An additional problem for democracy arises when governments exploit the benefits of incumbency by using public funds for partisan purposes. Both Labor and Coalition governments have done so in recent years. Several strategies are available. When in government, both parties have set up units to monitor the media statements of the opposition. There is also a great deal of publicly funded travel to marginal seats by both ministers and shadow ministers and their staff in the run up to elections.

Another such practice is use of the parliamentary printing allowance to fund an enormous amount of what is effectively direct canvassing by mail to constituents. In 2001, the Howard government set the printing allowance for members of the House of Representatives at a maximum of \$125,000 per annum. In August 2003 it tried to increase it to \$150,000 per year. The regulation increasing the allowance was disallowed in the Senate on a motion from Senator Bob Brown supported by the Democrats and Labor. Direct mail is targeted with the help of the electronic version of the electoral roll made available to sitting members and registered political parties and through the use of party databases. Training in these databases (Electrac and Feedback) is publicly funded under the Parliamentary Entitlements Act and related provisions for staff training (van Onselen & Errington 2004).

One incumbency benefit that has loomed larger and larger and is only available to incumbent governments is the use of government advertising for partisan purposes. Political scientist Sally Young (2003) argues this has become one of the greatest benefits of incumbency. Since 2000 the federal government has been the top spending advertiser in the country, spending more than the big commercial advertisers such as Coles-Myer, Woolworths, and McDonalds. There are spikes in government advertising in the periods immediately prior to elections. In 1996 the Keating government spent \$9 million on advertising in the three months before the federal election, in 1998 the Howard government spent \$29.5 million in the three months before the election, and in 2001 the government spent roughly \$78 million in the four months before the election (Grant 2004, p. 6).

In the run-up to the 2004 election there has been a deluge of such advertising, typically promoting another incumbency benefit: the ability to produce a generous pre-election Budget. Whole-page newspaper ads after the May Budget informed voters about the 'Disciplined, focused hard work and experienced economic management' that would mean extra funding for the States and Territories in the coming year. The Australian Capital Territory (ACT) version published in the Canberra Sunday Times on 16 May 2004 included an unfortunate picture of a train ('More Funds for Public Transport'), just after Canberra's train service had been cut from three to two a day. It also included a picture of a NSW school zone sign ('More Funds for Schools') and ended 'That amounts to a fair go for all Territorians'. This election advertisement carries the requisite caption 'Authorised by the Australian Government, Capital Hill, Canberra'.

Other election advertisements authorised by the Australian government include the current \$15.7 million 'Strengthening Medicare' advertising campaign with its expensive brochure adorned by full-page colour photographs and text 'Written by Senator the Hon. Eric Abetz, Special Minister of State'. Unlike Canada, New Zealand and the United Kingdom Australia has introduced no controls over the partisan use of government advertising."
<http://www.australianreview.net/digest/2004/09/sawer.html>

¹⁵³ Smaller parties that do manage to get elected can only trade on having the balance of power in the Senate. But if Liberal join with Labor, as they do on so many things (e.g. opposing anti-corruption) then their effect is neutralised.

¹⁵⁴ Shelby Foote: "Democracy must be something more than two wolves and a sheep voting on what to have for dinner."

¹⁵⁵ **Between them the Labor and Liberal parties hold 76% of the vote:**

"Coalition improves but Labor in front," Mark Kenny, SMH, 2014-06-23.
<http://www.smh.com.au/federal-politics/political-news/coalition-improves-but-labor-in-front-20140622-3amd9.html>



AGE/NIelsen POLL											
	Election Sept 2013	May 2014	June 2014	Location		Gender		Age			
				City	Rural	Male	Female	18-24	25-39	40-54	55+
First preferences											
Labor	33	40	37	38	34	34	39	40	37	38	34
Coalition	46	35	39	38	41	41	37	30	32	39	48
Greens	9	14	13	13	13	12	14	16	16	14	8
Palmer United	5	6	5	3	6	5	4	5	6	3	4
Other	7	6	6	7	6	8	5	8	8	6	5
Tony Abbott's performance											
Approve		34	35	35	35	38	32	25	30	37	42
Bill Shorten's performance											
Approve		47	42	45	39	43	42	41	47	45	37

All figures are percentages. Poll of 1400 respondents conducted nationwide on June 19-21. Maximum margin of sampling error is +/- 2.6%. Uncommitted voters (6%) were redistributed. Percentages may not add up to 100 due to rounding

¹⁵⁶ **The Australian government does not acknowledge it has a corruption problem:**

Alexandra Kirk interviews Tony Abbott, ABC PM, 2014-05-05. "The Prime Minister Tony Abbott was asked on Channel 9 this morning if there should be a federal version of the New South Wales Independent Commission Against Corruption. Mr Abbott said he thought that Canberra had a "pretty clean polity"."
<http://www.abc.net.au/pm/content/2014/s3998196.htm>

¹⁵⁷ **Letters alerting Tony Abbot of federal government corruption:**

Letters to Tony Abbott: 2012-05-17, 2012-11-12, 2013-02-19, 2013-04-29, 2013-05-17, 2013-05-30, 2013-06-26, 2013-12-03, 2014-01-08, 2014-01-22, 2014-02-06, 2014-02-13. (No Response).

