

Warning: Readers should note that there may be mention, photos or interviews with Aboriginal persons who are deceased within this Newsletter. In the case of deceased persons, the Association strives to observe cultural necessities, particularly in naming their 'living names'. In all cases, where possible, we seek the advice of the immediate family of the deceased person. Where there is disagreement within that family structure, we will observe the wishes of the most immediate family member with whom the deceased had regular contact. Where there is uncertainty in the naming protocols, relatives cannot be established or a failing with our inquiries we will use the initials of the deceased. We offer only respect for the deceased person and his/her family but we cannot delete the 'living names' of the deceased from the reports/articles used due to legal issues.

Djadi-Dugarang

(Talk Loud – Talk Strong)

*The Newsletter of the
Indigenous Social Justice
Association
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Errol and Yasman

Of Racism and Murder, Queensland-style

Welcome to 2007 and the first issue of our, now, bi-monthly Newsletter.

We look at the murder of Errol and Yasman by two white hit-and-run drivers and how the so-called Queensland White Justice System bent over backwards and jumped through legal hoops to downplay both the charges both drivers faced and the ever so lenient sentences they were both given.

Of course that Justice System includes the Queensland Government of the day, the whitewash, go-easy racist attitude of the Queensland Police Force and the racism of the Judicial System that allowed the two murderers to be given two greatly reduced sentences for their crimes than if the racial tables had been turned.

The driver that deliberately ran over Errol, twice, just happened to have an Uncle, or two, who are with the Queensland coppers. The driver of the car who murdered Yasman must also have had connections.

Both cases were closed by an uncaring and racist Justice System. The kids were Aboriginal – the drivers white. Two paid with their lives whilst two were virtually exonerated of a callous murder. Albeit one more deliberate than the other.

The killer of Mulrunji Doomadgee, Senior Sergeant, Christopher Hurley, nearly got away with it also. And, I would argue, he had every confidence that he would get away with it. Fully aided and abetted by a corrupt and racist System.

but have only been able to find those Reports that also include Errol Wyles, Jnr. It seems that yasman has been well and truly wiped from the conscience and consciousness of the Queensland System

We begin, however, with a catch-up on our Sorry Business Reports.

People die during times of festivities and holidays as they are also born. Our first Report is for James (Jim) Wharton who died on Christmas Day in 2006.

Jim was a tireless fighter for Aboriginal Rights and causes and was greatly respected by his Family and by his Community.

Jim Wharton, a champion of the people

*Koori Mail
Kerry Crumblini*

17 January 2007

JAMES (Jim) Valentine Wharton passed away on Christmas day, 25 December 2006.

He was born in Cunnamulla, Queensland, on 14 February 1940 and is survived by ten children, 33 grandchildren and 15 great grandchildren, having lost his wife Janette three years ago.

Jim served on numerous organisations at local, State and National levels. These included his appointment by the Queensland Governor as a member of the



And Beattie still mouths the platitudes of Umpire's Rules and Justice for all.

He is nothing other than a Charlatan and a Fraud.

In this issue we will also be looking at the all-enveloping racism that is Townsville. Despite the mumblings and mealy-mouthed protestations from Townsville Lord Mayor, Tony Mooney and Federal Member, Peter Lindsay.

I have searched for more information on Yasman Rae Sturt

Queensland Aboriginal Land Tribunal, serving for more than 20 years as Honorary Officer of the Department of Children's Services, and various other roles, including two terms on the Goolburri ATSIC Regional Council.

Jim was committed to the 'cause'. He worked tirelessly, fighting for land rights, justice and the future of Indigenous peoples. He was outspoken, especially about things close to his heart such as Murri politics, social justice and racism.

He was staunch, he never passed anyone in the street without stopping to say hello.

He was always one for the 'underdog'.

Jim loved having a yarn and had no end of fascinating stories about his journeys through life.

Jim will be remembered for his straight-forward way of expressing and explaining issues. He also worked in the pastoral industry for many years and drove cattle across thousands of kilometres of country. He never forgot a property or a worker's name.

Jim taught his children to be strong and proud of who and what they are. He mixed with solicitors, barristers, Judges, District Court Registrars, Magistrates, Murrumbidgee on the riverbank – all at the same level and all with the same courtesy and respect.

He travelled overseas representing traditional owners from Australia and of course, 'done us proud' as always.

On 5 January, the township of Cunnamulla could well have seen the biggest funeral in its history. His service was held in the Cunnamulla Hall and he was laid to rest at the Cunnamulla Cemetery after taking the funeral procession past Cunnamulla's old Yumba.

Cunnamulla, Queensland, and Indigenous Australia will mourn the passing of a true leader and a committed, kind genuine, unique character. Those who had the privilege of meeting Jim can

understand the contribution he made to everyone he knew and everything he did.

Jim's death marks the passing of a true Australian character. He would not have wanted everyone to be sad but to take up where he left off – to continue the struggle.

Hopefully, some of us can. However, no matter how good we think we can be, or how hard we try, he will remain one of our best Leaders and certainly a hard act to follow.

Our second Report gives information on the loss of two experienced desert travellers. The Elder in his 60's was a renowned artist. The other man was in his forties. Both Families have asked that their names not be used.

Traditional owner dies in desert tragedy

*Sydney Morning Herald
AAP
14 January 2007*

TWO Aboriginal men, one a senior traditional owner and prominent artist, have been found dead in outback Western Australia in what community leaders describe as a major tragedy for indigenous people.

The older man, who is in his 60s, was found with the other man, aged in his 40s, on a remote dog fence track about 320 kilometres east of Kalgoorlie.

The families of both have asked that their names not be released for cultural Aboriginal reasons, but police say the names cannot be released until next of kin is contacted.

But the older man is a traditional artist who travelled to Paris in June last year for the opening of the Musee du Quai Branly, dedicated to indigenous culture from around the world.

WA Police said the men were reported missing five days ago after failing to arrive at the Tjuntjunjara Aboriginal Community, about 690 kilometres northeast of Kalgoorlie.

They had left Kalgoorlie on Boxing Day, police say.

One of the men was found near his Toyota four-wheel drive, which had both rear tyres removed and a flat front tyre, late Friday afternoon.

The other man was found 3.5km south of the vehicle during a search of the area on Saturday morning.

"They've had some problems mechanically, I would suggest, because they've left the vehicle," Inspector John Gibson said.

Tjuntjunjara community coordinator Peter Twigg said the men were from Wingellina community, close to Surveyor-General's Corner, where the WA, Northern Territory and South Australian borders meet.

They had gone to Kalgoorlie via Tjuntjunjara, where close relatives live, and were returning home the same way, Mr Twigg said.

"One was a senior man, very widely known and very well respected. And the other was a middle aged man, also very widely known and well respected," Mr Twigg said.

"Both were experienced in the bush and with those roads ... both very capable."

Mr Twigg said with only two or 3,000 indigenous people in the western desert the men would have been known to everybody.

"This is a tragedy on a grand scale for Wingellina, to lose an old man like that is a very big blow ... it's also a huge loss to the people of the western desert generally."

Wingellina community spokespeople were unavailable for contact.

Inspector Gibson has reminded people to take all safety precautions when travelling in the outback.

"How many people have lost their lives through wandering away from vehicles, and obviously it would have been handy if information had been given to police a bit earlier," Insp Gibson said.

A report will prepared for the Coroner.

Reports three and four relate to what I personally consider to be a Death in Custody. No gaol – anywhere – is a fit place to die or to be led to a death caused by injury and trauma received in a gaol.

During May to December 1997, (after leaving the Watch Committee), I was contracted to do an NSW Gaols Report on the situations of all Segregation Cells and the Corrective Services Policies appertaining at that period for Aboriginal inmates being placed in to Segregation.

The Report was titled, 'Band aids and Barbed Wire' with 233 Recommendations that was offered to the then Director of the Indigenous Services Unit, Ms Joanne Selfe, and then Senior Assistant Commissioner, Operations, Ron Woodham.

In that Report I made the following Dedication:

'This Report is dedicated to the honour and memory of all the Brothers and Sisters who have died in a custodial situation since the advent of Prisons (and police lock-ups) in New South Wales.

Your deaths – tragic and unnecessary – will never be forgotten, for your Spirit is within our Spirit, and the fight for Justice will continue to be waged until there is real and positive change to the present Custodial System. A change that will, I believe, greatly lessen our grieving.

It is my hope – and that of other good peoples – that this Report will go some way to alleviating the pain that is felt by the individuals, Families and Communities at the loss of our loved ones.

This Report is further dedicated to the honour and memory of what I consider to be another unnecessary Death in Custody.

My true grief at the death of Prison Officer Pearce on Sunday

*31 August, 1997, is as heartfelt as that for my own People. There are **too many** tragic and unnecessary Deaths in Custody.*

It is also to be recognised that the lessening of unnecessary Indigenous deaths will automatically flow on to lessen non-Indigenous Deaths in Custody.

*For Koori Justice
Ray Jackson*

In my roughly 17 years of working both within and on the peripherals of the NSW Gaol System, I know that I met Senior Corrections Officer, Wayne Smith who was assaulted by an inmate on 11 December 2006. We had apparently both served for 17 years. I always found him to be helpful and courteous when we crossed paths.

Wayne died of his injuries on 25 January 2007.

I have said enough. We send our condolences to his Family.

Prison guard attack prompts probe

*ABC Local News
12 December 2006*

THE Department of Corrective Services has ordered an investigation into an attack on a senior prison guard at Sydney's Silverwater Jail.

Senior correctional officer Wayne Smith suffered serious head injuries and his condition has been upgraded to critical after an inmate attacked him.

Corrective Services Minister Tony Kelly says the 57-year-old guard's family is being provided with support at the hospital.

It is alleged the inmate attacked Mr Smith after finding out his classification was being toughened.

Acting Deputy Commissioner Don Rogers says an investigation has been ordered into the movement of the prisoner from Junee to Lithgow and onto Silverwater Jail.

"We'll look at the whole classification process that saw him arrive at Silverwater and ultimately, the event that occurred," he said.

Bashed prison guard dies in hospital

*Sydney Morning Herald
Dylan Welch
26 January 2007*

GUARDS at Silverwater Correctional Facility have locked down the jail today in a mark of respect for colleague Wayne Smith, who died from his injuries yesterday after being bashed in prison.

Mr Smith, a father-of-two and a prison officer of 17 years, was allegedly attacked by Carl Edward Little, 37, on December 11.

Little is also accused of assaulting another person, Rashmi Goel, around the same time.

Mr Smith died in Westmead Hospital after suffering a broken jaw and serious head injuries.

Corrective Services Commissioner Ron Woodham wrote to the Smith family, saying he was "deeply saddened to hear new of the tragic death of senior correctional officer Mr Wayne Smith".

"... the thoughts and prayers of the Commissioner, of the officers who served with Mr Smith and all departmental staff are with the Smith family, who have been maintaining a constant vigil by his bedside.

"Wayne Smith was a highly regarded officer and he will be sadly missed by his colleagues at Silverwater Correctional Facility."

An internal investigation is underway into the incident. In December, a spokesman for the union, Greg O'Donoghue, said the attack was in part due to overcrowding in the NSW prison system, which meant some inmates were being reclassified to lower security levels too early.

"We are concerned that [Little's minimum security classification] may have been on the basis of classifying an inmate to a bed rather than classifying an inmate in terms of the actual risk assessment," he said.

In a written statement Minister for Correctional Services Tony Kelly denied the claim.

"I am advised there are more than 100 [beds] available across the State," he wrote.

Little is serving a term for parole violations, and had been due for release in April. Since the attack he has been moved to the high risk unit of Goulburn jail, known as "SuperMax".

He was due to face Burwood Local Court on February 21, charged with grievous bodily harm. It is expected the charge will now be upgraded to murder.

The last time an officer died as a result of a prisoner attack was in 1998, when Geoffrey Pearce succumbed to the AIDS virus after being stabbed with an HIV infected needle eight years before.

Pearce, a probationary officer, had been on the job for only three months when he was attacked by prisoner Graham Farlow in July 1990.

NSW Correctional officers killed in the line of duty

2007: Wayne Smith, Silverwater. Allegedly bashed by Carl Edward Little while escorting him to a new cell. Succumbed to his injuries six weeks later.

1997: Geoffrey Pearce, Long Bay. Stabbed with a HIV-positive needle by Graham Farlow in 1990 and died from AIDS eight years later.

1979: John Mewburn, Long Bay. Bashed to death by convicted murderer Peter Schneidas. Prison officers still hold a yearly memorial for Mewburn.

1978: Carl Faber, Parramatta. Bashed to death by a group of prisoners during an unsuccessful escape bid.

1959: Cecil Mills, Emu Plains. Bashed to death by prisoners during an attempted escape.

1959: Albert Hedges, Berrima. Bashed and locked in a shed during an escape attempt. He survived and after rehabilitation returned to work. However his injuries were so severe he was medically retired and passed away several years later.

1958: Alan Cooper, Bathurst. Bashed to death by two prisoners at the front gate of the jail during a failed escape.

1908: John Sutherland Brown, Cootamundra. Killed by an axe blow to the head from a prisoner.

On Friday 2 March we were informed of the sad loss of Craig Jamieson who was suffering from cancer and reportedly died suddenly this morning.

Passing of Craig Jamieson

*Koori Radio Sydney
2LND Broadcasters
2 March 2007*

WE received some bad news today that one of the former broadcasters of Koori Radio and staff members at Gadigal Information Service, Craig Jamieson, passed on this morning.

Craig was diagnosed with cancer and a fundraiser was held for him last week. Sadly, he passed on this morning.

Craig was a Gadigal member for a number of years and also a supervisor in our first years of broadcasting from the Marrickville site. His contributions to our organisation during the time of Koori Radio's license application to the Australian Broadcasting Authority, his program broadcasts and technical assistance have been invaluable to the development of Gadigal/Koori Radio.

Craig's mother Rita has said they will be taking Craig home and his funeral will be held at 10am, Thursday 8th March, at Moree Anglican Church.

