

# HARD EVIDENCE

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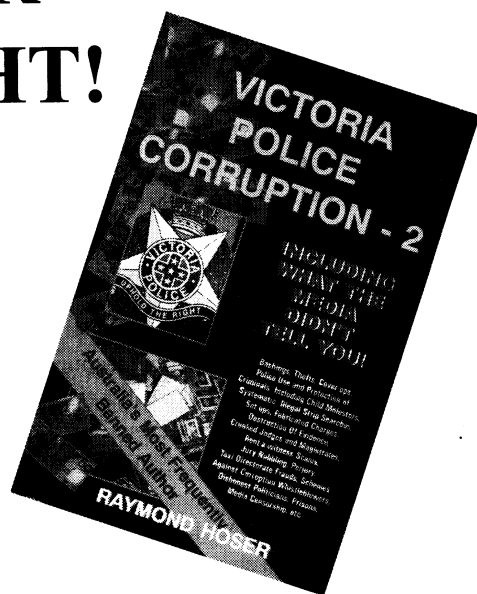
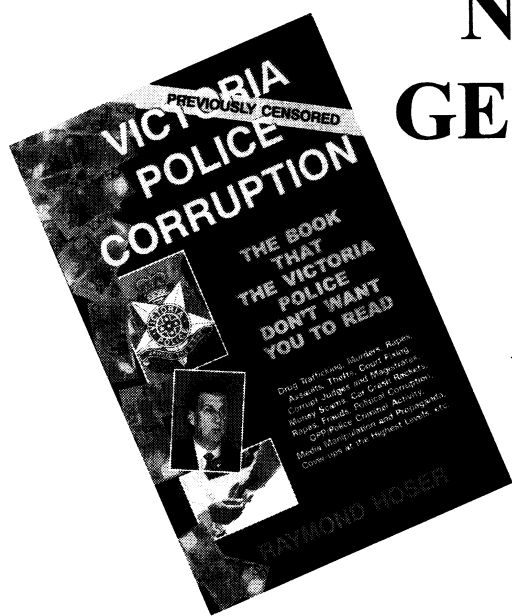
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# FOR A CHANGE THE HERALD-SUN NEWSPAPER GETS IT RIGHT!



*By Raymond Hoser*

It's not often that we can report this sort of thing, so when it happens, it really is newsworthy. We refer to an editorial in the Murdoch-controlled paper of today's date (March 8, 2001), which called for the immediate sacking of a corrupt Victorian County Court Judge, Robert Kent.

Kent had pled guilty two days earlier (6 March) to five serious tax charges and owed the tax office a staggering \$195,037. These charges weren't something out of character for the lawyer/Queens Counsel turned judge either.

He had at least six prior convictions for tax offences, all of which were hushed up at the time he took up his post on the County Court bench. (Fellow law-breaking Attorney General Rob Hulls and Kent have since claimed the excuse that the offences were "administrative" not "criminal" and therefore "not relevant"). But how can a law court be regarded as fair when we have a known criminal sitting in judgement of people being charged by the authorities - not all of whom are criminals like Kent?

Now had any mere mortal been charged with effectively ripping off the tax office \$195,037 the only possible sentence would be jail. The only question would be how long. For the amount of money owed and the fact that the charges stemmed from several years of obviously systematic

tax evasion, the logical (and based on precedent) penalty would be conviction and several years jail.

But because Kent was a County Court judge he was exempted from the law that binds every one else and given a so-called "Good behavior bond".

**HE WASN'T EVEN CONVICTED!**

Rip off a milk-bar for a \$1 "Mars Bar" and you'll get a conviction, so what was happening here? And who was the magistrate who decided to violate all decency and ethics to let this criminal judge off the hook? That was John Myers of Frankston Magistrate's Court. Now if you front Myers for a mere traffic violation or overstaying a parking meter, expect a criminal conviction that will stay with you for life. Ditto if you forget to vote.

That's the law and we all know that you can't break it! But if you're a fellow member of the judiciary, it seems that you can just about commit murder and he'll let you off the hook. So the Herald-Sun was right in calling for Judge Kent's immediate removal from the bench. However they didn't go far enough.