¹⁵⁸ **Whistleblowers waited 19 years for the federal government to pass (flawed) whistleblowing legislation:**

Dr Kim Sawyer: "The main problem with the legislation is that the Commonwealth Ombudsman is the authority designated to receive and investigate public disclosures, contrary to the recommendation of the 1994 Senate Select Committee to establish a Public Interest Disclosure Agency."
<http://www.crikey.com.au/2013/07/30/you-better-be-careful-blowing-the-whistle-new-laws-have-holes/>

¹⁵⁹ **The government did not consult whistleblowers on its new whistleblowing laws:**

2014-08-29(31)(5) Letter to Public Service Commissioner. "**Failure to consult whistleblowers.** Whistleblowers were frozen out of the consultation process for the Public Interest Disclosure Act in favour of politicians and "whistleblowing experts."

Dr. Kim Sawyer said: "Real whistleblowers, that is, people who have blown the whistle and paid the price, are very disappointed with the legislation. We were not listened to."

Serene Teffaha said: "The only experts here are actual whistleblowers. Academics funded through Government, hiding behind aging desks, are not authority on qualitative experience."

I was not even permitted to contribute to the senate inquiry. The Committee Secretary told me the Committee reviewed my submission and decided it "was not relevant and would not be accepted." Hard to believe given there are 66 senators on that committee. Crikey obviously thought what I had to say was relevant, which public law lecturer Dr Gabrielle Appleby described as a "Good critique of the weaknesses of the new federal whistleblower legislation."
http://victimsofdsto.com/psc/#fail_consult

The result was flawed legislation:

"You better be careful blowing the whistle — new laws have holes", Brendan Jones, Jul 30, 2013.
<http://www.crikey.com.au/2013/07/30/you-better-be-careful-blowing-the-whistle-new-laws-have-holes/>

Note: Rebuttal to Attorney-General's response appears in the Comments

¹⁶⁰ **Time for a Federal ICAC:**

“Time for a federal corruption watchdog,” Editorial, The Age, 2014-05-15, *“It is one of the great disappointments of the past year: the realisation that allegations of corruption against public officials do not start and end at the Australian Labor Party. Investigations by regulators and the media have shown suspect behaviour is not confined to any one party or state. ... Yet Australia has no independent federal corruption watchdog. ... The solution, as the Sydney Morning Herald has said many times, is to establish one along the lines of the ICAC in NSW. On Thursday the major parties had yet another chance to do so. Once again they shirked their moral responsibility, voting 43-9 in the Senate to stifle a private member’s bill to establish a National Integrity Commission. // It’s as though they expect the public to believe bad behaviour stops at the border to the ACT; that a federal MP or official is less likely to give in to temptation than are their state counterparts; that state and federal party fund-raising efforts never mix; and that federal party MPs are ring-fenced from state apparatchiks and powerbrokers. // The public is sick of this. // While The Herald rarely agrees with Greens leader Christine Milne – especially on her party’s economic and extreme social policies – The Herald applauds her attempts to establish a federal anti-corruption commission.”*
<http://www.theage.com.au/comment/smh-editorial/time-for-a-federal-corruption-watchdog-20140515-zrdkp.html>

¹⁶¹ 2013-08-29 An Open Letter to the Public Service Commissioner concerning Systemic Corruption in the Australian Public Service:

“Failure to take ownership of the corruption problem. I understand you have been in public sector for 42 years. I have worked in the private sector for 27 years, and in all that time I have never seen anything like this.

I have never worked for a company where a director who learned of fraud would refuse to act because it was taking place in another division. Nor have I ever heard of a CEO who declined to act against fraud in a division unless the whistleblower could also show the director (who had not acted) was personally corrupt. Any company which acted that way would end up bankrupt, or at least be haemorrhaging money.

What sort of an example does this set for public servants witnessing corruption, when even the Public Service Commissioner himself learns of serious corruption but declines to get involved?

In the private sector even junior employees are trained to take ownership of problems they identify even when they lack the authority to fix it themselves. They are trained not to let go until it has been solved, and that duty continues after it has been handed over to someone else. They don’t turn a blind eye, or fob it off and forget: That would be fatal to the company.