*Sincerely
Caroline Barton
Programming and Production Manager
Gadigal Information Service
Aboriginal Corporation
(93.7FM Koori Radio 2LND)*

From time to time we also include the passing of much respected Elders from our Brothers and Sisters overseas. The death of Nellie Two Bulls on 18 February, 2007 takes an Elder and Traditional Owner of great knowledge, knowledge that was shared with all.

Nellie Two Bulls passes to the spirit world

*Indian Country Today
David Melmer
26 February 2007*

RAPID CITY, S.D. - "Grandma Nellie," as she was affectionately called by thousands of people, died Feb. 18 at the age of 81. Her passing will leave a void in the Oglala Lakota community.

Nellie Two Bulls lived a life that enriched others' lives, and most people who had the opportunity to meet her never forgot her. Grandma Nellie was one of the most notable storytellers and singers in the Lakota culture.

As a young girl she was given the gift of storytelling, hence her given Lakota name of Zintkala To Win, or Blue Bird Woman. She remained true to her vision and taught the culture, sharing her songs and, in doing so, attracted many children.

"She has always been my inspiration and my role model in life," said Lynnette Two Bulls, Grandma Nellie's granddaughter.

"Since the time I was little, she taught me many valuable things that I will model my life after, if I can be half the person she was. No one can fill the shoes that she wore," Two Bulls said.

Lynnette Two Bulls said that when people saw and met Grandma Nellie, they saw what was in her heart.

"It came out in her. She was such a warm person; the instant people met her they could see that and felt that," Two Bulls said.

Grandma Nellie and her late husband, Matthew, were inseparable. They usually worked together to spread the stories and songs of the Lakota. Grandma Nellie taught at Red Cloud School for 20 years, but her teachings were not confined to a classroom.

Grandma Nellie was a member of the advisory committee for the Journey Museum in Rapid City, a board member of KILI radio on the Pine Ridge Reservation and had served as a council representative from the Wakpamni District on the

Oglala Sioux tribal council. She was honored with a Lifetime Achievement award from the Black Hills Pow Wow Association and received an honorary doctoral degree from Oglala Lakota College.

In 2005, she received the First Peoples' Community Spirit Award for her contribution to stories and the songs of the Lakota culture that she kept alive. She taught the stories and songs to anyone.

"We shared her with the world, with everyone. She loved people and loved sharing her life, knowledge and culture in hopes to create a better understanding between people so that our young Native people could carry on those traditions," Lynette Two Bulls said.

Grandma Nellie represented a generation that kept the culture alive and is the eldest of the descendants of Chief Man Afraid of His Horse.

Grandma Nellie traveled throughout the United States telling stories, singing and sharing her culture. Lynette Two Bulls recalled a special trip made to Rhode Island to celebrate the memory of Robert Kennedy. The stories Grandma Nellie told brought everyone to tears.

As a young couple, Matthew and Nellie brought a few survivors from the Battle of the Little Big Horn to the first blast of the mountain carving, now called Crazy Horse Mountain.

Ruth Ziolkowski, CEO of the Crazy Horse Memorial Foundation, recalls that day on June 3, 1948.

"They were with us for every celebration after that," Ziolkowski, widow of the late sculptor Korczak Ziolkowski, said.

"When Matt passed away she kept right on; she was such a strong person. Nothing seemed to overpower her; she had the softest side and the most wonderful heart," Ziolkowski said.

When she thought about Grandma Nellie, Ziolkowski said it was hard to not think of Matthew and Nellie together.

"She and Matt were teachers. If you totaled up the years the two of them taught, it would come to a century," Ziolkowski said.

"Nellie wanted to keep her culture alive."

Grandma Nellie was a major presence at Crazy Horse Memorial during celebrations and especially during the annual Native American Day celebration in South Dakota. She was given a special location at the memorial, where she told stories that attracted large numbers of children.

"She had all the time in the world for young people," Ziolkowski said.

Grandma Nellie is survived by three daughters and one adopted daughter; three grandchildren, which she raised; a sister; a brother-in-law; a sister-in-law; 34 grandchildren; 70 great-grandchildren; and one great-great-grandchild.

The number of children she adopted under Lakota tradition is too many to count.

Her legacy will continue to filter through the Lakota culture for many years and her namesake, young Nellie Two Bulls Whiteman, the daughter of Lynette and Philip Whiteman Jr., will carry on the name.

Grandma Nellie had been confined to a wheelchair for the past three years, but Lynette Two Bulls said that didn't slow her down - she still traveled across the country telling her stories and sharing her culture.

"When we honored Nellie at the Black Hills Pow Wow, and at the Community Spirit awards, what was precious about Nellie and her spirit and what really came through was all the lives of the children she touched. To see so many children coming up to her at those events it was their love for her and her love for them," said Lori Pourier, executive director of First People's Fund.

The final Sorry Business Report tells of the sudden death of Murray Chapman, past Administrator to the NSW

Aboriginal Land Council. I had never met him but one who did, the current CEO of the Land Council, Geoff Scott, give the following information.

Network Message

*NSW Aboriginal Land Council Network
26 February 2007*

IT is my sad duty to inform the Aboriginal Land Council network today of the death of NSWALC Administrator, Murray Chapman.

Murray passed away at his Canberra home on the weekend. He was 47.

All who worked closely with him since he was appointed as NSWALC Administrator in November 2003, are profoundly shocked and saddened at his sudden and premature passing.

Our sense of loss is both personal and professional. I'm sure it will be shared by all who receive this message.

Murray's passing, especially at such a young age, is a great loss to the land rights movement.

He will be sorely missed.

I think it fair to say that he endured a degree of animosity upon his appointment as NSWALC Administrator from sections of the ALC network who felt the sacking of the 13 duly elected Councillors in November 2003 was unjust.

But he quickly put those concerns at ease.

He made it clear he would not be a party to any attempt by the State Government to use a period of administration to diminish the hard won rights of Aboriginal people in New South Wales.

His energy, commitment and dedication to his work proved his appointment, despite those initial misgivings, was an inspired choice.

Murray regarded his role at NSWALC as being that of a caretaker pending the return of an elected NSWALC council and as a "change manager" for the organisation.

He worked to ensure that when an elected council did return it was able, in his words, "to work with better governance policies and procedures, more efficient management systems and structures, and a financial foundation that better fits the organisation and the land council network as it serves our people into the twenty-first century."

This was always his clear intent.

He formed a formidable partnership with former Chief Executive Officer William Johnstone.

Together they made considerable headway in fulfilling that goal ahead of the return of a State Council in May this year.

New policy formulation, the introduction and implementation of new management systems and structures, the consolidation of NSWALC's Statutory Investment Fund, the return to the core business of claiming land and strengthening the land rights movement through increased LALC membership, have all been key features of his administration.

NSWALC today is an increasingly effective and efficient organisation which is firmly engaged with an ever increasing number of internal and external stakeholders.

Murray's work at NSWALC followed a long and distinguished career in Aboriginal Affairs at both the National and the State level with the Aboriginal and Torres Strait Islander Commission, the Human Rights and Equal Opportunity Commission and the Indigenous Land Corporation.

No-one who knew him would be surprised to learn that his last instruction to the administrative staff at NSWALC was to lodge a protest in the strongest terms possible at State Government moves to subvert legitimate land claims through compulsory acquisition of claimable land.

He was also keeping a close watch on the preparations for the

forthcoming election which will see the return of State Council in May.

Words can never adequately convey the sense of loss we feel at an individual and collective level at a time such as this but I'm sure all who receive this message will agree it was a pleasure to know Murray

It was a pleasure to work with him.

We are all the poorer for his passing.

NSWALC has extended its condolences on behalf of the land council network to his immediately family, his wife Shona, son Patrick and daughter Kate and his father Victor and mother Ruth.

We will also be assisting with the arrangements for a funeral service which is expected to be held in Canberra later this week.

We will advise the network of those arrangements as soon as we are able to do so.

*Geoff Scott
Chief Executive Officer
NSWALC.*

To all the Families, friends and Communities of those who have departed we offer our real sympathy and condolences. May they all walk their Lands in Peace.

Readers of this Newsletter will remember those times when the spotlight of racism fell most squarely on to the City of Townsville and its environs. The argument, always put, was that if Townsville was not the Racist Capital of Australia, it was most certainly up in the top three or five.

Racism in Australia, as we have always known, is endemic and rapidly growing. This has historical reasons to it but it is very much nurtured by incompetent and ethically challenged Governments at State, Territory and Federal levels.

Racism has reached new heights since 1996 when the first Howard Government came to power. Howard came in with his own racist and xenophobic agenda. For years he had sat, stewing in his own bile, as he watched Australia become a Multicultural country. Though slow, and never enough, some positive changes had been made for Aborigines and Torres Strait Islanders.

When then Prime Minister, Malcolm Fraser pushed the 1975 Northern Territory Land Rights Act through, it has been stated that Howard was beside himself. Every boatload of Vietnamese asylum seekers brought into the country drove more nails into his political veins.

He festered for years and in 1996, finally and with trickery, came his opportunity to turn everything positive around.

That historical view does not, of course, make any excuses for the particular heinous racism that has always pervaded Queensland and its Governments.

The despotic and morally illegal rule of one Johannes Bjelke Petersen cemented this racism into every avenue of racist life in Queensland. No other Queensland Government has really attempted to do anything to change this racist situation.

Besides the ingrained racism of the Petersen era came the equally ingrained corruption of the Queensland police and politicians.

On 1 February 2005 the Principal Solicitor with the ATSI Community Legal Service, Kevin Rose, stated that the Communities had had enough of the racist terrorising of Indigenous peoples. Police in the twin cities of Townsville and Thurgowina were asked to start up and maintain a list of known racists and those charged with racist crimes, including

membership of the very active KKK.

Redneck Register

*Townsville Bulletin
1 February 2005*

A LEADING legal figure want police to register rednecks in an attempt to stamp our racist abuse in Townsville.

Principal Solicitor with the Aboriginal and Torres Strait Islander Community Legal Service, Kevin Rose, said the Community needed to keep the pressure on the redneck people who had been terrorising Indigenous people.

He has asked police in the twin cities to compile a running file of known racists and of all those involved in racist crimes.

In particular, he said there was widespread disquiet among the Indigenous Community about late night incidents at Happy Valley.

Solicitor calls for Redneck Register

*Townsville Bulletin
Malcolm Weatherup
1 February 2005*

REGISTER the rednecks.

That is the call from a leading legal figure acting for the twin cities' Indigenous Community who has asked police to compile a running file of known racists and of those involved in racist crimes.

Aboriginal and Torres Strait Islander Community Legal Service Principal Solicitor, Kevin Rose, said yesterday the Community heeded to keep the pressure on the redneck element who had been terrorising Indigenous people.

In particular, he said, there was widespread disquiet among the Indigenous Community about late night incidents at Happy Valley.

Groups of 30 or more white men 'some looking like skinheads' gathered on the road near the settlement yelling racist abuse, foul-mouthed suggestions that all the residents 'go back to Palm Island' and threats of 'coming in and bashing youse all up'.

'Some even described themselves as being the Ku Klux Klan,' Mr Rose said.

He said the incidents had been a regular occurrence last year but the worst was the organised convoy in the early hours of December 28.

'Since that matter was reported in the Townsville Bulletin, things have been quiet because these people are cowards who temporarily go to ground if they think they will be revealed publicly,' Mr Rose said yesterday.

'But the moment they think the heat is off, they'll be back again'.

'We need to keep the pressure on, to let them know that both the broader Community and the police will not tolerate any racist behaviour, particularly threats against innocent and defenceless women and children.'

And he said the only way to counter to long-running series of offences, usually in the early hours, not just at Happy Valley but elsewhere in the twin cities, was to mount 'a detailed police investigation over a period of time'.

'I've written to (Townsville CIB officer in charge Detective Senior Sergeant) Joe Kitching about our concerns and while I appreciate police can only act on witness evidence after an incident, I believe it's time for them to be pro-active in this matter.'

Mr Rose suggested a prolonged surveillance investigation to keep track of suspects and former known offenders and a register of such people be maintained by the police.

He said he was not advocating a public register of names but one that would ensure police could see the whole picture.

Sen-Sgt Kitching said he was yet to receive the letter but crimes of a similar nature and the people involved were filed together in groups.

'We are able to pull computer intelligence files on similar crimes when a report comes in and that can

help us start an investigation.' Sen-Sgt Kitching said.

He said he could not make further comment until he had heard from Mr Rose.

Civil Rights campaigner Terry O'Gorman said he would disagree with any type of public register of known racists because such lists carried unacceptable implications but he endorsed Mr Rose's suggestion of pro-active policing.

'Registers of anything can lead to all sorts of problems.

'If a racist register is created, then racists could argue for one of Aboriginal offenders who have, say, committed break and enters – and so on to just about any group.

'However I agree with the thrust of Mr Rose's argument about pro-active policing.'

Mr O'Gorman said 'hot-spot' policing, used for matters such as drink driving after late night venue closures, as a principle that could equally apply to a campaign of racism.

He said it was important the Aboriginal Community was satisfied their needs were being dealt with the same as any other matter which needed policing.

When the murder of Errol Wyles Jr. began to creep through some media and through the ATSI networks it was quickly recognised that only a deep and shameful racism could ever attempt to make excuses for this crime.

Errol Wyles Jr. was murdered on Friday 6 June 2003. The struggle against a racist Government, police and Judicial system began on that night.

Errol Snr. and his wife Sonja did all within their limited powers to obtain Justice. Like so many other murders and miscarriages of Justice that the Systems only want to close the door on, nothing happened. The Families were merely expected to 'cop it sweet' and to 'move on'.

All Death in Custody Families have been treated this way.

I have always argued that without the input of good people and especially legal people, hopefully backed by some enquiring and searching media, there is very little chance of Justice being realised.

Our own Legal Services are purposefully starved of funding to ensure that cases of injustice cannot be appealed. We are generally given but one throw of this loaded Justice Dice.