The paper should also have called for the immediate removal of John Myers as a magistrate. His decision to let the judge off the hook demonstrates a clear lack

of ethics and that he is totally out of touch with public expectations. And then there are other people whose integrity and morals should also perhaps be questioned or at least revisited. Namely the bunch of lawyers and mates who gave character evidence in favor of Judge Kent.

Included were Victoria's chief crown prosecutor, Paul Coghlan, former Commonwealth DPP, Michael Rozenes, QC, three magistrates, chairman of the bar council, Mark Derham QC, Liberal MP, Andrew McIntosh, Ex Supreme Court Judge George Hampel (now a professor), and fellow County Court Judge Michael Kelly.

Now if these supposedly distinguished men are genuinely rushing out to try to save the skin of a self-confessed criminal tax-evader, what right do they now have to prosecute and/or hear criminal cases where people have to defend themselves against the legal firepower of the state - many of whom are innocent of the charges they may face? In claiming mitigation of his circumstances, Judge Kent told the magistrate and the media that he was disorganized. Maybe, but then how does this explain his constant refusal to lodge tax returns and pay his taxes even after the tax office sent him notices asking him to do so?

And then, if the man is in fact as

disorganized as he claims (or was this just a ruse to get off the charges?), then surely a man so disorganized as to fail to lodge tax returns and rip off the tax office nearly \$200,000 is not a fit and proper person of integrity or organization to be running a court and sit in judgement of others.

Oh and how credible was Kent's evidence in front of the magistrate.

**As far as we can make out, not very.**

**Why?**

At one stage he told the magistrate he couldn't pay a \$10,000 bill, but then that apparently changed after he got together to do what appeared to be a deal with the prosecutor and his lawyers.

And how much does he earn as a County Court Judge? The base salary is \$172,000 and that's for a five-day working week with at best seven hours a day on the bench. Take out leave entitlements and the like and we make it out to be about a grand a day. It's the sort of thing average workers can only ever dream of. And then there's the superannuating on top of that!

And then what sort of Judge is Kent when hearing criminal matters? Based on what we can find out, bloody shocking. He seems to side with the criminals! In a case the previous month he told a woman who was sexually abused to forget about it and stop looking for someone to punish. Kent's comments came after the man had already pled guilty to sexual offences against the woman over a four-year period when she was aged 12-17. The woman now aged 26 said that she now understood why sexual assault victims didn't want to come forward. She described Kent as "trying to blame me".

Furthermore the pedophile had already offered compensation to the victim before Kent made his unnecessary remarks. For these very serious offences the man was to set to spend a mere nine months in custody. Meanwhile the Chief Judge of the County Court, John Waldron refused to have his colleague sacked. Waldron was adversely named in Victoria Police Corruption - 2.

Another Victorian Judge, the Rob Hulls appointed Betty King was also facing a tax charge and had admitted to the media that she was guilty. And in his defence for

his own tax evasion, judge Kent claimed that other judges similarly had defrauded the tax office, including High Court judge, whom he then refused to identify. Meanwhile a brouha had developed in NSW, where it was revealed in late February 2001, that a number of senior lawyers had been using and abusing bankruptcy laws to avoid paying millions of dollars in taxes while maintaining their extravagant lifestyles.

And yes, it's also common knowledge that a sizeable chunk of Sydney and Melbourne's legal fraternity, including some of the judiciary spend a substantial amount of their time getting high on cocaine.

Last year (2000) a few here in Melbourne got caught out and charged and then got off with "bonds" (no convictions) similarly claiming personal stress and disorganization. For anyone else, such charges would have almost certainly landed them in Port Phillip Prison! And then there was the case of the magistrate Raffael Barbario who was charged with assault, (there were several witnesses to the assault) but no other magistrate would dare convict one of their own, so he eventually beat the rap.

To see what sort of an evil character Barbario really is, just read the relevant parts of Victoria Police Corruption - 2 where he knowingly wrongly convicted an innocent woman (Connie Cassar) of assaulting about a dozen burly Victorian Police. She quite properly overturned the conviction in the higher court. Further evidence that there are different laws for different people in Victoria came to light again this week when one of Jeff Kennett's personal friends avoided conviction for a series of serious assault-related charges. The charges normally would have put any mere mortal in jail.