Likewise I can’t imagine a CEO being content to learn that half of his employees would not report corruption if they saw it. Nor that of the 20,000 incident of serious misconduct last year, most were not even reported or were mishandled. Nor that the failure to tackle corruption was costing them up to \$19B a year; half the amount of the Enron fraud. Their organisation would go bankrupt.

But of course the APS won’t go bankrupt. The government can raise money to cover its losses from the taxpayer who can’t apply the normal rules of economics to shop for a better deal elsewhere.”

<http://victimsofdsto.com/psc/#ownership>

¹⁶² *“Tim Wilson: Wilson: ‘total free speech’ needed for Human Rights Commission”, SMH, 2014-02-03,*
<http://www.smh.com.au/national/tim-wilson-wilson-total-free-speech-needed-for-human-rights-commission-20140202-31uzm.html>

¹⁶³ *“Narrow focus confuses intent”, Tim Wilson, The Australian, 2014-01-23, “[H]uman rights are designed to stop the abuse of government power over the individual.”* <http://www.theaustralian.com.au/opinion/narrow-focus-confuses-intent/story-e6frg6zo-1226807917451>

¹⁶⁴ **LNP government attacks academic freedom; encourages academic censorship:**

“Freedom is not just another word,” Jeannie Rea, NTEU, *“Academic freedom is the freedom to conduct research, teach, speak and publish, subject to the norms and standards of scholarly inquiry, without interference or penalty, wherever the search for truth and understanding may lead. (Colloquium of University Presidents, 2005) // The mandate of universities in modern democracies is to provide an environment for the development of ideas, rigorous experimentation, the testing of hypotheses, and critical analysis of existing knowledge. Universities are here to encourage open and rigorous discussions designed to advance knowledge, not rubber-stamp some ideas as good and others as bad based on the personal views we may hold. (Stephen Garton, University of Sydney, 2014) // It has not taken long for the Abbott Coalition Government to demonstrate the contradictions in their position on the right to speak out. // On the one hand, trenchant critic of the Human Rights Commission, Tim Wilson, has recently been appointed as the Freedom Commissioner. Wilson has explained that his job is to re-focus the Commission on defending the right of freedom of speech rather than upon anti-discrimination work. // At the same time the Minister for Education, Christopher Pyne, has been providing gratuitous advice to the University of Sydney Vice-Chancellor that he needs to ‘satisfy himself that the academic standing of the university and it’s international reputation is not*

harmed' by the publicly expressed views of academics. Other Coalition MPs have apparently called upon the University to discipline controversial academics. // Quoted in *The Australian*, Mr Pyne has recognised that 'each university is responsible for its own governance, but universities should avoid needless controversies that damage their reputation [and] also make Australia look less respectable to our potential student market.' He also stated that: 'Obviously, many members of parliament are concerned to ensure that the reputation for high quality that Australian universities have earned over decades is not threatened in any way.' // Fortunately, University of Sydney Acting Vice-Chancellor and Provost Professor Stephen Garton quickly jumped in to look after the international reputation and standing of Australian universities through an opinion piece in *The Australian* on 10 January, challenging those urging the disciplining of academics. // 'Such criticisms fail to understand the nature of universities or the fact that the recommended punishment would do far more damage to Australia's reputation as a robust and open democracy than anything uttered by Lynch or Anderson,' wrote Garton. // Professor Garton concluded that if Australian universities do not defend the rights of academics to controversial views, then 'students and staff in Australia and around the world would rightly shun our university because it would clearly not be committed to the cardinal principle of free and open enquiry.'" <http://www.nteu.org.au/melb/article/Freedom-is-not-just-another-word-16018>

¹⁶⁵ Academic Freedom.

Throughout history now accepted ideas were initially unpopular; academics proposing them bullied and ridiculed:

The academic who first proposed Continental Drift was ridiculed:

"When Continental Drift Was Considered Pseudoscience," Richard Conniff, *Smithsonian Magazine*, "One hundred years ago, a German scientist was ridiculed for advancing the shocking idea that the continents were adrift." <http://www.smithsonianmag.com/science-nature/when-continental-drift-was-considered-pseudoscience-90353214/>

Ignaz Semmelweis, the father of infection control, ridiculed by surgeons for suggesting they wash their hands:

"Semmelweis demonstrated that puerperal fever (also known as childbed fever) was contagious and that this incidence could drastically be reduced by appropriate hand washing by medical care-givers" "Semmelweis's observations conflicted with the established scientific and medical opinions of the time. The theory of diseases was highly influenced by ideas of an imbalance of the basic "four humours" in the body, a theory known as dyscrasia, for which the main treatment was bloodlettings." ... "Semmelweis's hypothesis, that there was only one cause, that all that mattered was cleanliness, was extreme at the time, and was largely ignored, rejected, or ridiculed. He was dismissed from the hospital for political reasons and harassed by the medical community in Vienna, being eventually forced to move to Budapest." https://en.wikipedia.org/wiki/Ignaz_Semmelweis

¹⁶⁵ Academic Freedom.

