
Putting the politics back into PROSECUTION

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The Kennett Government and the DPP.

The crisis

In Victoria the Kennett Government's move to undermine the independence of the office of the Director of Public Prosecutions (DPP) created a furore. Since its election in October 1992 the Liberal/National Coalition Government has been no stranger to controversy and crisis: the Opposition has repeatedly asked the Premier to stand aside over accusations that he used his position as government leader to further the interests of his family advertising company and lied when answering questions about the alleged conflict of interest; the protest rallies organised by unions following the Government's changes to the industrial relations system were the biggest since the Vietnam moratorium marches; massive public sector reductions including the closure of many schools and cuts to health and community services have created a wave of protest and been met with staunch resistance by a wide section of the community; and there is widespread concern amongst the legal profession over the abolition of the Law Reform Commission, the introduction of indeterminate prison sentences, increases in police powers, changes to the rules governing criminal trials, the sacking of twelve Accident Compensation Tribunal judges and the effective removal of the Equal Opportunity Commissioner from office. Even against this background of controversy and crisis, the proposed changes to the DPP's position stand out as possibly the Government's biggest crisis.

Opposition to the proposed changes

Opposition to the proposed changes to the DPP's office, foreshadowed in the *Public Prosecutions Bill* (which the Attorney-General indicated were not 'set in concrete'), was expressed by the International Commission of Jurists, the Council for Civil Liberties, the Victorian Law Institute, senior members of the Victorian Bar, other Directors of Public Prosecutions throughout Australia, members of the Victorian Supreme Court, the Staff of the Director of Public Prosecutions which numbers 100 and includes about 60 lawyers, the Chief Justice of the Family Court of Australia, Mr Justice Nicholson, and the Chairman of the New South Wales Court of Appeal, Justice Kirby. In fact, it has been said that the Attorney-General responsible for the Bill, Jan Wade, alienated the entire legal profession and created a division comparable to that brought about by former Victorian Premier, Sir Henry Bolte's decision to hang Ronald Ryan in the 1960s.¹ Certainly she upset the Victorian DPP, Bernard Bongiorno, QC. After discovering that the Bill existed Mr Bongiorno said he would be surprised if he ever spoke to the Attorney-General again and when asked whether he had confidence in Mrs Wade replied that 'The job doesn't require me to have confidence in the Attorney' (Age 13.12.93).

The creation of the DPP's office

In 1982 the Cain Labor Government enacted the *Director of Public Prosecutions Act 1982*. The effect of the Act was to replace the Criminal Law Branch of the Crown Solicitor's Office with the DPP. The Director's office prepares, institutes and conducts all criminal proceedings on behalf

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of the Crown in the High, Supreme and County Courts. Prior to this change, decisions as to whether criminal matters would be pursued were made by law officers directly responsible to the Attorney-General. The 1982 Act provided the DPP with independence from the Attorney-General to ensure that decisions to prosecute, or not, are made without reference to political considerations that might influence the Attorney-General. In order to enhance the independence of the DPP the position was given the status of a Supreme Court judge. The Director is appointed for an indefinite term until the age of 65 and can only be removed by parliament in a manner similar to that for a Supreme Court judge. The model provided by the Victorian legislation has, in the decade since its inception, been adopted by four States and the Commonwealth and been considered favourably in overseas jurisdictions.

Importance of independence

The Westminster system of government is underpinned by the doctrine of separation of powers between the executive, parliament and the judiciary. Under this system, judges and those exercising judicial functions are required to operate independently of parliament and governments in order that they may apply the law and exercise their functions free from any fear that a decision or action unpopular with the government will lead to their removal from office.

The Kennett Government's disregard for the principle of judicial independence is evidenced by the sacking of 12 Accident Compensation Tribunal judges and the axing of the Equal Opportunity Commissioner's position, and its moves against the DPP.