To take on the Systems, the police especially, one needs bottomless pockets and Legal Teams more interested in obtaining Justice than their possible career paths through the Legal Justice System. One has only to follow the Letty Scott saga as legal teams were chewed up and spat out because the learned Judges would not accept the premise that her husband – Douglas Bruce Scott – was murdered by four gaol officer at Berrimah Gaol, Darwin in 1985. Letty and her Family are still fighting for that Justice, absolutely denied, by making yet another application to the Northern Territory Supreme Court.

To mock the Wyles Family as to their powerlessness of taking on the Systems, the cowardly and callous hit-and-run death of 20 year old Aboriginal woman – Yasman Rae Sturt – was also efficiently bundled up by the police and the Courts. Her life was worth only \$750 apparently.

Again – cop it sweet, move on, get a life. Queensland Justice at its worst.

Before we look at the Errol Wyles Jnr. Synopsis and the transcript of the Sunday expose by Ross Coulthardt, I need to inform you of the driving force that led to that expose and the legal intervention of Solicitor Stewart Levitt and his legal team

Without their timely intervention we would still be hoping for Justice rather than fighting for Justice. There is a world of difference.

I first met Ian James relative to another of his enquiries and, later, I was introduced to Stewart and Fred Cassis, part of the legal team. I must state that neither ISJA, nor myself had any hands – on role, we were there as a supporter to their cause and, later, as a Foundation member. Here is Ian in his own words.

Re: The Sunday Programme

On-sent Email

Ian James

20 February 2006

ON Sunday February 26th on the 'Sunday' program on Channel 9, between 9 AM and 11 AM, there is a big segment on racism in Townsville, focussing on a disgusting murder of a 15 year old Aboriginal boy Errol Wyles in June 2003. There were about 30 witnesses and the offender hunted him in his car swerving and chasing him and then ran him over twice. He was charged with a traffic offence and served 8 weeks before being released for farm work for a further 13 months.

I think it will be a 30 to 40 minute segment.

The reporter is Ross Coulthart and he has a long background in exposing human rights abuses, having reported for Four Corners for five years.

I have been running this campaign since December 2004, having been referred by a relative of the Wyles family, whom I had done some work with in Darwin, at the turn of the century.

I compiled the evidence, tried to enlist legal support and eventually was nearly overwhelmed by my inability to move the matter forward. So I did what all good managers do and called a meeting. I needed a lawyer to run the legal side, and at the last minute, the lawyer who had agreed to come withdrew.

So two days before the meeting, I asked a lawyer in Sydney, Stewart Levitt, if he knew anyone who could stand in for the conference, and he said if I could get him up to Townsville and back in a day he would do it. He also took another lawyer from his firm that I do a lot of work with, Frederic Cassis.

From that day Stewart took over the legal side, pro bono, and the strategy.

Frederic then researched the Law, and Stewart enlisted the help of several prominent people, several Queens Counsels, the Tony Fitzgerald and others. He then spoke to Ross about the shocking state of affairs in Townsville, and Ross began his research, planning on making this program the opening 'Sunday' for the 2006 year.

On January 26th I flew to Townsville and Ross met me at the airport. I introduced him to the Wyles family, we held a whole afternoon meeting, and the following day Stewart arrived with Frederic to defend a brother of the deceased on police charges.

Frantically, we cobbled together witnesses. I had a super informant who had remained anonymous but he dealt with others through me. He came out, and we then had to arrange for each of the Murri witnesses first to be seen privately by one of the Murris in our mob, give consent to be interviewed, mostly on camera, then arrange it-take statements etc. first.

The film crew arrived on the Sunday morning and spent a week there, and I flew back on the day they arrived.

From this human nightmare, and with the cooperation of many people, they have been able to put together a compelling snapshot of disgusting events-anal rape of young Murri boys by gangs of white supremacists, sticking wire down their throats afterwards, as a warning to not talk, hanging one of them by the hands from a bridge with wire etc. I am not sure what is going to camera and what is not-they had to corroborate every allegation, and

that was a huge job, but the focus of the story is the killing of Errol Wyles.

The American civil rights movement was mobilized over the brutal death of Emmett Till in 1955. It is probably too much to ask for, but if Errol can become Australia's Emmett Till, we would all be better off.

Ross and the crew also re-enacted the murder, with original witnesses etc, and I am hoping we can use this material in our shortly-to-be-started public legal campaign, so we had synergistic motives.

I have a synopsis of the crime and surrounding events if anyone would care to read it, please ask. It is the original and much has happened since then. The information is private but now that the show is going to air, I felt having a bit more background might explain more of the events.

As I was taking statements, and getting to know more people, more and more horrific stories emerged and I simply didn't have the resources to deal with all these matters. So, I then approached Amnesty International Australia and put a proposal for their Townsville members to help us compile a register of similar racist attacks, as the police would routinely say these attacks were isolated and not organised and therefore not investigate them as such. The register is designed to capture information that can be used to build a picture, provide some relief for victims and start to document the extent of this killing and maiming which goes unchecked at present.

We really hope to spark a Royal Commission. Stewart is a master strategist and things are picking up pace.

The TV program will be the first shot and we expect there will be many challenges ahead, but the piece of hail is fast becoming a snowball and we all know you can't stop a snowball.

To the barricades.....

Regards,

Ian James

The letter to Amnesty International, Townsville follows.

Letter to Amnesty International

4 February 2006
Amnesty International
Townsville
Dear Sir,

FURTHER to our meeting last Saturday, I wish to submit the following proposal for Amnesty International's consideration.

By way of background, I have been visiting Townsville for more than a year on behalf of the Wyles family and coordinating a Truth & Justice campaign for their son Errol, who was killed in a deliberate motor vehicle running down, in front of 17 witnesses, on June 7th 2003. Errol was Aboriginal, and the white driver had publicly threatened some months earlier to kill him, and boasted afterwards that he had, and would get away with it. The driver plead guilty to and was sentenced for a traffic offence and served 15 months imprisonment, comprised of 8 weeks in custody then the remainder as an open prisoner working outside the prison.

We have a formidable campaign team, involving a number of eminent Queens Counsels, a committed law firm, and have attracted the interest of national media. We have been investigating key issues for a year and are almost ready to commence the public face of this campaign, with the hope of achieving justice and concomitantly, exposure of the wider face of discrimination and racism in Townsville.

In our investigations, we have unearthed many examples of racist attacks, wherein the victim was Aboriginal. Whenever these have been reported to police, police have not taken any action, or not conducted investigations on the pretext that these are isolated instances of assault. This response is systemic.

We believe that the only sound way to ensure that such deficiencies are overcome, and such widespread racist violence is checked, is through the establishment of a

database/register by which we can prove that these assaults and related acts are not isolated and are in fact a part of an ongoing and tolerated community-wide campaign. We suspect that there are particular groups who are semi-organized who are responsible for significant numbers of such assaults.

We are looking for the assistance of an organization that can be a central referral point for the collection and storage of such information, and thus are approaching Amnesty International.

We envisage a central point where people could register events. Below is a draft list of the sorts of information we would like to capture, which will need modification as the register develops. There will be cases where the complainant wishes to remain anonymous, and this can be accommodated. Later on, there may be some investigative role, but initially the task would be to create the register and to disseminate the existence of such a reporting station through the affected communities.

We are not seeking any further proactive involvement. We are not requesting the register operator do anything other than collect and store data.

PROJECT: To collect information, establish a register and store data on:

- Date of reporting
- Name of person taking the report
- Time, & time length of assault
- Place-exact location
- Special features
- Weapons used
- Physical evidence left behind-details, present location
- Number of people involved
- Genders of attackers
- Gender of victims
- Hair length of attackers
- Ages of attackers
- Ages of victims
- Descriptions of attackers
- Clothing worn by attackers and victims
- Any provocation-details
- Things said by attackers

- Motor vehicles involved-age, type, colour
- Vehicle Registration numbers recorded
- Injuries sustained
- Treatment obtained-details
- Number of times victim has been similarly assaulted-details
- Geographic locations of previous assaults
- Some details of victim-occupation, student, politically involved, known to police
- Reported to police-who, details
- Bystanders present, details
- Contact details of informant-anonymous is ok
- Had victim consumed drugs or alcohol-details
- Any other.

Essentially we see answering the six key journalistic questions as the basis for obtaining useful information; Who, How, When, Where, Why & What.

We believe that collation of such data is a critical step to achieving our aims, and the first step towards the collection of evidence that could be used to ensure the phenomena is able to be reported to appropriate bodies with a view to creating lasting change.

A further purpose is to create some sense of comfort for the victims, in that they would be listened to and have some hope that others would be less likely to be so assaulted.

We would ask Amnesty International to help us to build this register, to learn with us, and to develop a product which could then be rolled out Australia wide and internationally, if the same problem existed in other countries.

At a later stage, we believe it would be helpful if assaults could be mapped by location, times and other statistical data that may assist to highlight trends.

Should there be any really keen volunteers, the register could also be developed retrospectively, in that previous assaults data could be collected.

We envisage minimal funding would be needed. The chief

requirement would be establishing a database format, and some advertising (by flyer and word of mouth) and ensuring that those most likely to need the service knew of its existence. To this end there are well established networks in the local community which can be tapped easily, and would be well known to your members. We can arrange for an Aboriginal coordinator to contribute to the project. This person could also arrange Aboriginal volunteers to be with complainants when they are reporting incidents for the register.

The register does not need to have a public office, and could be administered in a mobile capacity.

We would supply the material and contacts for the reporting of several matters to commence the register.

We would need some IT assistance to convert the above questions into a format that can be ticked & crossed and filled out easily in a standard form. Each matter would need a file/case reference, with all related reports cross referenced in some way.

Kevin Rose, principal solicitor with the Aboriginal and Torres Strait Islander Legal Service called for the establishment of a Redneck Register, in an article in the 'Townsville Bulletin' on February 1st 2005, as reported on the front page. See copy of article attached.

We believe that the objectives of this project dovetail perfectly with the published and practical aims of AI, to create equality, to mobilize resources to ensure systemic abuse of human rights is eradicated and to help a minority culture live equally. As paragraph two of the preamble to the Universal Declaration of Human Rights states "Whereas disregard and contempt for human rights have resulted in barbarous acts which have

outraged the conscience of mankind...", and various articles state the need to live in liberty and security of person. We have obtained compelling evidence that Indigenous people in Townsville are not able to live in such liberty and

security. Anecdotal evidence suggests that this situation is replicated in North Queensland generally.

All members of the Wyles campaign team are working pro bono, and some of us (me) have few financial resources so we are looking for support wherein we do not have to provide funding.

I would be happy to provide further information, and to discuss the above at your convenience.

Yours faithfully,

Ian James.

*Kaizen Enterprises Pty Ltd
PO Box 717 Glebe NSW 2037*

No reply was received from Amnesty to this letter.

The Errol Wyles Jnr Synopsis is also given but as Ian said, this synopsis has been overtaken by circumstances. This clearly shows the original police cover-up. Hasenkamp, the driver, proves to be related to a Queensland police member. The facts remain as given.

Errol Wyles Synopsis

Undated

ON Friday June 6th 2003, at around 12 midnight, Errol Wyles and around 15-20 other people walked and rode their bikes to the street outside a party at 54 Lindsay Street Rosslea Townsville. There were verbal arguments and the police were called and arrived at around 12.20 AM and they moved the group on. Referring to Errol's group, the police state that these boys did not appear to be agitated.

On June 7th 2003, around 1.30 AM, Errol, an Aboriginal, and four other males, three Aboriginal and one white, went back to the street outside a party at 54 Lindsay Street. Errol was recorded as having been trying to stop those wanting to fight.

As they were standing outside, a silver Holden Berlina sedan (QLD Registration No. 382 IBI) driven by Scott Hasenkamp drove into Lindsay Street, from another direction. The relevance of this comment is that

Hasenkamp was not at the party when Errol and his friends arrived.

The occupants of the car were Walter Gillmore, sitting in the front passenger seat (the owner of the car) and in the back seat Anna Marhin on the left passenger side, Mikaela Purnell in the middle and Courtney Hasenkamp, the driver's sister, on the right hand passenger side.

The car then drove forward and reversed along Lindsay Street in the direction of Errol and a couple of his friends. The others got out of the way and as Errol tried to get out of the way, the car swerved and veered following him. The car drove forward and reversed on at least 3 occasions and as Errol moved to evade it, the car changed direction to maintain its trajectory and hit Errol.

Prior to hitting Errol, the first time, the car struck bicycles on the roadway abandoned as their owners ran to avoid being hit.

Errol appears to have been struck as he reached the gutter, while running backwards to avoid the car.

The car, after running over Errol, continued in reverse for about 1.5 metres, stopped, remained stationary for a short while, the driver revved the engine and spun the rear wheels and proceeded to run over Errol's body a second time, as he lay in the gutter. It is not clear from the Post Mortem which of these running overs actually killed him.

The car then accelerated away, up Lindsay Street.

As Errol moved one way the car accelerated and changed direction aiming at him until he eventually hit him. 19 witnesses have provided statements stating that the driver of the car was chasing Errol and swerving and steering to ensure he hit him.

17 witnesses, who have provided statements to the police, witnessed the vehicle hitting Errol on two separate occasions.

24 people who were at the party either have not been interviewed or the police have not provided their statements.

Police arrived at about 1.55 am. Constable Mike Kitching was the first police officer on the scene. He has not supplied a statement.

DSC Elliott & McLucas interviewed 5 witnesses using a C90 hand held tape recorder. The police have refused to supply these tapes.

Police located the car at 58 Queens Road Rosslea, time not stated, and interviewed several people including Gillmore.

An ambulance was called at 1.56 AM and arrived at about 1.59 AM, and ambulance officers state life was extinct at 2.25 AM and ceased resuscitation attempts. The ambulance then took Errol's body to Townsville Hospital.

At about 2.25 AM, while the ambulance was still present, a police officer asked to use the phone of Linda Davis the mother of Monica Peirano, who was holding the party at 54 Lindsay Street.