"Ridiculed Discoverers, Vindicated Mavericks", Bill Beaty, Amasci,

"Below is a list of scientists who were reviled for their crackpottery, only to be later proven correct. Today's science texts are dishonest to the extent that they hide these huge mistakes made by the scientific community. They rarely discuss the embarrassing acts of intellectual suppression which were directed at the following researchers by their colleagues. And... after wide reading, I've never encountered any similar list. This is very telling:

- Arrhenius (ion chemistry)
- Alfvén, Hans (galaxy-scale plasma dynamics)
- Baird, John L. (television camera)
- Bakker, Robert (fast, warm-blooded dinosaurs)
- Bardeen & Brattain (transistor)
- Bretz J Harlen (ice age geology)
- Chandrasekhar, Subrahmanyan (black holes in 1930)
- Chladni, Ernst (meteorites in 1800)
- Crick & Watson (DNA)
- Doppler (optical Doppler effect)
- Folk, Robert L. (existence and importance of nanobacteria)
- Galvani (bioelectricity)
- Harvey, William (circulation of blood, 1628)
- Krebs (ATP energy, Krebs cycle)
- Galileo (supported the Copernican viewpoint)
- Gauss, Karl F. (nonEuclidean geometry)
- Binnig/Rohrer/Gimzewski (scanning-tunneling microscope)
- Goddard, Robert (rocket-powered space ships)
- Goethe (Land color theory)
- Gold, Thomas (deep non-biological petroleum deposits)
- Gold, Thomas (deep mine bacteria)
- Lister, J (sterilizing)

Lovelock, James (Gaia theory)
Maiman, T (Laser)
Margulis, Lynn (endosymbiotic organelles)
Mayer, Julius R. (The Law of Conservation of Energy)
Marshall, B (ulcers caused by bacteria, helicobacter pylori)
McClintock, Barbara (mobile genetic elements, "jumping genes", transposons)
Newlands, J. (pre-Mendeleev periodic table)
Nott, J. C. (mosquitos xmit Yellow Fever)
Nottebohm, F. (neurogenesis: brains can grow neurons)
Ohm, George S. (Ohm's Law)
Ovshinsky, Stanford R. (amorphous semiconductor devices)
Pasteur, Louis (germ theory of disease)
Prusiner, Stanley (existence of prions, 1982)
Rous, Peyton (viruses cause cancer)
Shechtman, Dan (quasicrystals)
Semmelweis, I. (surgeons wash hands, puerperal fever)
Steen-McIntyre, Virginia (southwest US indians villiage , 300,000BC)
Tesla, Nikola (Earth electrical resonance, "Schumann" resonance)
Tesla, Nikola (brushless AC motor)
J H van't Hoff (molecules are 3D)
Warren, Warren S (flaw in MRI theory)
Wegener, Alfred (continental drift)
Wright, Wilbur & Orville (flying machines)
Zwicky, Fritz (existence of dark matter, 1933)
Zweig, George (quark theory)"

<http://amasci.com/weird/vindac.html>

¹⁶⁶ **Tim Wilson apparently silent on Twitter defamation suit:**

"Not a tweet out of freedom czar Tim Wilson," Richard Ackland, SMH, 2014-03-07. "*Where's our freedom commissioner when we need him? Tim Wilson, human rights and free speech champion, surely should have something to say about the lad who has been lumbered with a \$105,000 damages verdict for speaking his mind, via Twitter and Facebook, about a music teacher at Orange High School?*" <http://www.smh.com.au/comment/not-a-tweet-out-of-freedom-czar-tim-wilson-20140306-349x9.html>

¹⁶⁷ **Tim Wilson apparently silent on Joe Hockey defamation suit:**

"Hockey's defamation suit shows need for wider free speech debate," David Rolphe, The Conversation, 2014-05-29, "*Treasurer Joe Hockey has commenced defamation proceedings against several Fairfax newspapers over the 'Treasurer for sale' story.*" <http://www.independentaustralia.net/politics/politics-display/hockeys-defamation-suit-shows-need-for-wider-free-speech-debate.6525?cachebreak=1#comment-1409486790>

c.f. **Freedom of the Press**

US Supreme Court Justice Hugo Black: "*In my opinion, the Federal Constitution has dealt with this deadly danger to the press in the only way possible without leaving the free press open to destruction – by granting the press an absolute immunity for criticism of the way public officials do their public duty.*" New York Times Co. V. Sullivan, <http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=376&page=254>