Recent events highlight the need for a DPP independent of the Attorney-General and the Government. After four years of investigation by the National Crime Authority (NCA), John Elliott was charged with the theft of \$65 million in relation to foreign exchange transactions. It has been alleged that he used his political connections and influence with the Liberal party to avoid being charged. Mr Elliott is a multi-millionaire businessman as well as the former federal President of the Liberal Party and one of the Party's main fundraisers.²

In November 1992 the Federal Court was told that, in an apparent bid to block his interview by the NCA, Mr Elliott urged the Victorian Minister for Police and Emergency Services, Mr McNamara, to sack or suspend the DPP. It was revealed in court that Mr Elliott's solicitors had written three letters: two to Mr McNamara and one to Mrs Wade (see *Elliott v Seymour* (1993) 119 ALR 1 (High Court); 119 ALR 10 (Foster J); 119 ALR 46 (Fed. Court). The letter written to Mrs Wade in September 1993 urged her to intervene with the DPP (Age 5.11.93). In a further attempt to stave off being charged, Mr Elliott commenced legal proceedings against the Victorian DPP and the National Crime

Authority alleging acts of conspiracy. He alleged that in 1989, the Victorian, South Australian and Federal Labor Governments had conspired to damage him and the Liberal Party before the 1990 election campaign. Subsequent to receiving correspondence from Mr Elliott, the Attorney-General directed the Victorian Government Solicitor not to provide legal representation for the DPP in the case brought by Mr Elliott (Age 20.10.93).

Had the Attorney-General been in control of the prosecution process, she may have found it difficult to put political considerations aside when contemplating the effects of criminal charges against a person so closely connected with her own political party. As it stands there is at least the suspicion that the proposed changes to the Director's office are linked to Mr Bongiorno's part in the NCA investigation of Mr Elliott and Mr Elliott's attempt to influence the Victorian Government.

The leader of the opposition in Victoria, Mr Brumby, said that the *Public Prosecutions Bill* appeared to be about protecting the political mates of the Premier. He said:

You have to ask whether one of the mates Jeff Kennett wants protected is John Elliott. . . I think you have to look at the time-line of events here, [which] shows that in September Mr Elliott's solicitors wrote to the Government, they made certain claims about the DPP. This legislation was drafted in the following month, and in November this legislation went to Cabinet. [Sunday Age 12.12.93]

Decisions to prosecute, or not, need to be made free of any suspicion that they have been made on party political grounds. If political influence, such as that wielded by Mr Elliott, is capable of ensuring that prosecutions will not be pursued, whatever the circumstances, some people are effectively placed above the law. If some citizens are above the processes of the law and beyond the scope of criminal prosecution, then the notion of the law as a vehicle for justice is unsustainable.

STOP PRESS STOP PRESS STOP PRESS

In what has been described as a 'dramatic climb down' and an 'apparent backflip', the Attorney-General, Mrs Wade, has announced that many of the proposed changes to the DPP's office will not be implemented.

In particular, the much maligned office of Deputy Director of Public Prosecutions, with powers of veto over the DPP, has been abandoned.

The proposed Committee for Public Prosecutions, with its extensive powers to oversee the entire prosecution system, has been replaced with a 'directors committee'. This new committee has a consultative function and consists of the DPP, the Chief Crown Prosecutor and a senior prosecutor. Where a recommendation of the DPP is rejected by two of the three committee members, the DPP's recommendation will still be acted upon. In these circumstances the DPP will be required to report the reasons for his decision to Parliament.

The power to prosecute for contempt of court will be passed across to the Attorney-General, but she will be required to act on the advice of the Solicitor-General.

These latest changes to the proposed legislation have been said by the DPP, Mr Bongiorno, QC, to preserve the independence of his office and ensure decisions are made honestly.

However, the Premier, Mr Kennett, has continued to make public criticisms of the DPP and his office. In what was described as his most savage attack on the DPP's office, Mr Kennett, in response to the prosecution of TV presenter, Derryn Hinch, for contempt, criticised the DPP for not prosecuting Bishop Dowling for offensive behaviour. The Premier had earlier refused to express full confidence in Mr Bongiorno: 'My reservations about Mr Bongiorno still stand'.

Although indicating that he has no immediate intention of resigning, Mr Bongiorno has subsequently said that he views his position as 'day to day'.