## **HERE'S WHY**

On February 26, 2000, Miles Simson, Andrew Denis, Andrew Hagen and Andrew Turner gate-crashed a party in suburban Ashburton. The group arrived in a car with illegally obscured number plates (but for some reason they weren't charged with this) to disrupt the party being held by Andrew Scott (from another school). Simson (then 18) punched Scott

and then gouged his eye and then launched a vicious attack on Scott's father as he tried to break the two men apart. The blows to Scott's father took him out. Yes, he was knocked unconscious. Hagen (then 18) hit Mr. Scott's elder son Michael as he ran to the rescue of his now unconscious dad. Denis (then 19) brandished a Swastika-adorned club, ready to attack anyone he deemed deserved a hit. Turner (then aged 18) also joined the fracas.

The four men, all from the upper-crust Scotch College were properly charged with recklessly causing serious injury and unlawful assault. The men fronted court in March 2001. Now under normal circumstances, the penalty for an assault that doesn't cause injury is at least a conviction and \$2,000 fine, or quite commonly jail. Refer to The Hoser Files for examples of these. Add the injury to the equation and jail becomes effectively mandatory.

However these four rich kids had an ace card up their sleeve. Denis produced a reference from former Victorian Premier Jeffrey Gibb Kennett. And yes, it appeared that it was enough to sway Magistrate Jillian Crowe to let the four thugs off with good behavior bonds (no convictions). Mr Scott complained to the press about the unduly lenient treatment of these criminals by the magistrate, but his cries went on deaf ears.

In other words if thugs bash an old lady over the head and steal her money, they may get charged and convicted ... that is unless they are rich kids from Scotch College who happen to have Jeff Kennett for a mate. Then they'll just be let off with a "bond". Makes you just want to walk the streets doesn't it? Perhaps it isn't just Judge Kent who should be removed from the Victorian judiciary. Maybe Jillian Crowe should be given the boot as well.

Maybe we should add Raffael Barbario ... and then those rogues covered in The Hoser Files, Victoria Police Corruption and Victoria Police Corruption - 2. Or perhaps a broom should be swept through the whole judiciary and we start from scratch. For further information relating to the double standards of the Victorian judiciary and other case examples refer

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

*By Darryl Carlsberg*

in particular to the latter chapters of the book *Victoria Police Corruption -2*. As most bookshops in Australia have been illegally pressured into not selling it by Victoria's Attorney General Rob Hulls, you will probably only be able to obtain the book by ordering it online at <http://www.smuggled.com> or from this magazine (ordering details within). For further information about this above This is a story of immense national importance and that's why you are reading it in **HARD EVIDENCE**.

One may also ask why the D-noticed dailies aren't running the story below. In an Australian first and in a step reminiscent of Stalinist Russia, 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.

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 already read about in this magazine. 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. 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 rehashed in the mainstream papers as well as other books including *Underbelly 4* by John Silvester and Andrew Rule and *No Justice* by Robin Bowles. 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.

## D-NOTICE

To make things worse the Herald-Sun, Melbourne's major newspaper has apparently black-banned reporting on the actions by Rob Hulls to jail Hoser for printing the truth in his corruption books (*Victoria Police Corruption 1 and 2*).

According to chief Police reporter Peter Mickleborough, Hoser is entitled to be jailed because he "has written unfavorable comments about the Herald-Sun". Mickleborough went on to say that he didn't want his paper's readers to know about the case as freedom of speech matters were "not of interest to them".

## WE BEG TO DIFFER!

At the Age, they are similarly pleased to see Hoser jailed because about a year ago he successfully sued them and won \$10,000 after they plagiarized material from one of his ground-breaking books. It seems that they haven't yet got over this one. Of course the hacks at both papers fail to realise that if a precedent is set for author Raymond Hoser to be jailed for telling the truth, other authors and publishers, including themselves 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 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.

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. 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> by following the relevant links.

Oh and by the time you read this, you may be committing a jailable offence if you own any of Hoser's books and Hoser himself will probably be languishing in some Victorian jail cell. Alternatively, if you don't live in Victoria, you may find Hoser's books suddenly become more collectable than "Penny Black" stamps.

For the full story, ring (in Australia):  
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