¹⁶⁸ **IPA opposes free speech restrictions on boycotts, but Tim Wilson apparently silent:**

"*Freedom of speech means freedom to boycott,*" Chris Berg, 2013-11-24, "*Consumer boycotts are a completely legitimate way to express political views. Secondary boycotts in the age of social media can be arbitrary, capricious and poorly thought-through, but that doesn't mean they should be stopped, writes Chris Berg.*" <http://www.abc.net.au/news/2013-09-24/berg-freedom-of-speech-means-freedom-to-boycott/4977410>

¹⁶⁹ **Tim Wilson apparently silent on Ag-gag laws:**

"Ag-Gag' Laws Backed To Hide Animal Cruelty," Ben Latham, New Matilda, 2014-06-03, "*A push for new legislation that will force animal rights activists to hand over footage to police rather than media is aimed at keeping the public in the dark ...*" <https://newmatilda.com/2014/06/03/ag-gag-laws-backed-hide-animal-cruelty>

¹⁷⁰ **LNP would jail Australian Journalists reporting Snowden-style leaks:**

"Journalists will face jail over spy leaks under new security laws," Paul Farrell and Daniel Hurst, The Guardian,

2014-07-16, "George Brandis's new spying laws will include measure to criminalise media reporting of Snowden-style leaks." <http://www.theguardian.com/world/2014/jul/16/journalists-face-jail-leaks-security-laws>

¹⁷¹ **Tim Wilson has been unable to convince Australians to back the government's 18C free speech reforms:**

There has only been one case where the LNP government has sought to open up free speech, and that was on 18C. Yet Tim Wilson as "Freedom Commissioner" has been unsuccessful in selling the reforms to the Australian people. By comparison in the United States, the ACLU had been able to successfully defend the free speech rights of Nazis.

Thus in my opinion, Tim Wilson has not been an ineffective advocate for freedom of speech.

"Poll finds 9 out of 10 Australians oppose Section 18C changes," ABC, 2014-04-14, "Race Discrimination Commissioner Tim Soutpommossane joins RN Breakfast to discuss a recent Fairfax-Neilson poll showing that 9 out of 10 Australians disagree with proposed changes to the Racial Discrimination Act."

<http://www.abc.net.au/radionational/programs/breakfast/9-out-of-10-australians-oppose-section-18c-change-poll/5387562>

¹⁷² **Tim Wilson backs freedom of speech restrictions preventing public servants from criticising PM, govt:**

"Colleagues told: Dob in political web posts," Samantha Maiden, The Sunday Telegraph, 2014-04-06, "Public servants will be urged to -dob in colleagues posting political criticism of the Abbott government on social media, even if the comments are anonymous, under new Department of Prime Minister and Cabinet guidelines. ...

[N]ewly appointed Human Rights Commissioner Tim Wilson dubbed the "Freedom Commissioner", has backed the reforms, arguing that public servants knew what they were signed up for.

"There is nothing inconsistent with free speech and having codes of conduct or policies as a condition of employment that require professional, respectful behaviour in their role and the public domain," he said.

"It is not unreasonable for such policies to apply to conduct directly related to the primary and specific area of work of a public servant, but are unjustified when they are very broad and limit democratic participation.

"Anonymity should not justify exemptions because it can be connected back to the individual and their work".

"Ultimately public servants voluntarily and knowingly choose to accept these limits on their conduct when they accept employment".

The new rules include a specific case study illustrating why public servants are not to criticise Prime Minister Tony Abbott stating being "critical or highly critical of the Department, the Minister or the Prime Minister" on social media could prompt sanctions.

Breaches include "harsh or extreme in their criticism of the Government, Government policies, a member of parliament from another political party, or their respective policies, that they could raise questions about the employee's capacity to work professionally, efficiently or impartially."

There are also sanctions for "gratuitous personal attack that might reasonably be perceived to be connected with their employment."

The crackdown on social media posts covers posts on Facebook, Twitter, YouTube, Pinterest, Flickr, blogs, forums and Wikipedia." <http://www.dailytelegraph.com.au/news/nsw/colleagues-told-dob-in-political-web-posts/story-fni0cx12-1226875635588?nk=672fe9f76e54647e5a30db110097cae7>

In follow-up to that article, Tim Wilson said: "Price also said I **"backed the reforms"**. This is factually inaccurate. It is not my place to endorse individual codes, but I have outlined that voluntary codes attached to employment conditions are not inconsistent with free speech." <http://www.smh.com.au/comment/free-speech-the-public-service-and-civilising-behaviour-20140408-zqs2t.html>