The proposed changes to the DPP's office

The *Public Prosecutions Bill* includes two major changes that affect the independence of the DPP and open up the prosecution process to political interference. The first of these changes is the creation of the position of Deputy Director of Public Prosecutions. The Deputy is not responsible to the Director but directly responsible to the Attorney-General. According to the draft Bill the Director needs the written consent of the Deputy before doing a number of things including the following: presenting a person for contempt of court; overruling a crown prosecutor who has advised for or against a prosecution; or issuing guidelines about the prosecution of offences. If the Director and the Deputy fail to agree on any of these matters the views of the Deputy prevail. Mr Bongiorno has described the creation of the position of Deputy with these powers as 'bizarre'. It has been pointed out that the so-called Deputy is more accurately described as an 'overseer, supervisor or minder'.³

The second major change is the provision for a Committee for Public Prosecutions. The five member committee would oversee and review all decisions made by the DPP. The committee would consist of the DPP, the newly appointed Deputy, the Solicitor for Public Prosecutions, the Solicitor-General and a member nominated by the Governor-in-Council. Mrs Wade has indicated that the nominated member might be a representative of one of the victim advocacy groups such as the Victims of Crime Assistance League. The majority of members of this committee will be seen as, and probably in fact be, subject to government dictate.

The process

It is not just the content of the draft Bill that concerned critics. The process by which the proposed changes came to light was extraordinary, to say the least. Mr Bongiorno says of the process that he was 'kept in the dark and fed bullshit' (*Age* 13.12.93). He claims that not only was he not told about the proposed changes but that he was misled by the Attorney-General (*Age* 16.12.93). He claims that he sought reassurance from the Attorney-General when he began to hear rumours about major changes to his office at the end of October 1993, and that on more than one occasion Mrs Wade assured him that nothing major was afoot. Mrs Wade has denied that she misled Mr Bongiorno but there is no doubt that a draft Bill was created without any input from the DPP or the legal profession, let alone a public consultation. Mr Bongiorno heard about the proposed changes, not from the Attorney-General or the Government, but from the *Sunday Age*, which was leaked a copy of it. Once the Government became aware that the *Sunday Age* had obtained a copy of the draft legislation, and that Mr Bongiorno had seen it, it forwarded a copy to the *Sun-Herald* in time for their Saturday edition. The Saturday edition of the *Sun-Herald* ran a relatively uncritical story about the proposed changes and an editorial supporting the Government (*Sun-Herald* 11.12.93). The Government then asked the police to investigate the leak to the *Sunday Age*.

The Government's preference for secrecy has not been confined to its moves against the DPP but is part and parcel of its approach to change. Another illustration of the Government's covert approach to change is its enactment of substantive laws in the form of statutory rules and regulations that do not have to be debated and passed by parliament.⁴ The Government has made major changes to the law and the administration of justice with little public consultation or debate. The speed, frequency and lack of public information about these changes to the legal system means that few people are in a position to grasp the depth or significance of the changes, let alone effectively challenge them.

Rationale for changes to DPP

The Government provided a number of explanations for the proposed changes to the DPP, all of which were met with suspicion. Mrs Wade maintained that one of the motivating forces behind the Bill is the belief that economies can be made in the administration of the office (*Sun-Herald* 23.12.93). However, the Attorney-General admits that no review of the office had taken place, although one is planned for the future.⁵ It is usual practice to make reforms relating to administration, after a review, rather than before. Mrs Wade says another of the Government's aims is to ensure that victims have more input into the prosecution process and are provided with more information. The draft Bill addresses the situation of victims. As mentioned above it is possible that victims will get a representative on the proposed committee for prosecutions. Under the

proposed changes the DPP will not be able to drop charges if the Crown Prosecutor advises against the dropping of charges. On occasion the dropping of charges has upset victims or their families. However, only four sections out of the fifty section draft Bill are relevant to victims and these sections are not central to the Bill. If the Government wants victims to be more involved in the prosecution process then this could be achieved without the proposed wholesale undermining of the DPP's position. The third, and it seems major reason put forward for the proposed changes, is the desire to make the DPP more accountable. In an article published in the *Sun-Herald*, Mrs Wade writes:

The critics of the Government are appalled by the proposal that one person (in this case the DPP) cannot make any decisions he likes. Fortunately for our civil liberties, the Government is more troubled by the idea of untrammelled power in the context of criminal prosecutions. It prefers the time-honoured notions of checks, balances and accountability, all of which are more common in the real world than cloistered lawyers might suppose. [*Sun-Herald* 23.12.93]

Contrary to the Attorney-General's statement there are currently checks and balances built into the exercise of the DPP's powers. When a decision to prosecute is ultimately made, a judge makes a decision as to whether the charges should proceed or not. If a judge decides there is a case to answer, in due course a jury decides whether charges are proved beyond reasonable doubt. Thus the DPP is accountable to the courts. When making a decision not to prosecute, the DPP is in a similar position to a judge who directs a jury to acquit. That decision to acquit, or in the case of the DPP not to prosecute, is not reviewable because of the principles relating to double jeopardy. In addition, the Director reports to parliament annually and publishes general guidelines about prosecutorial decisions.

