

**T**he most controversial issue among contributors was the case of Ray Hoser. WBA put out a *press release*, reprinted here, and *Christina Schwerin* puts the case below.

### **MEDIA RELEASE**

A new start for Victoria on police and legal corruption? Or more of the same? Sack Chief Magistrate Michael Adams and jail whistleblower Ray Hoser? Whistleblowers Australia (WBA) played a key role in helping force the Royal Commission in NSW that exposed entrenched and widespread corruption in the NSW Police Service. Long-term whistleblower Ray Hoser has detailed very similar problems in Victoria in his best-selling *Victoria Police Corruption* books. He has also criticised Victoria's troubled court system, some of his points being echoed by chief magistrate Michael Adams before his departure, allegedly forced by Attorney-General Rob Hulls.

In an extraordinary move, Hulls recently issued writs against Hoser and his publisher for contempt, alleging his books have scandalised the Victorian courts. Hoser faces a possible jail term if this move is successful.

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### **LAW OF SILENCE**

The Victorian Attorney-General Mr Rob Hulls, has issued a writ for "Contempt of Court" on corruption author-whistleblower, Raymond Hoser. Details of the writ can be found on the Internet at <http://www.smuggled.com/VGS1.htm>. Transcripts and other major documents are outlined at: <http://www.smuggled.com/Tran1.htm>. The writ is served on R. Hoser and his publishing company Kotabi, over their books, *Victoria Police Corruption* and *Victoria Police Corruption 2*. It is alleged that R. Hoser has scandalised the courts in his books, by undermining public confidence in the State's legal system.

Whistleblowers Australia believe that if successful, this action will set precedents in law which will have very detrimental, long-term effects for all of us. Such precedents could then be

relied upon in future legal actions used in any instance to silence the reporting of public concerns and to remove from public attention any publication which served to bring these before the public.

Raymond Hoser reports that the current writ calls for the following penalties against him.

"1. That R. Hoser be jailed for 10 years.  
That his assets be seized.  
That R. Hoser and his publishing company be liquidated.  
That possession of the books be made a chargeable offence.  
That all of the books be confiscated and removed from public access."

The seizing of assets is supposed to apply only in such cases where the assets are accumulated through the proceeds of crime. That does not apply in the case of Mr Hoser.

Such extreme measures, in the circumstances, appear to be unbelievably harsh. Quite astounding in view of the fact that no action has been taken against the perpetrators of crime and corruption, as reported in the same books.

What kind of message does this send to the people of Victoria?

The removal of the books from public access is a matter of major concern. Due only to the nature of the matters reported therein.

Just some of the cases reported in the books are, the Tanner murder, the raping by police of women in a Women's Refuge at Maryborough Victoria (the police responsible were merely relocated to other areas). The 1977 murder of anti-drugs campaigner, Donald Mackay, in Griffiths, NSW. Also, the Mick Skrijel case, which is detailed in the copy of Mick Skrijel's letter to the Prime Minister of 6 July 2001. (A precis of Mick's case is included on WBA's Four Key Cases of National Significance brochure).

These are genuine cases, documentary proof of most are held on record by Whistleblowers Australia. They evidence the failure of the Government, government agencies, police, and the Ombudsman, authorities which hold the responsibility to deal with such matters, to carry out the duties of their office properly in the

bests interests of the public. Such matters as should be kept before the public.

We have a right to access information which affects our communities. Such information assists us to make informed decisions about our lives. We have the right to speak and to voice our opinions and concerns and to have some influence in the forming of the policies and laws of our government. To know how our taxes are being used and if they are being used in our bests interests.

For those who are unable to accept the factual reality of the use of litigation as a means of discrediting and falsely jailing people who report on matters which the government does not want you, the public, to know, I refer you to the letter from Mick Skrijel's letter to the Prime Minister dated 6 July 2001, a copy of which can be accessed on the SAEBOW website at: <http://www.bulliesdownunder.com/> scroll down to CURRENT EVENTS and click on HOT NEWS! The link will take you down to the "Speaking Out" forum of 'Bullies Down Under' and the letter can be accessed under "LETTER TO THE PRIME MINISTER" All that Mick reports in his letter can be backed-up with documentary proof.

Incarceration should be reserved for perpetrators of crime and not used to silence and intimidate.

The action appears to be unnecessary and therefore a waste of public money. The books have been on sale for two years now and already over 10,000 copies have been sold. A related action for "Defamation" was failed when brought before Justice EW Gillard in April of last year. Mr Hoser reports that costs were then awarded in favour of R. Hoser, who at the time signed an agreement to the effect that he would not pursue the Hulls side for his costs, on the condition that all and any further actions against him be dropped. Mr Hulls has now initiated this new action.