"This is splitting hairs. Although [Tim Wilson] says it is "not [his] place to endorse individual codes," he offered no explicit criticism of the policy. Samantha Maiden in the Sun Herald came to the same conclusion (Samantha Maiden: "But newly appointed Human Rights Commissioner Tim Wilson dubbed the "Freedom Commissioner", has backed the reforms, arguing that public servants knew what they were signed up for"), and as did everyone I saw on social media responding to his words.' [2014-04-14 Letter to Human Rights Commissioner: http://victimsofdsto.com/hrc/#_edn25]

¹⁷³ **"Dob in your tweeting mate at work? So much for free speech,"** Jeff Sparrow, The Guardian, 2014-04-07, "New guidelines from the department of prime minister and cabinet threaten employees with discipline if they are "critical or highly critical of the department, the minister or the prime minister" on Facebook, Twitter, YouTube, Pinterest, Flickr, blogs, or anywhere much else. // Note that the policy applies to posts in a personal capacity – even those made anonymously – and that public servants are urged to dob in any colleagues they might recognise. // "If an employee becomes aware of another employee who is engaging in conduct that may breach this policy," the edict

explains, "there is an expectation that the employee will report the conduct to the -department." // Tim Wilson, then head of the IPA, was in the audience for Abbott's "freedom wars" speech. Surely our self-proclaimed freedom commissioner will denounce measures muzzling public servants? // Not so much, no. // "There is nothing inconsistent with free speech and having codes of conduct or policies as a condition of employment that require professional, respectful behaviour in their role and the public domain," Wilson told the Daily Telegraph. // Elsewhere, Wilson explicitly rejects the charge that he cares only about the rights of the most powerful. "Free speech is for everyone," he says. But his support for the restrictions on employees illustrates that, by "everyone", he means something more like "everyone I know."” <http://www.theguardian.com/commentisfree/2014/apr/07/dob-in-your-tweeting-mate-at-work-so-much-for-free-speech>

<http://www.theguardian.com/commentisfree/2014/apr/07/dob-in-your-tweeting-mate-at-work-so-much-for-free-speech>

¹⁷⁴ **Tim Wilson as an expert on freedom of speech:**

2014-04-14 Open Letter to Human Rights Commissioner Tim Wilson: “[If Tim Wilson] is an expert on freedom of speech, why has he not raised the well-known free speech tenet that it is in the public interest for public servants to be able to speak out on matters of public interest and concern? Likewise the well known tenet of the benefits of anonymous speech? Or that given a democracy needs the free flow of information on matters of public interest to function effectively, why would we censor out those best placed to offer us informed opinions or neutral news? Surely these are relevant to this discussion about free speech by public servants, anonymously or not? What about the well known tenet of the dangers of using subjective tests to restrict speech? Is he not aware of them, or has he omitted them because they undermine his own position?” <http://victimsofdsto.com/hrc/>

¹⁷⁵ **Tim Wilson has failed to sell the government's 18C reforms:**

“Poll finds 9 out of 10 Australians oppose Section 18C changes,” ABC, 2014-04-14, “Race Discrimination Commissioner Tim Soutpommossane joins RN Breakfast to discuss a recent Fairfax-Neilson poll showing that 9 out of 10 Australians disagree with proposed changes to the Racial Discrimination Act.” <http://www.abc.net.au/radionational/programs/breakfast/9-out-of-10-australians-oppose-section-18c-change-poll/5387562>

Yet in the US the ACLU were able to successfully defend the free speech rights of Nazis: <http://victimsofdsto.com/hrc/>

¹⁷⁶ 2014-04-14 Open Letter to Human Rights Commissioner Tim Wilson. (Acknowledged, but no response).

¹⁷⁷ **Tim Wilson acknowledges open letter, claims misquoted, corrected him, no response:**

Victims of DSTO @VictimsofDSTO Apr 13 “Open letter to HRC @timwilsoncomau @timsout @GillianTriggs: free speech for public servants& journalists +18C <http://victimsofdsto.com/hrc/> #auspol”

Tim Wilson @timwilsoncomau Apr 13: “@VictimsofDSTO Hi Brendan, you've cited article that misrepresents my view. Haven't "backed" protocols. More here: <http://canberratimes.com.au/comment/free-speech-the-public-service-and-civilising-behaviour-20140408-zqs2t.html> ...”

Victims of DSTO @VictimsofDSTO Apr 13: “@timwilsoncomau Hi Tim, re: backed protocols. Explained my reasoning in the footnotes: http://victimsofdsto.com/hrc/#_ednref25 + http://victimsofdsto.com/hrc/#_edn26”

Tim Wilson also claimed Noel Towell had misquoted him and that “I do not back the sacking of individual public servants” (which sounds like he is not backing Ms. Banerji's sacking), but then goes on to add “they cannot be surprised when their employment is terminated” (which sounds like he is).