Motivation for change to DPP's office

Underlying the concerns about the substance of the proposed changes, and the process, are suspicions about the Government's motives. As mentioned above, one view is that the Government is supporting one of the Liberal Party's benefactors by undermining the DPP. Another suspicion is that the Government is motivated by a desire to shackle any individual or organisation that is willing and able to challenge it by exercising a degree of independent power. This suspicion arises because the Government has made a habit of getting rid of, or neutralising, critics, or potential critics.

The Government has effectively removed from office the Equal Opportunity Commissioner, Moira Rayner, and restructured her office. These changes were announced after the Commissioner took action to stop the Government removing female prisoners from Fairlea Women's Prison to a male prison. Ms Rayner had also criticised the Government's changes to employment laws by noting publicly that there had been a 50% increase in the number of job-related complaints to her office since the enactment of the laws.⁶ The complaints system has been changed so that complainants may be forced to bypass the conciliation process and go straight to hearing 'and risk paying costs'.⁷ It has been estimated that the Northland Secondary College students' successful complaint to the Equal Opportunity Board against the Government's decision to shut their school, would have cost the complainants \$400,000 if they had lost, and if the new rules had been in place.⁸ In these circumstances it is unlikely that Victorians will in the future be able to use the Equal Opportunity Act to challenge government policies and decisions they believe to be discriminatory. The Government has threatened to place the Ombudsman and the Auditor-General on government service contracts, a move that would affect their independence and thus their ability to perform their functions which include criticising government poli-

cy and process, where warranted. The role of community visitors to closed government institutions was made more restrictive after their submission to parliament of an annual report that commented on sexual and physical abuse of mentally ill and disabled people in government-run institutions.⁹

Of particular note is Premier Jeff Kennett's reaction to criticism. When the coroner suggested that bull bars on cars are dangerous and recommended they should be banned, Mr Kennett, the owner of a car with a bull bar, said he did not like people telling him what to do. Shortly after the Coroner's recommendations a review of the Coroner's Office was announced (Age 2.11.93). Mr Bongiorno, in the months before the challenge to his powers, had openly considered charging the Premier with contempt over statements he made on television after the arrest of a man in relation to a number of killings. The Premier let the DPP know that he took criticism badly when he said that Mr Bongiorno was 'digging a crater for himself' by criticising the Government and its Bill (Age 16.12.93). In these circumstances there are strong grounds for suspecting that the DPP is being taught a lesson for challenging the Government, and, in particular, the Premier.

The DPP and the police

The news media frequently mention the police, along with John Elliott and the Premier, among the powerful people the DPP has upset. However, there has been little speculation about the influence of the police on the Government in the challenge to the DPP's powers. Yet the police, like the present Victorian Government, have a history of using their power in attempts, often successful, to silence or remove critics.

The DPP is an outspoken critic of the tactics of some police. In a widely publicised address to a conference on police accountability, Mr Bongiorno said that some police had employed strong-arm tactics to help colleagues facing criminal charges. He said he knew of cases involving accused police where witnesses had been intimidated by 'friends' and the accused police had been given supposedly confidential statements, legal opinion, and intelligence reports. He said 'witnesses have been harassed under the guise of criminal investigation to the point, on occasion, where original complaints have been withdrawn in circumstances giving rise to suspicion amounting to virtual certainty that strong-arm tactics had been used' (Age 28.5.93).

Mr Bongiorno is in a position to review police decisions to prosecute and has occasionally directed that charges be dropped in circumstances that have upset police.¹⁰ There is no doubt, however, that the DPP's decision, in July 1993, to charge nine serving and two former police officers with offences relating to the fatal police shootings of Graeme Jensen and Gary Abdallah in the late 1980s greatly upset police. Since the time of the shootings police command and the Police Association maintained unqualified support for the members involved in the shootings.¹¹