Whistleblowers Australia have sent media releases to all mainstream media sources in the state, protesting the current action by the Victorian Government against Raymond Hoser. To date there has been two public protests against the action, on 20 July

and 13 August, respectively. Still, there has been no exposure of this matter that has such wide future impact for the public in general.

What keeps the media silent on the matter? We must ask ourselves if the action against Mr Hoser is proper use of the law and the courts when the initiation of this action must be hidden from public scrutiny.

Today it is Raymond Hoser who is to be silenced and his publishing company closed down. Tomorrow, it could be any author or reporter and any publishing source.

This case now initiated against Raymond Hoser, has aspects, which should it succeed, we believe will produce regrettable effects in the long-term, for all Australians.

**Christina Schwerin**  
*National Vice-President*  
*Whistleblowers Australia*  
23 August 2001

#### Comment by Jean Lennane

The pattern of an authority 'shooting the messenger' is all too familiar to WBA from hundreds of cases all around Australia. Many of these cases involve police; many others the courts. It is wildly unrealistic to expect such areas can ever be totally free of corruption; and equally clear that what is required is acceptance by the authorities that some degree of corruption is inevitable, coupled with a determination from the top to do everything possible to prevent it. Victoria's new police commissioner, Christine Nixon, had an honourable post-Royal Commission role in NSW, in particular in strengthening the NSW police whistleblower support unit. This unit has actually succeeded in making it easier and much less dangerous for whistleblowers, the life-blood of any reform process, to come forward. She also instituted ground-breaking research comparing the career paths, health and welfare of police whistleblowers with police they blew the whistle on, as well as controls. This research is proving an invaluable tool for ongoing monitoring of the service's ethical health. It would be equally applicable for Victoria Police, and WBA would be pleased to help with it, as we have in NSW.

Victoria at last has a chance for a new start on corruption, but it requires a new attitude to whistleblowers, however unwelcome their message. Attorney-General Halls' prosecution of Ray Hoser is unfortunately a giant stride in precisely the wrong direction.

Victoria deserves better.

**Jean Lennane, National President,**  
*Whistleblowers Australia*

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## Stop press on Hoser case

The court has ruled against Ray Hoser, fining him \$5000 plus costs. He will be appealing.

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## Ads, Sites and Updates

**T**his section is devoted to notices, tips and directions to helpful sites. Email updates are open to all members wishing to spread the word on issues of whistleblowing significance.

#### Email Updates

Subject: Public Interest Disclosure Bill  
Date: Sun, 2 Sep 2001 18:16:35 +1000  
An observant whistleblower spotted the notice for this in Saturday's *Sydney Morning Herald*. No doubt it was also in the other major dailies. Apparently the Bill was referred to the Senate Finance and Public Administration Legislation Committee on 8th August 'for inquiry and report by 18 April 2002'.

The secretariat's phone number is 02 6277 3530; email address below.

Phone or email, just to let them know people are interested.

To: [fpa.sen@aph.gov.au](mailto:fpa.sen@aph.gov.au)

From: Jean Lennane

<[jlennane@sydney.net](mailto:jlennane@sydney.net)>

Subject: Public Interest Disclosure Bill  
Dear Sir/Madam, We were rather surprised at the notice in Saturday's papers regarding the above, since this is the first we have heard of the existence of such a Bill, despite Whistleblowers Australia's considerable input into the two previous Senate Committee inquiries, 1993-5, and repeated

representations to the Government since that time.

Obviously we as an organisation, and a number of our members individually, will want to make submissions; however the logistics of meeting the cut-off date of 21st September will be prohibitive, given that none of us has yet seen the Bill, and only about a quarter of our several hundred members are on email.

I am therefore requesting an extension of the deadline for submissions, if at all possible, by at least another three weeks. Could you also please let me know by return email where the Bill is located on the Web? and for those who are not on email, how they can most expeditiously obtain a copy of the Bill? Plus any other available information on the process to be followed by the Committee?

We look forward to hearing from you.

**Jean Lennane, National President,**  
*Whistleblowers Australia*

Dear Ms Lennane

Thank you for your inquiry. The Public Interest Disclosure Bill 2001 is available from the attached link:

<http://search.aph.gov.au/search/ParlInfo.ASP?action=browse&Path=Legislation/Current+Bills+by+Title&Start=3&gDY#top>

Please note, and ask your members to note, that:

\*the Bill relates to disclosures in the Commonwealth public sector;

\*the Bill defines employees as being employed under the Public Service Act 1999 and the Parliamentary Service Act 1999; and

\*submissions must address the Bill.

Hard copies of the Bill will be mailed to those who do not have Internet access and who telephone the secretariat to request a copy (in accordance with the advertisements). The closing date was set with the Committee's available in mind—they will be in Canberra for the last week of September. However if it is not possible to meet this deadline, they should be provided by 12 October 2001.

Yours sincerely

**Helen Donaldson**

*Secretary*

*Finance and Public Administration*  
*Committee*

(02) 6277 3530