2014-01-27 Letters to the Canberra Times Editor from Human Rights Commissioner Tim Wilson:

“In Noel Towell's article headed "Rights chief backs firing over tweets" (Canberra Times, January 24, p4) my views were incorrectly paraphrased to imply I agreed public servants should be able to be sacked for tweeting and "the right of freedom of speech is outweighed by their obligation to their employer".

Such implications are not correct. **I do not back the sacking of individual public servants**, nor believe that there is a weighting of competing rights, or comment on specific cases. My comments were in the abstract.

Australians have a human right to free speech on all platforms. Conditions of employment, such as adhering to the public service code, are consistent with free speech. These conditions are voluntarily entered into by those wishing to work in the public service and they attach conditions to individual conduct with their employment. They are not unique.

Many workplaces require people to accept codes of conduct as a condition of employment. The conditions are normally not in dispute, such as requiring employees not to engage in sexist, racist and homophobic behaviour, reveal trade secrets or bring an organisation into disrepute.

It is not my place to comment on the validity and breadth of employment conditions, and my comments are neither an endorsement nor criticism of the public service code. At all times public servants have had their freedom of speech protected. If they find the burden of the code to onerous they can resign their employment for other opportunities. Alternatively if they choose to breach the code and continue in their employment they cannot be surprised when their employment is terminated.

Tim Wilson, Human Rights Commission”

<http://www.canberratimes.com.au/comment/ct-letters/avo-closure-crucial-20140127-31ipf.html>

¹⁷⁸ **Tim Wilson off on \$50,000 “Freedom Roadshow”:**

2014-05-29 Live News Blog, The Guardian, 9.48am AEST : “Freedom commissioner Tim Wilson tells the senate that he will be doing a freedom roadshow, funded to the tune of \$50,000 - and seeking private sponsorship - that will travel the highways and byways of the country.” <http://www.theguardian.com/world/2014/may/29/tony-abbott-medicare-co-payment-is-a-necessary-price-signal-politics-live>

¹⁷⁹ **Partisan comments by Tim Wilson on Twitter which draws into doubt his impartiality:**

“Twitter trolls have a right to offend – but we don't have to listen,” Tim Wilson, The Guardian, 2014-05-20, “The Australian’s Chris Kenny calls it a “**green-Left echo chamber**”. The News Limited columnist Andrew Bolt refers to it as a “**sewer**”. Either way, of all social media platforms, Twitter provides the most immediate and spontaneous satisfaction for people to vent.”” <http://www.theguardian.com/artanddesign/australia-culture-blog/2014/may/20/twitter-trolls-have-right-offend-but-dont-have-to-listen>

Yet: “But newly appointed Human Rights Commissioner Tim Wilson dubbed the “Freedom Commissioner”, has backed the reforms, arguing that public servants knew what they were signed up for: “**Ultimately public servants voluntarily and knowingly choose to accept these limits on their conduct when they accept employment**”. ... Breaches include “**harsh or extreme in their criticism of the Government, Government policies, a member of parliament from another political party, or their respective policies, that they could raise questions about the employee’s capacity to work professionally, efficiently or impartially.**”” <http://www.dailytelegraph.com.au/news/nsw/colleagues-told-dob-in-political-web-posts/story-fni0cx12-1226875635588?nk=672fe9f76e54647e5a30db110097cae7>

Re: “**green-Left echo chamber**” and “**sewer.**” It’s hard to imagine the Greens or any Left-leaning politicians would feel comfortable working with Tim Wilson after those comments. Tim Wilson might claim he is merely repeating what someone else said, but doesn’t endorse those views himself. But one can’t march around town with a Nazi placard and when challenged say, ‘Oh Hitler said that. I don’t endorse it. I’m just walking around holding it on a sign.’ Likewise it’s a tenet of defamation law that you cannot repeat a false statement against another person, then claim you’re only repeating what someone else said. He didn’t make balancing comments about right-leaning trolls: “Paid Commenters Hired By Fox News To Spread Right Wing Talking Points Across The Net.” Randa Morris. 2013-10-27. <http://www.addictinginfo.org/2013/10/27/paid-commenters-flood-internet/>

Therefore it’s a reasonable conclusion that Tim Wilson, who believes it is proper to sack public servants for partisan views, is himself a public servant expressing partisan views.

