

## AUSTRALIAN GOVERNMENT IS NOW TRYING TO JAIL AUSTRALIA'S LEADING CORRUPTION AUTHOR FOR TELLING THE TRUTH!

This is a story of immense national importance and that's why you are reading it here.

One may also ask why the mainstream press haven't run it yet - but we can always hope that they will see common sense and run with it.

In an Australian first and in a step reminiscent of totalitarian regimes past, Victoria's Attorney General Rob Hulls has instructed his government to initiate proceedings against Australia's leading corruption author Raymond Hoser with a view to having him imprisoned.

For those who may not be aware, it was Hoser (originally from Sydney) who in the early 1980's convinced a skeptical John Hatton of the need for a Royal Commission into the NSW Police.

In 1995-7 he was vindicated by the Wood Royal Commission after more than a decade of agitation.

Hoser's book *Smuggled* was banned by the NSW Government in 1993 and following a wave of public protest, the then Minister in charge of the NSW Wildlife Department (NPWS) ordered the ban be lifted. The book has since been a best-seller and is regarded as a definitive work on corruption in NSW.

Hulls has just issued writs against Hoser and his publishing company Kotabi over their 2 year-old books *Victoria Police Corruption 1* and *2*, (which between them total 1,536 pages), which you have probably already read or read about elsewhere.

The books were best-sellers before Hulls ordered them off the bookshelves last year in all Australian states (a year after publication).

These are the books that took Victoria by storm in 1999, which were the final straw that forced the Kennett government out of office, led to a Royal Commission into the Ambulance service and led to the greatest mass exodus of police from the Victorian Police force in modern times.

Now two years after publication and with total "hard copy" sales over 10,000 copies (plus CD's, extracts and so on), Hulls has again instructed his lawyers to sue Hoser and his publisher for "contempt".

The charge of "contempt" alleges that Hoser and publisher have "scandalized" the Victorian courts.

The same allegation was pursued unsuccessfully against Hoser in a related defamation action in April 2001, when Justice Bill Gillard ruled the application as improper and awarded costs in Hoser's favor.

Several months later, Hoser signed off on an agreement not to pursue these costs on the basis that all actions against him would be dropped. Hulls was a party to these original actions and had a letter presented to the court in the case.

Now, six months later, Hulls has broken the agreement and initiated fresh legal action against Hoser and his publisher.

The irony is that as recently as 9 October 2000, Hulls' media spokesperson Jane Wilson was quoted in the Murdoch controlled *Yarra Leader* newspaper stating that "it was not illegal to sell the book".

That was until now!

If this unprecedented case is successful, Hoser will once again be jailed for doing nothing more than telling the truth.

The same sort of thing happened to Hoser in 1997 when he was improperly convicted of perjury.

In relation to that matter, the main prosecution witness John Connell later admitted that he'd deliberately lied to have Hoser jailed.

Hoser has yet to receive compensation for the four months he spent behind bars.

The new Hulls writ cites various statements in Hoser's books about Magistrates and judges as potentially scandalizing the courts.

Hoser notes that the statements referred to have long been on the public record, and in the main are derived from the government's own official transcripts.

Furthermore, late last year the Hulls side conceded that the relevant sections of the books (as cited in this latest writ) were totally true and correct.

Hoser's lawyer Alex Tees also notes that an important part of the British legal system is that the courts should be open to public scrutiny and comment.

This same view was upheld in an unsuccessful contempt action against Trevor Torney (known as Torney ex parte) in the High Court last year and other similar cases. However in a complete repudiation of the Westminster tradition, Hulls is now seeking to gag all public debate in relation to the courts.

This latest attempt at censorship comes in the immediate wake of the resignation of Hulls' personal friend and colleague, County Court Judge Robert Kent, who was recently convicted of tax charges.

Hoser notes that the delays on Hulls' part in terminating Kent's employment by the court, "scandalized" the court far more than all that appears in Hoser's books. (Kent ended up resigning on 24 May following a series of newspaper editorials calling on him to do so).

Perhaps Hulls himself should be charged with scandalizing the court.

### ROUND ONE

The first round in the battle was at the Melbourne Supreme Court on Wednesday 30 May, where Hulls' lawyer, Stephen Lee said that he sought to have Hoser sent to jail and his assets seized by the government.

In a brief hearing Justice Barry Beach appeared to approve of the idea and refused to strike out the matter. This may in part be due to Beach's being a close friend of some people adversely named in Hoser's books.