Linda Davis was present when Amy Melvin, who was sober, was giving this police officer all the phone numbers of Hasenkamp and his friends. At about 2.25 AM, the officer spoke on the phone to a police officer who Linda believes was at Hasenkamp's home at Nome, which is about 15 minutes drive from the scene. Linda states that the conversation she heard made her certain that the officer at Hasenkamp's home was with Hasenkamp, at 2.25 AM. The maximum penalty for the offence with which Hasenkamp was subsequently charged, where there is 1.5 ml of alcohol in the blood, is 14 years imprisonment. The maximum penalty, where there is no evidence of alcohol, is 7 years imprisonment.

Police state that they first located Hasenkamp at his home at Nome at 6.20 AM, and as this was more than 2 hours after the incident, they were unable to breath test him.

Police then contacted people from the party and progressively interviewed them and took statements at Townsville Police Station. Twelve officers took statements.

Although 15 witnesses had made and sworn statements by 1.35 PM on June 7th. (A further 5 witnesses had made statements on June 7th at times not stated on their statements). Of these 15 witnesses, 9 had sworn both that they witnessed the car chasing Errol and swerving to hit him and that they had witnessed the car stop after hitting Errol and witnessed the car run over Errol a second time from a different direction.

At about 3 PM on Saturday June 7th 2003, armed with the evidence as described in the previous paragraph, Detective Senior Constable Glen Elliott 8973 charged Scott Hasenkamp with Dangerous Operation of a motor vehicle causing death.

Detective Inspector Nikola is shown as the officer in charge of the investigation, but there is no reference to his involvement in the investigation nor in the decision to charge Hasenkamp with a traffic offence.

Glenn Elliott is rumoured to be Hasenkamp's uncle. Elliott states "I know the defendant Scott Anthony HASENKAMP."

Scott Hasenkamp has an uncle, Mark Hasenkamp, serving in the police force at Townsville.

Detective Sergeant Brett McLucas states "I know a male person by the name of Scott Hasenkamp".

An analysis of the witness statements indicate they all follow narrowed lines-there is little deviation in the types of information provided which is odd considering the range of ages, cultural backgrounds, degrees of alcohol and drug consumption, and that 12 different police officers separately oversaw the interviews; the statement content is indicative of spin and/or manipulation.

Witnesses spoken to, since the events, have stated they felt the police were manipulating what they were saying and only including some parts of their statements. Eg witnesses have said they told police that people were shouting out "he's trying to kill him" and he has run

over him.” When questioned about why they signed the statements which didn’t include those words, they have implied that they didn’t realise at the time and that they were in shock. Not one of the statements contains any reference to any statements by anyone about ‘he’s trying to kill him, he’s trying to run him over’ yet each witness spoken to date has said that is what several people were yelling prior to and when Hasenkamp hit Errol.

Police forensic examination of the vehicle revealed 11 bloodstains on the front passenger side of the vehicle. All witness statements state Errol was initially hit by the rear passenger side of the vehicle. All front blood stains appear to be consistent with the vehicle continuing its trajectory after striking Errol and/or running over his body, in a second movement, after the initial impact.

The Queensland government medical officer who prepared the pathologists report (on which the crown and the sentencing judge relied for evidence of injuries and cause of death) is false. The cause of death is unable to be adduced as stated, and the report fails to mention significant injuries to the body that may well have been the cause of death.

The ambulance officer’s report of injuries at the scene clearly articulates two separate sets of injuries. Had the pathologist’s report been accurate, it would not have been available to the crown and/or the judge to deny the existence of two separate sets of injuries from being run over by a car, to different parts of the body. Accordingly the charge of murder would have been blatantly obvious, and findings of accidental death impossible. The false death certificate supplied by the government medical officer was critical in facilitating this miscarriage of justice. [One can only consider the sheer bad luck of the same driver, in the same car, running over the same person at the same scene on two separate occasions from two separate

directions (in front of 17 witnesses) as accidental].

The pathologist was subpoenaed to attend the sentencing hearing but did not appear. No action against him was taken. Had he been in court, it is possible he would have been questioned about the cause of death and his false and misleading report.

Police took colour photographs of Errol’s body in the ambulance. They have refused to supply these photos.

Numerous attempts were made by Errol Wyles senior, father of the victim, to have the Aboriginal Legal Service intervene to ensure the correct charges were laid. Errol senior supplied case law to the service. Errol senior also approached the DPP directly in an attempt to have the correct charges laid, as the traffic charges laid are not available to be laid in Queensland in the circumstances of the event-only murder or manslaughter are permissible.

Despite numerous attempts to have the correct charges laid, the DPP declined to intervene.

Committal proceedings held on 11.11.2003 were somewhat farcical, with the magistrate Mr. Tatnell being advised by the DPP that there was no evidence to suggest the death was other than an accident, and that it was not deliberate. The DPP failed completely to protect the interest of the victim and to portray the evidence truthfully to the court.

At the sentencing hearing on 26.03.2004, the farce continued. Senior Judge Skoien suggested to the court that this was a case of ‘road rage’ with which the prosecutor agreed. Skoien also asked if this was deliberate and the prosecutor again misled the court by stating that there was no evidence of this, and continually referred to the event as an “unfortunate incident” (page 10, 10) and an “accident”. “The prosecution submits this was obviously a deliberate course of driving on the part of Mr. Hasenkamp, with the intention of scaring the deceased. Page 10, 10. [How could the prosecutor deduce

this as Hasenkamp had not made a statement? How can running over a body a second time after you have run over a person the first time, and his body is now under your car, so you rev the engine, spin the wheels and drive in a different direction and run over his head or chest, scare the deceased?]

The prosecution continuously led evidence throughout the committal and sentencing submissions that mitigated the severity of Hasenkamp’s actions. The transcripts demonstrate that NO evidence was offered in mitigation or by way of explanation by the defence, at either the committal or sentencing, as all such evidence had been presented by the crown.

Skoien opined “he [the prosecutor] submitted that there was callousness in leaving the scene. I do not know that I am prepared to find that. I think that given the potentially violent crowd that had gathered and the events which had occurred just before there would be some justification for his feeling real fear” implying that it was wise for Hasenkamp to flee the scene without stopping, as Hasenkamp may have been at some risk of retribution by the twenty or so witnesses who had just witnessed him hunting down and murdering an innocent pedestrian, who had been running away to avoid being hit, with his car.

The question of not being charged with failing to stop after an accident causing injury, was brushed aside by the Judge and the prosecutor “charging Mr Hasenkamp with failing to remain at the scene of an accident. Both my friend and I ask that he not be arraigned on that charge today.” Page 2, 40.

The prosecution did not seek a head sentence and accepted the sentence of 4 years, with parole after 15 months. Kevin Rose, Principal practitioner for ATSIC Community Legal Services states in a letter of February 2nd 2004, to Vasta Q. C. of Queensland Aboriginal and Torres Strait Islanders Legal Services Secretariat (QAILSS), that “Mr Peter Smid of DPP Townsville had indicated to me that the crown will

be accepting a plea of guilty to dangerous driving causing death and requesting a term of imprisonment of 5-6 years. He has done this after conferring with Senior Prosecutions officials and interviewing key witnesses.”

Hasenkamp was sentenced on 26.03.04. On 29.04.04 he was reclassified to Medium security. On 26.05.04 he was reclassified from Medium to Open. On 11.06.04, he was transferred from Townsville Correctional Centre to The Work Outreach Camp program WORC [at Julia Creek]. Senator Aiden Ridgeway wrote to the Department of Corrective Services on 2.07.04, stating “Under the Corrective Services Act 2000, the types of offences excluded from eligibility for WORC programs include grievous bodily harm, assaults occasioning bodily harm, and serious assaults. The details of the offence committed by Mr Hasenkamp reflect a more serious offence than any of the above offences and others in schedule 1, section 57. ... “I urge you to consider Mr Hasenkamp’s transferral to the WORC Program on the grounds that he is unsuitable for the Program.” Senator Ridgeway wrote a similar letter to Hon. J Spence, Minister for Police and Corrective Services.

On December 13th 2004, Errol senior received a letter from the Department of Corrective Services stating that a home assessment report on Hasenkamp was being prepared.

On 23.08.04 Senator Ridgeway wrote to the Queensland DPP requesting an appeal on the leniency of sentence. On 30.08.04, the DPP replied that “any appeal to increase this sentence could not succeed.”

Hasenkamp was released in June 2005, after serving 9 weeks imprisonment, followed by 13 months on an outside work release farm.

On October 12th 2004, Errol Wyles senior wrote to the Qld Attorney General requesting an appeal. With this request he included comprehensive material outlining the grounds in an opinion

of George Villaflor barrister. The Queensland Attorney General refused to appeal, after adequate grounds were placed before it stating, regarding the appeal request “I have read the written opinion accompanying your letter. Unfortunately I am not satisfied it provides compelling grounds for an appeal. It appears to misunderstand the evidence. The prosecution cannot go behind the evidence. Any appeal would be restricted to the evidence placed before the sentencing judge.” The farce continued. Now that the crown had led false evidence at the sentencing, a judge could not be given true evidence on which to pass sentence. The AG was now ensuring the truth would remain buried, after sifting the evidence personally. By stating the prosecution could not go behind the evidence, the AG is stating that if false evidence is presented to a judge, the verdict MUST STAND, as the judge is not entitled to have the false evidence withdrawn and true evidence presented.

All Freedom of Information requests, made by Errol senior to obtain police notebook entries, exhibits, tape recordings, etc, have been refused. The principal reason for refusals has been that application fees are required-initially \$33.50 then an hourly rate according to the will of the department. Fees only apply to applications where the applicant applies for access to documents that do not concern the personal affairs of the applicant. Formal rejections state that they are rejected without a fee, as the applicant can not establish/does not meet the criteria of relationship being his personal affairs.

The Hasenkamp family have a long history of policing in north Queensland, dating back to the 1890’s.

After the trial, around February 2004, a 17 year old girl, approached the Wyles family with information about Scott Hasenkamp threatening to kill Errol Wyles some months before he did, and then boasting afterwards that he had, and that he would get away with it. Stanley

swore an affidavit which was given to the DPP. Stanley was Errol Wyles’ cousin. The DPP decided to take no action saying the affidavit was unreliable.

A Victims Compensation claim was denied on the basis that the charges laid would not support such.

The Sunday Programme approached. A ‘teaser’ was put out to advertise the expose. This is immediately followed by the Sunday transcript.

Black and White Justice

*SUNDAY Program –
Nine Network
Reporter: Ross Coulthart
Producer: Nick Farrow
26th February*

THIS week on SUNDAY, we expose a string of disturbing racist attacks in Queensland’s Far North and investigate an alleged, racially motivated killing of one Aboriginal teenager.

Roving skinhead gangs in Townsville are threatening and assaulting Aborigines. Two victims of one such beating admit forming vigilante gangs to track down their attackers.

"We had about 20 black fellas....willing to kill," admits one victim.

Recent hit-and-run incidents have left two young Aborigines dead. Their grieving families claim the drivers, both white, were treated far too leniently by the Police and Queensland’s justice system.

"There's two laws. There's laws for white Australia and there's another set of laws for indigenous Australians," says Errol Wyles, whose 15-year-old son was run over twice and left for dead.

Yasman Rae Sturt, a 20-year-old Aboriginal woman was hit by a car, dragged about 100 meters and left bleeding to death on a Townsville street. Her mother Vicky says:

"I want justice. I need this man to be put inside because if it was a dark man hit a white woman would that man be walking around?"

The man who ran over and killed Yasman received a suspended sentence and a \$750 fine. Witnesses tell SUNDAY they believe the young white driver who ran over Wyles, was trying to hit him. He served only two and a half months in a prison, and 12 months in a low security prison farm.

SUNDAY reporter Ross Coulthart presents evidence suggesting a serious failure of Queensland's justice system to properly investigate and prosecute these cases.

According to leading Sydney barrister, Ken Horler QC:

"To deliberately drive and aim ... at the group of Aboriginal boys on their bicycles and to end up quickly killing one of their number was either murder or manslaughter. It's homicide", he says.

The program also investigates allegations, never put to the court, that the driver who killed Errol Wyles had previously threatened the youth with racist taunts, and that he boasted about the killing afterwards.

This week on SUNDAY, disturbing evidence of hate crime and prejudice in Far North Queensland.

Black and white justice

SUNDAY
February 26, 2006

Reporter : Ross Coulthart

Just how colour blind is the judicial system in far north Queensland? In this special report, Ross Coulthart looks at troubling issues highlighted by two tragedies on the streets of Townsville. Both were hit and run killings where the victims were Aborigines and the drivers young white males. How these deaths were investigated and the way those responsible were then prosecuted and dealt with by the courts has outraged the families of Errol Wyles and Yasman Rae Sturt. The driver of the car that killed Yasman received a suspended prison sentence and a \$750 fine. The youth who killed Errol served two-and-a-half months in jail then spent the rest of his 15-month term on a prison farm. Ross Coulthart presents strong evidence suggesting that Errol's

death was racially motivated and amounted to homicide ...

TRANSCRIPT

COULTHART: Late one night in Townsville, two years ago. A boy is run over by a car. Twice it crushes his body. But the driver doesn't stop and fifteen-year-old Errol Wyles is left dying on the road.

LINDA DAVIS — RESIDENT: He was trying to hit the boys on the bikes.

COULTHART: You're in no doubt about that?

DAVIS: No, he was aiming at them.

COULTHART: Another street in Townsville, eight months earlier. The broken body of a young woman is found. Close to death, Yasman Rae Sturt is the victim of another hit and run.

JORDAN GEE-HOY: "I'm looking at her, coughing, choking on her own blood. She's still alive? I'm staring at her praying for the poor girl."

COULTHART: Both victims were Aborigines. The drivers were white and both of them fled the scene. The victims' families believe the drivers in both cases were treated far too leniently by the justice system.

ERROL WYLES SNR — FATHER OF ERROL WYLES: "There's two laws. There's laws for white Australia and there's another set of laws for Indigenous Australians."

COULTHART: Today on Sunday allegations of a racially motivated killing and disturbing evidence of serious failures in our criminal justice system.