¹⁸⁰ **Commonwealth Ombudsman Allan Asher resigned after his impartiality was questioned:**

“Embattled ombudsman Allan Asher resigns,” SMH, 2011-10-20. “**Commonwealth Ombudsman Allan Asher has resigned only 14 months into his five-year contract following government concerns over his impartiality.** ... Mr Asher has been under pressure following his admission that he scripted questions for Australian Greens senator Sarah Hanson-Young to ask at a parliamentary inquiry in May.” <http://www.smh.com.au/national/embattled-ombudsman-allan-asher-resigns-20111020-1m9hf.html>

¹⁸¹ **Government promotes pervasive surveillance:**

“**George Brandis defends pervasive surveillance by security agencies,**” Katharine Murphy, The Guardian, 2014-04-09. “The attorney general, George Brandis, has mounted a strenuous defence of surveillance activities by intelligence organisations, citing new threats from fighters radicalised in Syria as justification for beefing up global security capability and cooperation.” <http://www.theguardian.com/world/2014/apr/09/brandis-defends-surveillance-by-security-agencies>

¹⁸² **Human Rights Commissioner Tim Wilson is paid \$389K per year salary plus a \$56K expenses package:**

“New Human Rights Commissioner Tim Wilson gets expenses package of \$56,000 on top of salary,” News Corp, 2014-04-21. “Human Rights Commissioner Tim Wilson now has a total salary of \$389,000 plus vehicle and telephone expenses following a recent decision by the Remuneration Tribunal. ... Mr Wilson has been a confidante of Prime Minister Abbott and a senior figure of the Institute of Public Affairs which has been campaigning for controversial

changes to the Racial Discrimination Act.” <http://www.news.com.au/finance/money/new-human-rights-commissioner-tim-wilson-gets-expenses-package-of-56000-on-top-of-salary/story-e6frfmci-1226891151479>

¹⁸³ **Threatened by AFP Officer after asking ALP Justice Minister Jason Clare why the AFP had not acted on my crime report in six months:**

2014-02-06 Royal Petition concerning Crime and Corruption within the Australian Public Service.

“I made a crime report on August 8, 2011. Six months later I was threatened by a particular AFP liaison officer when I wrote to Labor Minister for Justice Jason Clare asking why the AFP had not acted. After the recent election of the Liberal government I resubmitted the crime report on December 3. The AFP have still not acted.”

http://victimsofdsto.com/royal/#fail_afp Letter: [http://victimsofdsto.com/doc/2012-03-12 From Brendan Jones to Jason Clare Minister for Justice - why no response from AFP%3Bv02 \(final print send\) \(NAMES BLACKED OUT\).pdf](http://victimsofdsto.com/doc/2012-03-12%20From%20Brendan%20Jones%20to%20Jason%20Clare%20Minister%20for%20Justice%20-%20why%20no%20response%20from%20AFP%3Bv02%20(final%20print%20send)%20(NAMES%20BLACKED%20OUT).pdf)

¹⁸⁴ **“Customs security warnings ignored 10 years ago: Xenophon,”** Megan Levy, SMH, 2012-12-21.

“Mr Xenophon said Mr Kessing “deserved a medal” for writing the reports and speaking publicly about their findings on Friday, which he did at the risk of prosecution. // “These reports were deliberately suppressed by customs back in 2003,” Mr Xenophon said. // He said if Mr Kessing’s reports had been acted on, “we would not have had the problems we are now seeing within customs”. // “You have to ask the question: how many Australians have overdosed on narcotics as a result of corrupt customs officials allowing these drugs into Australia?””

<http://www.smh.com.au/national/customs-security-warnings-ignored-10-years-ago-xenophon-20121221-2bqc7.html>

¹⁸⁵ **Allan Kessing was not allowed to present a public interest defence:**

“Airport whistleblower guilty,” Simon Kearney, The Australian, 2007-03-28. *“Judge James Bennett did not allow Customs whistleblower Allan Kessing to present a public interest defence in his case. (“Directing the jury, Judge Bennett had described the evidence as circumstantial **but told them not to take into account the public interest argument.**”“* <http://www.theaustralian.com.au/archive/news/airport-whistleblower-guilty/story-e6frg6o6-111113236937>)

¹⁸⁶ **The case of Custom’s whistleblower Allan Kessing:**

2013-08-29 An Open Letter to the Public Service Commissioner concerning Systemic Corruption in the Australian Public Service. *“The case of Allan Kessing”* <http://victimsofdsto.com/psc/#kessing>

¹⁸⁷ “Allan Kessing: my side of the story,” Crikey, 2009-09-14.

<http://www.crikey.com.au/2009/09/14/allan-kessing-my-side-of-the-story/>

¹⁸⁸ **BILL OF RIGHTS 1688**

“Right to petition. That it is the right of the subjects to petition the King and all commitments and prosecutions for such petitioning are illegal.”

http://www.austlii.edu.au/au/legis/act/consol_act/bor16881wams2c2306/