Until now Kotabi Publishing have been regarded as one of Australia's leading independent publishers.

Hoser and his publisher note that this latest case is yet another attempt to unlawfully ban a pair of important corruption books - all the more significant as large chunks of information from within the books have since been re-reported and/or reshaped elsewhere.

The irony is that here in Victoria, Bank Robbers and drug pushers are allowed to roam free, while the government is plying its vast resources into having a man jailed for doing nothing more than documenting the truth.

### A PRECEDENT

What is worrying is that the story is not just about "Raymond Hoser" but rather that anyone can be jailed for telling the truth, if the government of the day doesn't like it. Hoser today - who next?

If a precedent is set for author Raymond Hoser to be jailed for telling the truth, other authors and publishers, could be similarly jailed and/or bankrupted for doing the same thing - reporting the truth.

Just the day before the first court appearance Rob Hulls' personal media director Mr.

Joel Dean told a Canberra based journalist with the Sydney Sun-Herald that Hoser would be litigated and liquidated because his books had undermined public confidence in the legal system and Hulls "must defend the integrity of the legal system".

Those words seemed a bit hollow when on the front page of the next day's papers was the leaked story of how Dean's superior, Rob Hulls had allegedly improperly plotted to remove the former Chief Magistrate Michael Adams. John Fergusson of the *Herald-Sun* reported that his own investigation into the Adams affair had also revealed a bitter Parliament House confrontation between Mr Adams and Mr Hulls about six months before the former chief magistrate was forced to resign.

Mr Adams has accused Mr Hulls of telling him at the meeting he would never have appointed him as chief magistrate as well as branding him "a disgrace". Furthermore Mr. Adams said that he was amazed when he was confronted by Mr Hulls in a Parliament House office in April 2000, in front of one of the Attorney-General's staff.

Mr Adams claims Mr Hulls called him a "disgrace" and attacked him in the meeting for being too close to former Liberal Attorney-General Jan Wade.

### ANOTHER HULLS SCANDAL

These actions by Hulls himself have done far more to destabilize and scandalize the legal system in Victoria than any books published by Raymond Hoser.

So much so that his opposite number Robert Dean (the Shadow Attorney General) has called on Hulls to quit!

It appears that Hulls is now pursuing a witch-hunt or personal vendetta against Raymond Hoser in his campaign to liquidate and jail him.

As already stated, on 30 May in the Supreme Court, Hulls' lawyer the pugnacious Stephen Lee of the VGS tabled a series of documents stating that Hulls wanted Hoser to be bankrupted, jailed and put of circulation by the State Government, because he was regarded as their enemy.

And yes, like already noted, Justice Barry Beach confirmed that Hulls would probably get what he wants.

This is no surprise as the judge who will hear the case is in fact one of Hulls junior employees and therefore unlikely to side against their superior officer. (Employees usually do what their bosses ask of them).

In other words it appears that Hoser is facing a Kangaroo Court of the first degree. But it's not so much that Hoser's books are undermining public confidence in the legal system, so much as these belated attempts to forcibly silence Hoser and ban his books that put the legal system into disrepute.

(The High Court stated in 1999 in a unanimous judgement by GLEESON CJ, McHUGH, GUMMOW, KIRBY, HAYNE and CALLINAN JJ that: 'Fair criticism of the decisions of the Court is not only lawful, but regarded as being for the public good' ... that is except in Rob Hulls' Victoria, where jailing critics is obviously now the preferred option.

Oh and whatever happened to the constitutional rights to free speech and the UN Declaration of Human Rights that Australia signed and ratified?

### NAZI'S?

And in yet another move reminiscent of Hitler's Nazi regime, Hulls' side indicated that they sought an order making it illegal for people to possess Hoser books and that people who did not hand in their copies of *Victoria Police Corruption* to the authorities (for burning?) would face penalties including jail if caught with a copy.

As a final note, when Joel Dean was asked by another person about the fact that jailing Hoser and seizing his assets may leave his wife alone and on the street with a 2 year old toddler and a week old baby, he allegedly retorted "I don't give a shit - I hope that they die there!"

When asked if these were also the same views as Rob Hulls, he said "Yes. That's what he wants as well".

Copies of the earlier media release on this landmark case and the writ and other key documents can be seen online at:

<http://www.smuggled.com/VGS1.htm>



Above: Raymond Hoser Australia's best-known corruption author and whistleblower now faces jail for telling and publishing the truth.

**For further details phone: 0412 777 211 (within Australia)**