KEN HORLER QC — BARRISTER: "There is a strong, compelling case to go to the jury that the action of the driver on the night amounted to a form of homicide. Not just dangerous driving."

STEWART LEVITT — LAWYER FOR WYLES FAMILY: "It's just intolerable that a person could be killed in circumstances where there is not the fullest and

most thorough investigation into the circumstances and where the criminal law doesn't do its darndest to ensure that justice is done."

COULTHART: Here in what is one of Australia's largest indigenous communities, Townsville's Aborigines claim that there is systematic racism in Queensland's justice system — that all too often a white person who kills or injures a black person is dealt with far too leniently by the police and courts. That there's one law for the blacks and another for the whites.

The first day of the barramundi fishing season in Queensland. Burt Summers, John Brooks, Matthew Lampton and Gordon Hankin, try their luck in the Ross River. Once. They'd have been there with Errol Wyles, their good mate who one Friday night in June 2003 died in front of them.

COULTHART: That night Townsville teacher Linda Davis was throwing a party for her eldest daughter.

COULTHART: Was it a boozy party?

LINDA DAVIS: "There was plenty of alcohol."

COULTHART: Errol Wyles and his four friends who'd also been drinking earlier turned up outside.

MATTHEW LAMPTON: "We all rocked up. And when we first rocked up these lads were singing out "Oh you coons — you black c... what are youse all doing here? You're not invited here." And we started swearing them back."

COULTHART: Worried there'd be violence, Linda Davis called the police. Errol and his friends left. But two hours later as the party was ending, they returned.

LINDA DAVIS: "People were watching for taxis and some of them yelled, "They're coming back." And I thought that's trouble and I started to call the police again. I had the triple 0 number. I was watching out of the window. There was a car that was making a lot of noise. It went to turn left but instead of leaving down

the intersection it reversed backwards.”

COULTHART: That car Linda could see was a Holden Berlina being driven by this man, nineteen-year-old Scott Hasenkamp.

MATTHEW LAMPTON: “I went over and asked him for a cigarette and he was saying something back at me but every time I was trying to talk to him he kept on moving his car forward. And I said “Nah. Let’s cruise. Let’s keep on walking boys.”

COULTHART: Without warning, Scott Hasenkamp reversed to where Matthew Lampton and John Brooks were standing.

JOHN BROOKS: “He knew we were there.”

COULTHART: What do you think he was trying to do?

JOHN BROOKS: “Hit us. Hurt us and he clipped the back of our bikes.”

COULTHART: Hasenkamp drove forwards. And then, according to two witnesses he looked over his shoulder through the rear window. Errol Wyles was standing with his bike behind him.

MATTHEW LAMPTON: “He revved it up and there was a loud skid and that really braam. You know when you’re reversing it hard.”

COULTHART: Another witness told police the Berlina changed direction after the first collision and then seemed to aim at Errol Wyles. Scott Hasenkamp rolled first over the bike and then Errol’s body.

LINDA DAVIS: “Several of the kids on the street were calling out ‘He’s trying to hit them’ And then, ‘Call an Ambulance.’ One of them had been hit.”

COULTHART: How long did the car stop after it had hit Errol the first time?

JOHN BROOKS: “Two seconds, one second.”

COULTHART: So it was sitting there just briefly?

JOHN BROOKS: “Yeah.”

COULTHART: Do you think he must have known that he’d hit Errol?

JOHN BROOKS: “Yeah. He knew he’d hit someone.”

COULTHART: In the front passenger seat, Walter Gillmore realised someone was trapped under the car.

READ FROM STATEMENT OF WALTER GILLMORE: I couldn’t see the person but knew he was under the wheel of the car. I knew straight away that Scott had run over the person with the bike.

COULTHART: Hasenkamp then drove over Errol’s body — and off into the night.

LINDA DAVIS: “People were rushing around saying “Can we save him?” because he was still alive. He had his head up on the kerb and I saw that there was a lot of blood and I thought that it wasn’t looking good.”

COULTHART: Some thirty minutes later, ambulance officers declared Errol Wyles dead. Their statements recorded massive injuries to his head and chest. The driver Scott Hasenkamp had long fled. But partygoers quickly gave Police the phone numbers of people in the car.

LINDA DAVIS: They used my phone in the driveway to call several numbers and they were asking one of the young party members who they could call to try and work out who was driving the car. And eventually they located the driver.

COULTHART: While you were standing next to him?

LINDA DAVIS: “Mmm.”

COULTHART: What did you hear?

LINDA DAVIS: “I can’t remember the words but I remember I was certain they had located the driver out at Nome.”

COULTHART: How long after the incident was the policeman having that conversation on the phone?

LINDA DAVIS: “It could have been 15, 20 minutes, half an hour. I am not sure.”

COULTHART: Hasenkamp’s family home is about 15 minutes drive from where Errol was killed. But Police claim they didn’t actually find Hasenkamp until they arrived at his parent’s home four and a half hours after the incident. Crucially it was then well outside the two-hour statutory limit within which Police can demand that a driver submits to tests for alcohol.

STEWART LEVITT — WYLES FAMILY LAWYER: “Every effort should have been made to track down the accused person in the shortest possible time.”

COULTHART: They said they did that. They tried to find him.

STEWART LEVIT: “Well I am not persuaded that every effort was made.”

COULTHART: Sunday put 101 written questions to the Queensland Police. We asked about their efforts to find Hasenkamp and if they’d phoned his family home within half an hour of the incident, as Linda Davis recalls. We also asked if Scott Hasenkamp has any family members in the Queensland Police and what one of the investigating team detectives meant when he said in a statement that he knew Scott Hasenkamp. In a short official response, the Queensland Police told us they’d investigate any new evidence. Otherwise, all our 101 questions remain unanswered.

ERROL WYLES SNR: “I believe he was just out to kill somebody that night, to kill my son. There’s no other, there’s no other explanation for it.”

COULTHART: Errol Wyles’ family was only officially informed by Police of their son’s death three days after he’d been killed. And incredibly, Police chose to call at their home with the official notification at eleven o’clock at night.

ERROL WYLES SNR: “The Townsville paper did say ah that he was, a cyclist was killed and our son.

This was before the Police ever notified us.”

COULTHART: So the media had been briefed about your son’s death before you were?

ERROL WYLES SNR: “Exactly.”

COULTHART: To compound their distress, months later Errol Wyles’ family learned Scott Hasenkamp was only to be charged with the offence of dangerous driving, causing death. And at the Townsville District Court in March 2004, he pleaded guilty to that offence and received a four-year custodial sentence, with a minimum non-parole period of 15 months’ jail.

ERROL WYLES SNR: “But he didn’t serve 15 months. All he served was two and a half months within the bars and the rest of the 15 months he was pulled out of prison and taken out to a work program camp. He’s out working on a farm. And he is supposed to be serving time within bars.”

KEN HORLER: “He got off very lightly at the hands of the prosecution.”

COULTHART: Barrister Ken Horler is a Sydney Queen’s Counsel. He recently reviewed the evidence against Scott Hasenkamp for the Wyles family.

COULTHART: What charge do you think ought appropriately have been considered in that case?

KEN HORLER: “Not the one they finally came up with, which was tapping him with a feather duster. To deliberately drive and aim as the witnesses have said at the group of boys on their bicycles and to end up quickly killing one of their number was murder or manslaughter. It’s homicide.”

COULTHART: In a written submission to the sentencing judge, the prosecution said Hasenkamp was just trying to scare Errol Wyles with the car. Judge Tony Skoien queried whether the collision with Errol Wyles was “deliberate” and was told by the prosecution that there was no evidence of this.

KEN HORLER: “The evidence was all the other way. That the driving, the dangerous and homicidal driving was intentional.”

ERROL WYLES SNR: “Once would have been enough when he hit two bikes and buckled the wheels of two of his friends you know. I would have thought that would have been enough to scare anybody but he then came back and ran over my son, twice.”

COULTHART: But how could the prosecution know what Hasenkamp was intending that night when Hasenkamp has never given evidence? No court has ever got to hear his explanation of why he did what he did that night. Yet the courts have heard direct evidence from some of the Crown’s own witnesses, who are clear that Hasenkamp was deliberately trying to hit Errol Wyles.

COULTHART: Sunday put written questions to the Queensland Director of Public Prosecutions, asking what evidence the Prosecution had to justify its submission Hasenkamp was merely trying to scare Errol Wyles. The DPP told Sunday it made that submission on all the evidence.

KEN HORLER: “The way in which this investigation was conducted seems to work on the assumption that this man was going to be charged with dangerous driving and nothing involving the ingredients of homicide and that indicates to me some degree of favouritism perhaps being extended towards this young man.”

COULTHART: Hasenkamp’s sentencing judge also never heard evidence from Jamie Lee Stanley, who is Errol’s cousin. She claims Scott Hasenkamp is known among Townsville’s teens as a racist — or a “skinhead” as they’re known locally — and she says she witnessed him threatening Errol from a car on a Townsville street.

JAMIE LEE STANLEY: “He yelled out Errol’s name and I said “You know him?” And then he went “no I don’t.” And that’s when — oh what did he say — oh “we’re going

to kill all of youse. We’re going to kill all you niggers, Errol.” This and that.”

COULTHART: But you’re saying Scott Hasenkamp said that to you from the front seat of the car?

JAMIE LEE STANLEY: “I am positive because I seen him in the car and I was looking in the car, him in at the car.”

COULTHART: She also claims that after Errol was killed, Hasenkamp boasted of what he’d done.

JAMIE LEE STANLEY: “As I was walking they yelled my name out and I was like ‘oh what’ and I could see who it was and then-”

COULTHART: Who was it?

JAMIE LEE STANLEY: “Scott.”

COULTHART: Scott Hasenkamp?

JAMIE LEE STANLEY: “They yelled out “We’re glad we killed your little brother” or some crap like that. Or “Your little brother’s dead” just crap like that and I was just trying to think how they knew my name which I don’t know how. And that’s what he yelled out “Oh we’re going to get all of youse”. Just crap like that.”

COULTHART: The Queensland Police spoke to Jamie Lee but did not take a formal statement eventually dismissing her evidence as “unreliable”. They declined to explain why this conclusion was reached.

ERROL WYLES SNR: “If they would have taken Jamie Lee’s statement into account I believe this would have thrown a whole new light on to the case that he previously threatened Errol before this happened. They simply told us that she was not a credible witness and her statement would not be taken into account before the case.”

COULTHART: Jamie Lee thinks the police don’t believe her because she didn’t report the incident when it happened.

COULTHART: Why didn’t you go to Police and tell them this?

JAMIE LEE STANLEY: "I don't know. I don't know why I didn't.

To me I thought because they probably wouldn't do anything about it because the coppers in Townsville they do anything about it at all. It's been happening for ages and nothing's ever happened. Tell the coppers the skinheads chasing you and what do they do? They say just go home."

COULTHART: In the Townsville suburb of Rasmussen, kids tell similar stories.

TREVOR: "We've been through this, skinheads chasing us all the time. They started calling me black C, black everything. Then they started saying "Hit this black bastard" whatever."

SELA: "They jumped out of the car and threatened us. He said he'd go and get his gang or something and rape us and all this."

COULTHART: He actually threatened to rape you?

SELA: "Yeah."

COULTHART: You sure?

SELA: "Yeah."

CEDRIC BAKER: "Scott Hasenkamp only got four months out of what he did I suppose and everyone else thinks they can get away with it now. Heaps of them are coming into it now. Even boys I went to school with are turning."

COULTHART: Did you report to Police what happened?

TREVOR: "No. Not really. Nah."

COULTHART: Why not?

TREVOR: "Because they don't do nothing about it. Fair enough, they ask you for a statement but after that the file goes on a table and they just leave it at that."

COULTHART: Since the death of Errol Wyles, Aborigines living on the outskirts of the city in a camp called "Happy Valley" say there's been a surge of racist incidents.

SYVANA DOOLAN — RESIDENT: "The rednecks are becoming very more bolder because nothing has been done for that poor

little boy been run over. There was a gunshot a couple of weeks ago. So somebody's been coming around here shooting. And this is about 2 o'clock in the morning. It's frightening. And we can't fight back."

COULTHART: These are boom times in Townsville. And many locals do resent what they see as an unfair national focus on its racial issues. That same civic pride led to the recent dedication of this statue honouring the city's founder Robert Towns. But, for Townsville's aborigines, the real story behind Towns is the claim that he was a notorious "blackbirder" who made his money by kidnapping Pacific Islanders to work here.

TONY MOONEY — TOWNSVILLE MAYOR: "We are a very open and tolerant community and unfortunately for me I don't control the police or the courts so I can't really comment on that. But we treat everyone fairly and this community has been a very welcoming community to all types of races, be they black or white."

COULTHART: Mayor Tony Mooney rejects suggestions Townsville has any more of a racial problem than any other Australian city. Prior to this interview with Mayor Mooney we told his office we'd be referring to allegations about his own past. In 1989 the Queensland Parliament was told how when he was Deputy Mayor he'd driven away after hitting a pedestrian "an Aboriginal man" and that Mr Mooney smelled of alcohol after being chased and brought back to the scene by another motorist. It was also alleged in Parliament that police then let him go home without demanding a breath test. Tony Mooney insisted the allegations were untrue and refused to discuss them.

COULTHART: Were you drinking?

TONY MOONEY: "No, no — I am not going to go over that again."

COULTHART: Did you hit and run?

TONY MOONEY: "I am interested in issues which is very important to people in this community in 2006."

COULTHART: Why is it not relevant?

TONY MOONEY: "And I want to say again that if you have serious concerns about this community this year you then ought to get on to those concerns and put those things to me."

COULTHART: Do you accept that there is in this community a double standard?

TONY MOONEY: "No, this community is no different to every other community around the country. There are no double standards here."

COULTHART: But like many Aborigines we spoke to, Jordan Gee-Hoy and his brother John say there's a racial undercurrent in Townsville that few city leaders want to acknowledge. Several months after Errol Wyles died they claim they were assaulted by a gang of white youths an attack they say the police failed to properly investigate.