After the charging of the police, a number of public complaints about the DPP were made by police. A page one story in the *Herald-Sun*, only days after the charges, states that lawyers representing the officers had written to the Attorney-General asking that she investigate comments made by the DPP. The lawyers requested that the Attorney-General consider whether contempt charges should be laid against the DPP over statements he made in a newspaper interview (*Sun-Herald* 5.8.93). Shortly after, the *Sunday Age* ran a story in which the police accused the DPP's office of a serious breach of security in allegedly tipping off a suspect that his home was about to be raided by police. The target of the raid was a crown witness in

an assault case against a police officer (*Sunday Age* 26.9.93). When a Supreme Court judge ordered a permanent stay of murder and manslaughter charges against five of the police or former police who had been charged over the shooting of Graeme Jensen, the Secretary of the Police Association, Danny Walsh, in an apparent swipe at the DPP said 'Let those who made the decision to put five people before the courts in relation to the most serious charges you can face . . . be held accountable for the decision that they've made' (Age 14.12.93). Following his acquittal of murder by a Supreme Court jury, Detective Lockwood said, 'Although I am very happy with the verdict I am very bitter that I was charged . . . and presented for trial by the Director of Public Prosecutions without the ordinary process to which every citizen is entitled' (Age 23.2.94).

It is not extraordinary for suspects to be directly presented. It is recent and very public history that one of the men accused of the shootings of two police officers was directly presented to the Supreme Court without the benefit of a committal and it is commonplace for people to be charged with criminal offences and subsequently be found not guilty by juries. The Police Association is openly campaigning to undermine the DPP's position by criticising his decision not to prosecute in individual cases. Recently the Association posted a photo of a murder victim, with the caption 'I was raped and murdered on my seventeenth birthday', to all Members of Parliament. They implied that the DPP was doing nothing to bring to justice one of the killers (Age 17.2.94).

Police attacks on critics

Police, like the Kennett Government, do not take challenges to their powers or autonomy lightly. There is a history of police targeting critics and it is in this context that the public complaints made by the police about the DPP should be seen.¹²

Mr Fitzgerald in his report on corruption in Queensland wrote that there was an unwritten police code. He commented that the code: 'effectively makes police immune from the law. In conflicts between the code and the law, the code prevails'. He wrote that according to the code ' . . . loyalty to fellow officers is paramount; it is impermissible to criticise fellow police, particularly to outsiders, and critical activities of police, including contact with informants, are exempt from scrutiny . . . The operation of the code means that police reject criticism and external supervision. The police then counter criticism with misinformation and deceit. Reforms are said to be bad for 'morale'. Those who make allegations against police often find themselves become the subject of abuse, criticism or allegations . . .'¹³

In Victoria the operation of the code under which critics of police are targeted is evident. Those people who make formal complaints about police mistreatment or abuse of powers are treated with suspicion and sometimes hostility by investigating police.¹⁴ Research into police mistreatment indicates that fear of reprisals by police in the form of false charges and harassment discourages many people from making formal complaints.¹⁵

The fate of the short-lived Victorian Police Complaints Authority is an illustration of police determination to avoid external scrutiny and silence critics. In 1987 the Cain Labor Government set up the Police Complaints Authority as an independent statutory authority to act as an independent reviewer of the police complaints system. When the Authority found that it was unable to achieve improvements in police accountability through negotiation with police it became an outspoken critic of some police practices. Only 22 months after the Authority was set up, the Government disbanded it. It seems clear that the Authority was abolished because, as an outspoken critic, it had become unpopular with police command and the Government

believed its political bread was buttered on the side of supporting the police rather than the Authority in an election year in which law and order was a potential issue.¹⁶

Police and governments

The Government may have its own reasons to want to undermine the independence of the DPP but the fact that such a move suits police interests no doubt provides another incentive.

During the 1980s, policing became increasingly politicised. Law and order became a potentially emotional election issue and governments recognised that upsetting police command or the Police Association could negatively affect their prospects of being re-elected.¹⁷ On the basis of political expediency governments around Australia acquiesced to an enormous number of police demands. In Victoria, in the ten years of the Cain/Kirner Labor Governments, police achieved significant increases in powers, numbers and resources along with extremely generous superannuation and early retirement schemes.

While the police did well under Victorian Labor Governments they have greatly benefited from the election of the Coalition Government. The police budget has been exempted from the across the board expenditure cuts that have taken place in other departments. At a time when the public service is being cut, the police have gained an increase in numbers and police officers have been exempted from the cuts to public servants' superannuation as well as gaining extensive new powers and the go-ahead to trial chemical weapons in routine policing.¹⁸ On top of this, police are happy with the Government's harsher sentencing laws and the changes to procedure in criminal trials such as the abolition of the right to give unsworn evidence.