JORDAN GEE-HOY: "It all started from the Wyles thing, you know, that sparked it. It just lit the fuse to the bomb."

COULTHART: What, the death of Errol Wyles?

JORDAN GEE-HOY: "Yeah that just started. All that one race thing you know. And then it all started when, Ahh, Jordan's started with a white girl."

COULTHART: Jordan Gee-Hoy is one of Australia's more promising young indigenous boxers. And until the attack, so was his brother John. The way they tell it, local white youths resented the fact that Jordan had a white girlfriend.

JORDAN GEE-HOY: "It all started with that white girl's going with a nigger. 'Oh what's she doing?' you know. Giving her something better than they can give. They just couldn't hack it that a blackfella was going with a white girl."

COULTHART: One night soon after the death of Errol Wyles, the Gee-Hoy brothers accepted a challenge to a one-on-one fight they hoped would end the name-calling for good. It was a set up.

JORDAN GEE-HOY: "Four or five of them pile out with bats you know. They were there for, they meant business. As I've looked this way within a second, smack, I've been hit over the head with a bat. My own blood sprayed all over me and as I've staggered back I've looked and just ran at them, towards the other fella with the bat. And he just lined me up and swung it at me and as I've ducked there's been this big "voomph", you know like when you hear that stick "voom" sound."

COULTHART: If that had hit you?

JORDAN GEE-HOY: "It would have killed me instantly. Instantly. Murder and then the cops would have had to have done something. They done nothing at the time."

COULTHART: The vehicle was then driven straight at John.

JOHN GEE-HOY: "And bump, he's just came straight at me, up the gutter, and I've ran back."

COULTHART: The car hit him, badly damaging his shoulder. Jordan and John identified one of their attackers but say no arrests have ever been made. Though there's no doubt they were expecting trouble that night the ambush could easily have left them seriously injured, or worse. When, as Jordan and John saw it, the police failed to investigate, they admit they were ready to take the law into their own hands.

JORDAN GEE-HOY: "We had about 20 blackfellas around there willing to kill. Simple as that. We were getting around in carloads, five or six carloads looking for them."

COULTHART: And they hid?

JORDAN GEE-HOY: "They couldn't be found in the town. Couldn't be found in the town."

COULTHART: Queensland Police did not respond to our written

questions about their investigation into the beating. Nor would they answer questions about the killing of 20-year-old woman, Yasman Rae Sturt. She died here after being hit by a car driven by another white driver nineteen-year-old Townsville motorist Michael Burke, who fled the scene. Sunday was not able to get an answer from Queensland Police on whether the driver was ever asked for a breath test. But under Queensland law, the time limit allowing Police to demand such a test is two hours. Police were only able to speak to Burke much later. And no evidence of his being intoxicated was presented to the court.

VICKY STURT: "He thought he hit a wheelie bin. That's what he said in the courts. Michael Burke. He said he thought he hit a wheelie bin. I told him wheelie bins don't walk and they don't have gold hair. Common sense and instinct would tell you that when you hit something you just automatically stop. He panicked. He went to a mate's place, rang his father and that's where the police had found (him)."

COULTHART: Terribly injured after being dragged by Burke's car down Punari Street, it's not known how long Yasman lay there alone. A local resident gave her mother Vicky the statement he provided to police. It suggests Burke may actually have stopped and driven back to look at what he'd run over. But the court accepted Mr Burke's claim "that he never really knew what he'd hit" and that Yasman, who'd been drinking, may already have been lying on the road.

VICKY STURT: "I believe he knew because he stopped and he went to a mate's place or whatever. He went because he knew a human."

COULTHART: Yasman was still alive wasn't she?

VICKY STURT: "Yeah, she was still alive on the road."

COULTHART: As chance would have it, riding down the street that night, was Jordan Gee-Hoy. He first saw a trail of Yasman's clothing and

personal possessions. It stretched nearly 100 metres.

JORDAN GEE-HOY: "I looked and I just seen something mangled up like shh, totally wrecked on the road. And I'm looking at her and praying for her and she's like coughing, coughing and blood is spray, coming out of her mouth, like whatever mouth she had left and choking and it's hitting me so hard, I can remember like it happened yesterday."

COULTHART: Punari Street resident Pauline Geary has a troubling account of that night. It's one she's never told police because she wasn't questioned during the police doorknock that night, or since. And yet she's positive she heard what happened to Yasman outside her home.

PAULINE GEARY: "She went, it was [SCREAMS] like that, you know? But a really high pitched scream. A proper scream."

COULTHART: Then there was a thump?

PAULINE GEARY: "A thump."

COULTHART: And then another thump?

PAULINE GEARY: "Mmm."

COULTHART: And then after that?

PAULINE GEARY: "A couple of more screams."

COULTHART: Give me the sense of those.

PAULINE GEARY: "It would have been the same. A fairly long, terrified sounding scream."

COULTHART: If you'd heard those screams from your house 20 or 30 metres away, do you think do you think the driver of those cars would have heard those screams?

PAULINE GEARY: "I can't see how the driver of the car wouldn't have heard it."

COULTHART: It is possible the driver didn't hear the scream. Perhaps he had his radio on. Another thing we will never know. But for failing to remain at the

scene of an accident, showing callous disregard and also driving without due care and attention Michael Burke received a suspended four month jail sentence and a fine of \$750.

VICKY STURT: "I want justice. I need this man to be put inside because if it was a dark man hit a white woman would that man be walking around really."

COULTHART: Two young people die in horrific hit and runs. Their parents left asking questions no parent should ever have to ask. In the case of Errol Wyles though that might not be the end of the story. His father is now being helped by Sydney lawyer Stewart Levitt to seek a review of the investigation and have the man who killed his son charged with murder.

STEWART LEVITT: "I think there was definitely an injustice done. I mean justice does not only appear not have been done, it wasn't done."

COULTHART: Why?

STEWART LEVITT: "Because a person lies dead, in circumstances where the full gravity of the circumstances in which he was killed have never been tested and never been adequately scrutinised."

ERROL WYLES SNR: "You've got to understand that this has been happening to people for a long, long time and if this can stop other families going through it then for sure I will go all the way with it. If it can stop another family going through what we've had to go through. Be that black or white, it doesn't matter. Any family."

Ross Coulthard and his team sent a list of 25 questions to the Queensland Director of Public Prosecutions, none other than Ms Leanne Clare. Without any great surprise, she fobbed off every question and gave her sanitised and totally insulting brief reply.

The Townsville police were further asked 63 questions relative to the murder of Errol by Hasenkamp. A further 13

questions to the police were asked on the murder of Yasman Rae Sturt by her hit-and-run driver, Michael Burke. Yet further questions were put to the police relative to the racist events that had occurred around Townsville. Nine more questions were raised with the police about the events involving Michael Burke.

All up there were 101 questions put to the Townsville Command. In three short paragraphs – in seven sentences – police replied that both the Wyles and Sturt matters had been referred to the police to investigate the police, who were further still investigated by other police. Nothing found. Such despicable and dangerous behaviour clearly shows why Chris Hurley, stood down as a Snr-Sgt, absolutely believed he would be exonerated.

If not by the Coroner, then most assuredly by the DPP and the Queensland Government.

Black and white justice: DPP questions and response

SUNDAY

26 February 2006

Reporter : Ross Coulthard

Producer : Nick Farrow

Sunday's questions to the Queensland Director of Public Prosecutions, Leanne Clare.

1. What is your response to the suggestion that Scott Hasenkamp was not charged with the appropriate offence when the available evidence is considered?

2. I note that you wrote to Senator Aden Ridgeway MP stating that the Judge accepted that Hasenkamp's intention was "to frighten but not to injure anyone". Where is the evidence of this alleged intention of Hasenkamp, since Hasenkamp never gave evidence, and no statement from him, if one was ever taken, has ever been disclosed to the court? What we would like to put to you is that the available evidence in the case is in fact suggestive of Hasenkamp's deliberately trying to hit Errol Wyles. Witnesses on the night clearly believe Hasenkamp was trying to hit Wyles and his

friends. Since the Judge specifically asked the prosecution if there was any evidence Hasenkamp's actions were 'deliberate', and this was denied by the Prosecution, where did the Prosecution obtain this mitigating evidence of Hasenkamp's intentions? The Prosecution, for example, said in the sentencing hearing that "this was obviously a deliberate course of driving on the part of Mr Hasenkamp, with the intention of scaring the deceased." Where is the evidence for that assertion? [Page 10 of the sentencing hearing transcripts on 26.3.04 contain this exchange. In the committal proceedings on 11.11.03, the Magistrate was advised by the DPP that there was no evidence the death was other than an accident and that it was not deliberate.]

3. Your letter to Aden Ridgeway also referred to the Judge having "also accepted that there had been some provocation from the group on the roadside..." On the issue of provocation, what was the provocation that you stated the Judge allegedly accepted there had been from the group on the roadside and in what way did that justify Hasenkamp's actions on the night?

4. Do you accept that the Judge may have been drawn by the Prosecutor, Mr Smid, to the mistaken impression that the violent action by Hasenkamp immediately followed a confrontation at the party — a non-violent argument which in fact occurred well over an hour earlier. In what way was this earlier incident provocative to Hasenkamp when he was not involved in this altercation earlier in the evening?

5. Why is what Hasenkamp did on the night not consistent with the offence of murder or manslaughter?

6. When Errol Wyles' father approached the Prosecution prior to the sentencing hearing to attempt to have more serious charges laid against Hasenkamp, what were the reasons why the Prosecution only charged Hasenkamp with the offence of Dangerous Driving Causing Death, and not a charge of Murder or Manslaughter?

7. What is the DPP's response to the suggestion that the Queensland Government medical officer's pathology report on Errol Wyles is seriously deficient in that it only describes one set of wounds to Errol Wyles — not reporting wounds which Wyles suffered when Hasenkamp, having already driven his car over Wyles once, then drove over his body again to flee the scene?

8. How does the DPP reconcile the Pathology report with the Ambulance Officer's report of injuries at the scene, which clearly reports two sets of injuries.

9. Is it correct that the Pathologist was originally called as a witness to attend the sentencing hearing but did not appear? Why did not the Prosecution not ensure that he was brought before the Court to explain to the Judge the full set of injuries suffered by Mr Wyles?

10. Why did the Prosecution frequently lead evidence throughout the committal and the sentencing which sought to mitigate the severity of Hasenkamp's actions? Why was this appropriate?

11. Why did the Prosecution concur with the Defence that Mr Hasenkamp should not be arraigned on the charge of failing to stop after an accident? The Prosecution left the Judge with the clear impression that Hasenkamp faced a hostile crowd on the night, after Hasenkamp had run over Wyles. The evidence shows that the many dozens of people who witnessed Hasenkamp's hit and run had in fact just been socialising with him at a party, and were not hostile to him at all. The only other people at the scene were the four young teenage boys who witnessed Wyles' death. How does this evidence in any way justify Hasenkamp's decision to flee the scene and not report to Police until over four hours after the accident? In what way is the public interest served by the Prosecution's decision to let this clear serious breach of the law go unpunished?

12. Is it correct that Hasenkamp only ever served about two and a half months in Townsville

Correctional Centre, before he was transferred to a Work Outreach Camp Program at Julia Creek?

13. What was the precise nature of his detention and work at Julia Creek and was Hasenkamp at any stage permitted to work on the farm allegedly owned by the Hasenkamp family at Julia Creek?

14. We understand that when the Wyles family wrote to the Attorney General in October 2004, the Attorney General told the family in reply that "The Prosecution cannot go behind the evidence. Any appeal would be restricted to the evidence placed before the sentencing judge." But the Prosecutor was responsible for much of the evidence put before the sentencing judge. Does the DPP still maintain that it could not have sought a more serious charge and sentence based on the evidence before it in the case?

15. What evidence was Prosecutor Smid aware of, at any stage, of Hasenkamp's alleged racist views? In a meeting with Aboriginal Legal Service principal solicitor Kevin Rose, was the Prosecution told of information that Mr Hasenkamp had boasted of past racist attacks? What investigations were sought by the DPP into these allegations? If none were made, why not?

16. Was evidence provided by Ms Jamie Lea Stanley of Hasenkamp's alleged racist views and animus towards Wyles ever provided to the Prosecution? What impression was formed of this evidence and why? What investigations were made by Police into Ms Stanley's allegations? For example, did the DPP ask the Police to check with the Service Station where one exchange allegedly occurred with Hasenkamp to see if this could be corroborated? If not, why not?

17. Does the Prosecution agree that the Police's failure to breath-test Hasenkamp was a serious failure on the night?

18. Why was witness Walter Gillmore, who lied about being in the car with Hasenkamp on the night, not charged with making a false statement?

19. Why was Hasenkamp not charged with attempting to hit two other youths on the night; and why was he not charged with the malicious damage of their bikes?

20. If Hasenkamp had made himself available for a breath-test within the time required by Statute, and if he been found to be over the permissible alcohol limit, or to have been affected by illicit drugs, what charge would the DPP have sought?

21. Did the Prosecution ever request the Police to question Hasenkamp's associates on the night as to his movements following the accident? If not, why not? The Police statements from those who were in the car with him contain no reference to any questioning by Police about the location of the accused in the hours after the accident. What investigations, if any, were done into how Hasenkamp got home to Nome that night? Surely the issue of Hasenkamp's possible efforts to evade drug and alcohol testing within the statutory period was relevant to the charges sought and the sentencing submissions?

22. Why did the Prosecution leave the Court with the impression, in the sentencing hearing, that it was probable a rock was thrown before Hasenkamp ran over Wyles. [P7, 60] No occupants of the car say they were aware of a rock hitting the car. Wyles' friend Matthew Lampton admits he threw a rock after Hasenkamp ran over Wyles in an effort to try to stop the car fleeing the scene. Where is the evidence that this rock-throwing incident was in any way provocative; or that it was in any way justificatory for Hasenkamp's actions and his decision to then flee the scene?

23. Why did the Prosecution tell the Committal hearing that this was an "unfortunate incident" and an "accident"? Where is the evidence to support that contention? [Page 16, 10]

24. Why did the Prosecutor state in the Committal hearing [P9,10] that "The vehicle veered towards the deceased..." when all the evidence supports the contention that

Hasenkamp deliberately drove at Wyles and his friends, from several directions, changing trajectory as he looked over his shoulder as Wyles tried to flee the car, and changing his line of sight to ensure impact?

25. Why does what Hasenkamp did on the night not fall squarely within the provisions of S302 of the Criminal Code Act Qld 1899 for the definition of murder, notably: "...(1)(b) if death is caused by means of an act done in the prosecution of an unlawful purpose, which act is of a nature as to be likely to endanger human life." We draw your attention in particular to subsection (2)'s assertion that "it is immaterial that the offender did not intend to hurt the particular person who is killed."?

Queensland Director of Public Prosecutions' response to Sunday's questions

This office must make its decisions according to law and upon the evidence available to it.

In the case of Hasenkamp, the crown prosecutor was thorough in his exploration of the evidence disclosed to him. He interviewed key witnesses, made further inquiries with police and had lengthy conferences with the Wyles family before resolving the appropriate charge was vehicular manslaughter (dangerous operation of a motor vehicle causing death).

It is clear that Hasenkamp twice reversed his car at speed into an area where Errol Wyles and his friends had gathered. It is also clear that Hasenkamp did this deliberately. In such circumstances there would only be a case for murder if it could be proved that Hasenkamp had intended to kill someone or to do grievous bodily harm.

His intention could only be inferred from that which he did and said and the context. Under our law, the prosecution cannot base its case upon an intention to kill or to do grievous bodily harm unless the evidence as a whole is capable of excluding any other reasonable possibility.

The evidence as a whole, including the accounts of Hasenkamp's passengers, left open the real possibility that Hasenkamp's inherently dangerous driving was intended only to frighten the youths. This is why, when the prosecutor was asked by the judge whether Hasenkamp had deliberately hit the deceased, the prosecutor replied: "Prosecution is not in a position to allege that..."(p11.15). The prosecutor's summary of the eyewitness accounts was a fair one.

The law does not permit the prosecution to rely upon intoxication without specific evidence of it. The ODPP had no evidence that Hasenkamp had an impermissible blood alcohol level at the time of driving. His departure from the scene, the subject of a summary charge, was part of the circumstances of the dangerous driving relied on by the prosecution. The judge took this aggravating feature into account in sentencing Hasenkamp.

***Black and white justice:
Police questions and response***

26 February 2006

Reporter : Ross Coulthart

Producer : Nick Farrow

R v Hasenkamp [Death of Errol Wyles]:

1. Does the Queensland Police Service acknowledge that it was a significant failure by the police to not locate Scott Hasenkamp until approximately 6.25am, over four hours after the incident where Errol Wyles was killed?

2. Why were all the witnesses at the party that night, who saw the incident which killed Errol Wyles, not interviewed by police?

3. Were all Mr Hasenkamp's friends and associates whom he was with that night asked if Hasenkamp took drugs or alcohol that night?

4. Why did Mr Hasenkamp not provide a specimen of blood or breath for alcohol and drug testing? Was he asked?

5. If Mr Hasenkamp was never asked (rather than required) to provide a blood or alcohol specimen,

in circumstances where his driving caused a death, why not?

6. What inquiries did police make of witnesses at the party about how much alcohol Mr Hasenkamp had consumed, or whether he had taken an illicit drug on the night?

7. If no inquiries were made, why not?

8. What investigations, if any, did the Police Service make into Mr Hasenkamp's movements after the incident which killed Mr Wyles? It is clear he initially went to the home of one of the people in the car which he was driving. But none of the statements from any of those in vehicle shed any light on Mr Hasenkamp's movements on the night — surely it was relevant to the investigation whether Hasenkamp was assisted in evading police until over four hours after the incident?

9. Is it correct that Mr Hasenkamp did not in fact turn himself into police after the incident but that he was tracked down some four and a half hours after to his parents' home at Nome, and then questioned on the scene for some 20 minutes by police?

10. What information was elicited from Mr Hasenkamp during this 20-minute conversation, and why has no record of it ever been put before the court as part of the police brief?

11. Why do none of the witness statements obtained by police seek to elicit information from witnesses as to how Mr Hasenkamp got home that night?

12. Why did the first police officer on the scene, Officer X, not provide a written statement at any stage of what he recorded on the night after talking to witnesses who saw directly what happened?

13. What investigations, if any, did police make into the statement of Jamie Lea Stanley — who testified that Hasenkamp had previously known Wyles, and that Hasenkamp had previously made racist and threatening comments against Wyles; and that, subsequent to Wyles' death, Hasenkamp allegedly

boasted that he'd got away with Wyles' murder.

14. If police chose to discount that Jamie Lea Stanley evidence as unreliable, what investigations did police make to test the veracity of this witness beyond a tape-recorded interview with Ms Stanley?

15. Were any inquiries made by police about Ms Stanley's allegations, additional to her statement and the tape-recorded interview?

16. If her evidence was found to be unreliable, what was it about what she said, or her character, that justified the conclusion that her evidence was unreliable?

17. When exactly did police arrive at the nearby home address of 58 Queens Road, Rosslea, where the car which killed Mr Wyles was located?

18. What enquiries were made at the scene on the night as to Hasenkamp's whereabouts and were any people in the house questioned as to his whereabouts?

19. Why do none of the statements obtained by police from these witnesses seek to elicit information on his movements beyond the Rosslea home?

20. If it is the case that police only found Hasenkamp at 6.20am at his parents' house in Nome, what explanation did police receive from Hasenkamp, or any witness, as to how he got from Rosslea to Nome that night and what time he got there?

21. We understand a police officer asked to use the phone of Ms Linda Davis, the owner of the house at 54 Lindsay Street, Rosslea, where the party was held, at about 2.25am on the morning of June 7 2003. Ms Davis tells us she watched as police obtained, at that time, all the phone numbers of Hasenkamp and his friends from a party-goer, Ms Amy Melvin. Ms Davis tells us that she formed the impression from the phone call that the policeman was told by his colleagues that they were already at Hasenkamp's home at Nome, which is about 15 minutes from the scene. Was this the case?

For instance: were police already at Hasenkamp's house in Nome by 2.25am?

22. If police had Hasenkamp's parents' home phone number by 2.25am, did they ring his parents immediately to find out if he was already home?

23. If not, why not?

24. Assuming 3.50am was the cut-off period for police to require a breath specimen from Hasenkamp (if the incident occurred at 1.50am), what did they elicit from their inquiries as to his whereabouts during this time?

25. If Hasenkamp's friends contend that he left the Queens Road address in Rosslea soon after driving the car there from the incident, which killed Wyles, how did he get from there to Nome?

26. Have police asked if anyone gave him a lift and, if so, when that lift was given?

27. Did Hasenkamp call a cab and, if so, when did he call it?

28. Has any request been made for the cab call records at that time?

29. What did Hasenkamp's parents say the time was that their son arrived home at Nome?

30. Were they asked to give a statement?

31. If not, why not?

32. In his statement, the investigating detective who charged Hasenkamp, Senior Constable X, acknowledged that he knows Scott Anthony Hasenkamp. What is the nature of this relationship?

33. Is Senior Constable X related to Hasenkamp?

34. Senior Constable X's statement states that he spoke to the defendant at 1.54pm the next day, and this was electronically recorded — why was this interview not produced in the court?

35. If, as detective Senior Constable X's statement (at para13) acknowledges, he saw Felicity Hasenkamp at 58 Queens Road, Hermit Park, at 4.30am that night;

what happened in the following two hours when (at para14) Detective Senior Constable X's states that Felicity Hasenkamp was then present at her parents' home at Nome when police arrived there at 6.20am?

36. Was she ever asked if she knew how her brother got home, and where he had been?

37. If not, why not?

38. Is Scott Hasenkamp related in any way to any former or current serving officer in the Townsville or Queensland Police Service?

39. If so, were they involved in any way in the investigation into Errol Wyles' death?

40. Were investigating police told at any stage by any of the witnesses to the incident that they believed Hasenkamp was 'trying to kill' Errol Wyles, or words to that effect?

41. Were these statements included in the police statements?

42. If not, why not?

43. Do the police believe that the Queensland government medical officer who prepared the pathologist's report on Errol Wyles' death gave an accurate account of the injuries to Mr Wyles' body and the likely cause of death?

44. When police saw that the Queensland government medical officer's (Queensland GMO's) report only described one set of injuries, and not the two sets of injuries described by the ambulance officer's report of injuries at the scene, why did they not seek a review of the Queensland GMO's pathology report?

45. Do the police agree that a report which only described one set of two sets of injuries to Errol Wyles, and not the full complement of injuries suffered as the car first reversed and then drove forwards over Mr Wyles, might have provided the court with an inaccurate account of what happened that night (especially since either could have been the cause of death)?

46. If not, why not?

47. Why did police not include, in the police brief, the colour photographs of Errol Wyles' body in the ambulance, which showed the full set of injuries described by the ambulance officer?

48. The Prosecution says it based its case, contending that Hasenkamp was merely trying to scare Errol Wyles, on the evidence gathered by police — what evidence did the police obtain to support the assertion that Errol Wyles' death was an 'accident', that it was not deliberate and that Hasenkamp was merely trying to scare Wyles and his friends?

49. Did Hasenkamp ever make any statement to police at all of his intentions, and full version of events that night?

50. In particular, how did he account for his whereabouts after the incident before police found him at 6.20am at his parents' house?

51. If he did make any statement to police, why was it not included in the police brief?

52. If he didn't, then how did police form the view that the incident was a tragic accident?

53. Are police aware of any other witnesses or evidence suggesting that Hasenkamp is a self-acclaimed racist who has boasted of his attacks on Aboriginal people in the past?

54. Is he, for example, known by police to be an associate of any so-called 'skinheads' who have avowedly racist views?

55. What investigations have been conducted into these allegations?

56. When Walter Gillmore admitted lying to police about whether he was in the car with Hasenkamp at the time of the incident, did police investigate whether Gillmore should be charged for impeding the police investigation?

57. If not, why not?

58. Do police believe that Hasenkamp should have been arraigned on a charge of fleeing the

scene of an accident which caused injury?

59. If not, why not?

60. What evidence was there, on the night, of any 'provocation' of Hasenkamp by Errol Wyles?

61. What evidence was there, on the night, of any justification for Hasenkamp to flee the scene without stopping to render assistance, when he must surely have known he had hit and seriously injured a person at whom he had deliberately aimed his vehicle?

62. What evidence did police have that Hasenkamp had any reason to fear violent reprisal from anyone at the scene?

63. Why were Errol Wyles' father and mother only officially told of their son's death by police at around 11pm on the Monday evening following his death on the Saturday morning at around 2.25am? (A story reporting the boy's death appeared in the Townsville Bulletin newspaper earlier that same Monday morning).

R v Burke [Death of Yasman Rae Sturt]

64. Is the Police Service satisfied that Michael Burke was appropriately charged and sentenced for his role in the death of Yasman Rae Sturt on October 16 2002?

65. Does the Police Service agree that the evidence available strongly suggests Mr Burke knew he had hit someone; and that his failure to render immediate assistance might well result in that person's death?

66. If not, why not?

67. Did the police door-knock all homes in the vicinity of the incident and question all residents in detail about what they heard that night?

68. If not, why not?

69. Is the Police Service aware of witnesses who stated that they heard a woman screaming at the time of the incident; and that this screaming was then followed by two highly audible "thump" sounds?

70. Is the Police Service aware that the same witnesses state they

also heard a vehicle reversing soon after the scream and thumps?

71. How does this evidence sit with the claim allegedly made by Mr Burke that the woman was lying in the road? Surely if she had time to scream she clearly apprehended the imminent approach of the motor vehicle? Surely if the noise of the impact was heard in a block of units some 20 metres distant, then the fact that there was a person hit by his car must have been obvious to Mr Burke? If not, why not?

72. What investigations were made into the possibility that Mr Burke was clearly aware that he had hit the young woman and that he left her to die by the side of the road?

73. What investigations, if any, were made into whether Mr Burke had been drinking on the night?

74. Was Mr Burke asked (rather than required) to provide a specimen of blood or alcohol?

75. If not, why not?

76. Does the Police Service agree that it would be a failure in any investigation for witness statements not to be sought and taken from all residents who claim to have heard something in the street at around the time of the incident?

General questions relating to Townsville policing:

77. What investigations were made by the police into the incident on an evening in September 2003 which left Mr Jordan Gee-Hoy and his brother John Gee-Hoy with serious injuries after an attack by a group of youths outside the then BP Service Station on the corner of Illuka Street and Bayswater Road in Currajong in Townsville?

78. Does the Police Service agree that the alleged assault involved an act of deliberate driving of a motor-vehicle directly at John Gee-Hoy which may well have been an attempted murder of Mr Gee-Hoy? The circumstances of the attack, as described to us, involved a Toyota Tarago van with a bull-bar being driven directly at Mr Gee-Hoy, who was knocked into the air, suffering

serious injuries, with the van's efforts to hit him impeded only by its hitting a brick wall, which was knocked over by the momentum of the vehicle?

79. Does the Police Service agree that the alleged assault involved a group of youths with iron bars striking Mr Jordan Gee-Hoy in what appears to have been a deliberate and well-planned attack on him; in circumstances where he could quite easily have been killed?

80. Did the police ever recover the iron bar which was used in the attack, which was allegedly recovered and offered to the investigating police by the then BP service station attendant?

81. Was any effort ever made to recover fingerprints from it or any weapon; or any attempt made to recover forensic evidence from any part of the scene which might have enabled identification of the assailants?

82. What conclusions did the Police Service make about this attack?

83. Did the police, as Mr Jordan Gee-Hoy claims he was told, reach the conclusion that there was insufficient evidence to lay any charges?

84. If so, why?

85. Were police told the names, or given descriptions, of any of the alleged assailants?

86. Does the Police Service believe it made all reasonable inquiries in the investigation into the circumstances of this incident involving the two Gee-Hoy youths?