As mentioned previously, a government that pleases the powerful law and order lobby, that includes the police as major players, improves its election chances. There are other advantages. A government that, through allowing the police force to run its own show and write its own cheques, enjoys the gratitude of police, and can expect enthusiastic police cooperation in implementing its policies. The Bjelke-Petersen Government operated like this when it was in power in Queensland. In that State, police became the political arm of the Government. An illustration of this in action was the enthusiastic police enforcement of the Government's ban on street marches. Police made public statements characterising marchers as violent extremists posing a threat to the community, thus undermining support for the marchers and opposition to the Government's policies. In addition, senior police made public statements designed to enhance the Government's re-election chances. In the lead up to the 1983 Queensland election, Police Commissioner, Terry Lewis, was quoted as saying: 'The people of Queensland and the Police Force owe the Premier a very deep gratitude. The free enterprise policy of the Bjelke-Petersen Government has been responsible for Queensland's tremendous growth'.¹⁹ The recent events in Victoria at Richmond Secondary College are evidence of a similar pattern of political policing developing in Victoria. Hundreds of police were deployed at the College to remove picketers demonstrating against the Government's forced closure of the school. Violent scenes ensued as the police baton-charged those at the site. In public statements the police characterised the protesters as violent extremists (Age 14.12.93). The Government, in turn, published a list of some of those involved in the Richmond picket claiming they were professional agitators, linked to extremist groups (Age 17.12.93). It seems likely that the list was compiled by police or with the assistance of police and provided to the Government.

In Victoria we are witnessing the consolidation of overtly political policing under which the Government and the police, rather than acting at arm's length, work together for their mutual benefit. The danger in this arrangement is that it effectively places both the police and the government above the law, providing an environment in which corruption among both police and politicians can flourish. To sew up such an arrangement and ensure that criminal politicians or police remain untouchable and that the Government's political enemies become the target of police, prosecutions need to be within the control of the Government and the police. The *Public Prosecutions Bill*, as originally proposed, would have achieved this aim.

Conclusion

A newspaper headline over an article about the Government's moves against the DPP suggested that Victoria was taking the first steps towards a police state. A more accurate perception is that Victoria has already taken a number of steps down this path. The moves against the DPP represent a dramatic acceleration along it.

References

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2. Mr Elliott's 50 0 Club raised \$425,000 for the Liberal Party in 1993. See Age, 1.2.94.
3. Justice Michael Kirby and others, Letter to the Editor, Age, 21.12.93.
4. See President of the Law Institute, David Denby in Law Institute Journal, January/February, 1994.
5. 3AW Margaret Fletcher Show 13 December 1993.
6. See Bone, P., 'Gender still on the agenda long after Deborah Wardley', Age, 17.1.94.
7. See Goldberg, A., QC, 'Making equal opportunity a luxury measure', Letter to the Editor, Age, 17.11.93.
8. Rayner, Moira, 'Is there one law for the rich and another for the poor?', Age, 11.1.94.
9. Norden, P., 'Prison reforms leave the honest brokers in shackles', Age, 6.12.93.
10. For example the DPP directed that soliciting charges against the Anglican Bishop of Canberra be withdrawn. At the time the Deputy Police Commissioner, Mr John Frame, publicly aired his disappointment at the DPP's decision. See Sunday Age, 30.8.92.
11. See The Flemington/Kensington Legal Service and others, Police Shootings in Victoria - 1987-1989- You Deserve to Know the Truth, 1992, Melbourne, Fitzroy Legal Service.
12. See, e.g. Bessant, J., 'Who Guards the Guardians? Police Responses to Allegations of Mistreatment', Socio-Legal Bulletin, The National Centre for Socio-Legal Studies, La Trobe University.
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14. Freckelton, I., above at p.73
15. See Biondo, S. and Palmer, D., 'Report into Mistreatment by Police 1991-92', Federation of Community Legal Centres (Vic.) Police Issues Group, Melbourne, May, 1993.
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17. Freckelton, I., above; Richards, C. and White, R., 'Police Unions and Police Powers' in *Current Issues in Criminal Justice* 4(2)157-174; and 'Who's in Control? Victorian Police Expenditure - The Federation of Community Legal Centres Exposes the Police Budget', Federation of CLCs (Vic.) Police Issues Group, July 1992.
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19. Quoted in Dickie, P., 'The Road to Fitzgerald and Beyond' at p.105, Queensland University Press, 1989.