87. Did the fact that both Gee-Hoy brothers have been in trouble with the law in the past play any part in the police investigation?

88. Mr Jordan Gee-Hoy admits to Sunday that he went to the location expecting to have a "one-on-one" fight with a white youth who had allegedly been critical of his having a white girlfriend. He believes that the motivations for the well-organised attack were racial and he and his brother allege that police did

not adequately investigate the case because, in part, he suspects the police think he and his brother got what they deserve. What is the Service's response to this allegation?

89. Is the Police Service concerned that Aboriginal people in Townsville clearly perceive policing to be sometimes racially motivated and that some aboriginal people openly talk of taking their own form of vigilante justice because of frustration with Townsville Police's perceived racism?

90. Does the Police Service accept that the Aboriginal community perceives a problem with racially motivated violence in Townsville?

91. If not, why not?

92. If the Queensland Police Service agrees there is a perception problem with racially motivated violence in Townsville, what steps are being taken to deal with it?

Further questions for Queensland Police:

1. Was the statement of (witness) dated October 12 2002 brought to the attention of the sentencing judge in the Burke case?

2. If not, why not?

3. Is there a police statement of facts which describes what the police determined had happened that night and, if so, can we please have a copy?

4. Is it correct, as was reported in the media at the time, that Burke told the court he did not know what he had hit but he panicked and drove to a friend's house?

5. Is it correct that it was suggested to the court that Sturt might have been lying asleep on the road when the accident occurred because there was no apparent damage to Burke's vehicle, apart from forensic traces of woman under the car?

6. What weight, if any, was given to the witness's evidence that Burke stopped his vehicle and looked at the scene — suggestive of the notion that he was fully aware that he had hit a person?

7. What evidence was presented to the court of witnesses who said they heard screaming in the street outside at the time of the incident and what weight was given to that evidence?

8. Was any effort — any public appeal — ever made to find the driver of the Toyota Landcruiser mentioned in the witness's statement?

9. If not, why not?

Queensland Police Service's response

The circumstances surrounding the tragic deaths of Errol Wyles on 7 June 2003 and Yasman Rae Sturt on 16 October 2002 were thoroughly investigated by Queensland Police. In both cases evidence supporting the charges was presented to the courts.

A number of allegations were made in relation to the police investigation of the death of Mr. Wyles. Those allegations were investigated by the QPS after being referred to by the Crime and Misconduct Commission. The QPS Ethical Standards Command overviewed the investigation which found the allegations to be unsubstantiated. That result was referred back to the Crime and Misconduct Commission.

If there is any new evidence or allegations involving the police investigation they will be investigated. Complaints can be made either direct to the Queensland Police Service or to the Crime and Misconduct Commission.

The morning after the Sunday programme brought much frothing and fulminations against those evil southern groups maligning the fair (in all its meanings) City of Townsville.

Once again Lord Mayor Tony Mooney, jumped to the defence of his fair city. Racism? What racism? The prattle of mere Southern Carpetbaggers rubbishing Townsville with outright lies.

Federal MP, Peter Lindsay (who wants to empty Palm Island

of its Aboriginal inhabitants) denied that any racism existed in Townsville. Mere jealousy from those pesky southern mobs.

Townsville is racist, always has been and always will be – unless and until they recognise their racism and totally change their views. They must treat the murder and vilification of Aboriginal people seriously and with Justice.

Perhaps, just perhaps, Mooney and Lindsay do not recognise that the crime of hit-and-run ever happens. Perhaps the 1989 hit-and-run by Mooney just cancels everything out. Even the all-pervading, cancerous racism that envelopes not just Townsville but all of Queensland.

Redneck label rejected

*Townsville Bulletin
Richard Hannay
27 February 2006*

ALLEGATIONS of racially motivated killings in Townsville and failures in the criminal justice system have prompted a new legal campaign.

Sydney-based solicitors Levitt Robinson have launched a campaign on behalf of the family of Aboriginal teenager Errol Wyles, who was killed in a hit and run incident in Townsville in 2003.

A statement from the website of Levitt Robinson solicitors said the campaign to bring justice to the Wyles family was being co-ordinated by principal Stewart Levitt on a pro bono basis.

"The main objective of the campaign is to achieve justice for the family of Aboriginal child, Errol Wyles, who was killed in violent and tragic circumstances," the website said.

"The secondary objective is to expose the atrocious level of violence and vilification of indigenous people, in North Queensland in particular, and to promote equal protection for and treatment of indigenous people under the criminal law."

Townsville man Scott Anthony Hasenkamp was charged with the death of Wyles and was sentenced in 2004 to four years jail, with the term suspended for four years after 15 months were served.

Hasenkamp served 2 1/2 months in jail and spent the rest of his 15-month term on a prison farm.

Channel Nine's Sunday program yesterday reported the Townsville Aboriginal community believed local city leaders were refusing to accept that racism was a major community problem.

The death of Wyles and Aboriginal woman Yasman Rae Sturt, who was also killed in Townsville in a hit and run incident, were reported on the program as being possibly racially motivated.

The driver of the car that killed Sturt received a suspended prison sentence and a \$750 fine.

Accusations that there was a strong undercurrent of racism in the city have been denied by Townsville Mayor Tony Mooney.

"I really think that this community has just about had a gutful of southern-based media blowing into town and claiming we are a racist community," Cr Mooney said.

"I challenged the producers of the program to take a look at their own back yard, to look at the problems they have in Redfern and in Cronulla.

"I believe that most people in Townsville would be offended by these kinds of accusations.

"These attacks work to tear down the good work we have done in this city.

"The Townsville City Council was the first council in the country to employ an indigenous development officer.

"We have many programs to support indigenous youth, with mentoring programs, and an indigenous employment strategy.

"We strongly promote a range of cultural activities celebrating indigenous culture.

"The council works hard with the State Government to tackle issues such as public drinking.

"We are attempting to tackle these issues on behalf of the entire Townsville community."

Herbert MP Peter Lindsay said Townsville was far from being a redneck city.

"I'm angry to see Townsville presented to the nation as a racist community," Mr Lindsay said.

"I utterly reject any claim that our city is home to racists."

'Redneck' label is too easy

*Editorial
Townsville Bulletin
27 February 2006*

ALLEGATIONS of racially motivated killings in Townsville and failures in the criminal justice system are serious and they demand answers.

If, as claimed in yesterday's Channel Nine Sunday program, there is evidence of such a case, every decent citizen of this city would expect lawyers to bring further charges.

As a community, we are just as interested in finding out the truth of matters surrounding the hit and run deaths of Errol Wyles and Yasman Rae Sturt.

Similarly, decent Townsville people would be horrified to think that there was an 'atrocious level of violence and vilification of indigenous people', a claim made by the Sydney lawyers taking on the Wyles case.

Equal protection for and treatment of indigenous people under the law is only what they - and we - should expect.

Any deficiency in that deserves to be highlighted.

It is a completely different proposition, however, to paint this entire city as some kind of 'redneck central'.

The Wyles family genuinely believe they were aggrieved by the legal process, which saw the man

charged with their son's death sent to jail for 15 months effectively.

But it is a giant leap on the part of Sunday to extrapolate that dissatisfaction with the legal system into statements suggesting there is something seriously wrong with this entire city and its relationship with the Aboriginal population.

And it is typical of how North Queensland has been treated by elements of the southern-based media for years.

They appear determined to paint Townsville as a redneck town, devoid of any assimilation with the original inhabitants of this country, a fact that is patently untrue.

No one is denying that indigenous people throughout Australia still face racism and vilification issues daily. The reason nothing is being successfully done to redress that situation is that it is simply easier to criticise, polarise and antagonise.

The goodwill needed to even begin solving a problem as intransigent as that facing our indigenous population will not be encouraged while we have programs such as Sunday continuing to push a line that just doesn't bear any resemblance to the truth. If an injustice has been done in the cases of Errol Wyles and Yasman Rae Sturt, then let the lawyers bring on the evidence.

The importance of righting those wrongs is unquestioned. Painting Townsville as some kind of redneck hicksville, however, won't do anything to see justice served.

Equally outraged at the offhand attitude of the Townsville Bulletin Editorial, and its misplaced blame (perhaps they agree with the Mooney view that the conduct, for good or bad, of the police and Courts has nothing to do with them), allowed for the following well worded reply by Stewart Levitt. This is followed by four view of the good citizens of Townsville.

Letter to the Editor

*Townsville Bulletin
Stewart Levitt
27 February 2006*

Dear Sirs,

Re: Redneck Label is too easy – Editorial

There appears to be a misconception running through your editorial that it is the job of 'lawyers (to) bring on the evidence' or to 'bring further charges'.

The investigation of crime and the obtaining of evidence is first and foremost a police responsibility. The DPP works with the police to produce the right charges and the appropriate sentence, so that the punishment fits the crime.

If your daughter were raped, would you like the culprit to be charged just with indecent exposure?

Bringing people to justice is not the responsibility of lawyers but of the organs of the State, the police and the DPP. Lawyers are there to bring checks and balances and to make sure there is no abuse of power.

When a man pleads guilty to an inappropriate, lesser charge and the prosecution treads lightly, the defence lawyers do not have much of a role to play.

Townsville is a fine prosperous city. Your town planners recently released a model for the revamped city mall and none of the toy figures was black. In a Christian city, the moral tone is meant to be more important than the trappings of the Temple.

I know that the attitude up north is 'if it hurts, don't touch it' but I prefer the line in the flyer to the George Clooney movie, 'Good night and Good luck'. Evil is possible when good men do nothing.

*Yours faithfully
Stewart A Levitt*

reader feedback comment

*Townsville Bulletin
29 February 2006
From: Jillian Wood*

Comment: Re racially-motivated hit-and-run deaths

I notice that your newspaper gave a lot of coverage to hit-and-run

accidents that have taken place in other states, but it took the Sunday program to expose the racist acts taking place in your own town. Even if the whole of Townsville is not racist, your police force clearly is. The whole case stinks to high heaven.

Editor's note: The two hit and run attacks to which you refer were reported extensively in the Townsville Bulletin at the time they occurred and during the subsequent court cases. It is worth noting the two incidents did not occur at the same time and were in no way related. The reason a national media organisation has suddenly taken an interest in the cases and decided to link them is a question you need to take up with them. Both cases occurred more than two years ago.

From: Pablo

Comment: 'Redneck label rejected'. Shame, shame, shame, I agree the sentences given are inappropriate but so are all the other sentences when it relates to rape, DUI-killing, etc. Let's not make it a colour issue. Unite don't divide. Sydney-based solicitors Levitt Robinson should go up against his own peers, the legal system (judge etc). After all who upholds the criminal law? The legal system has more to answer for as they defend/prosecute and sentence if there is an miscarriage of justice, than by pointing the finger at yourselves, the legal system. Did you do your job well enough?

From: David Sim

Comment: 'Redneck label rejected'. Townsville a redneck city? That's a bit rich when Sydney has had a least three racially motivated riots in the last couple of years. I think the southern media and lawyers need to look a little bit closer to home for rednecks.

From: Dean Greaves

Comment: Let's start - 'Redneck label rejected'. I would like the Bully to place in to one of its columns, the word 'indigenous' and its meaning. This word does not mean Aboriginal. We are all equal white or black, black or white as long as we are born in this lucky country, we

are all indigenous and should be happy.

Some days later, in a contributed article to the Australian, Anthony McClellan of media strategy company, AMC Media, put forth his strong inside views of the stench within the Queensland Justice System. He blames the media intransigence of the DPP and the police to 'the head in the sand attitude'.

Whilst there may be a hint of this attitude, their attitude is Because We Can! For the police, the criminal arrogance that is constantly being so insolently displayed is that of Because We Can! We, the police forces of Australia are (mostly) untouchable. We can lie, we can cover up, we can even kill and we know that we will get away with it – Because We Can. It must be remembered that they have got away with it for 219 years.

That attitude is backed up 100% by weak, cowardly and ethically-challenged Governments who bow to the police demands. Governments run by charlatans and frauds such as Premier Beattie, who, incidentally, sees no racism in Queensland either.

Head in the sand policy fails police.

*Weekend Australian
Anthony McClellan
02 March 2006*

THERE'S a stench in the justice system of Queensland. Perhaps like me, as an outsider, you may have been optimistic that the smell from the infamous times of the Bjelke-Petersen regime all those years ago had been expunged by the bright media savvy Beattie Government. Think again.

We already know that the Queensland health system is in tatters; "Dr. Death" was simply symptomatic. Now a dose of good television has exposed what the Queensland authorities should have done themselves.

I think that we all know that our courts and police around the country are defective to varying degrees. What we didn't know is how some criminals in Queensland receive a significantly different treatment because of the colour of their skin. That colour is white. Watching Nine's Sunday show this week, I thought for a moment I was watching some twisted clip from Rod Steiger's *In the Heat of the Night*.

The Sunday story was shameful, not for reporter Ross Coulthart and producer Nick Farrow who did an excellent job, but for the Queensland Police Service and the Queensland Office of the Director of Public Prosecutions. Coulthart and Farrow lifted up the rocks on several cases, but one stood out, the death of 15 year old Errol Wyles, three years ago.

In short, Wyles, a black Townsville teenager, and his black mates were hanging around outside a party on their pushbikes. Taunts were being freely exchanged by them and the partygoers, but verbal only. Local 19 year-old, Scott Hasenkamp, rocked up in his car, words were exchanged, and Hasenkamp promptly reversed his car at speed into the group on the bikes. Several were scattered. But that wasn't sufficient for Hasenkamp. Aiming up his car, he reversed again, this time knocking Wyles over, then reversed over Wyles's prone body and bike, not once but twice. Hasenkamp sped off. Wyles was just 15 years old, and black. He died 30 minutes later on the kerb from substantial injuries. Hasenkamp is white.

That story in itself defies belief, let alone understanding. But how the Queensland police and DPP handled it makes one want to hang one's head in shame. The litany of mistakes by the authorities and favourable treatment to Hasenkamp is long. Most crucially he was charged simply with dangerous driving, causing death, not murder or manslaughter. He pleaded guilty and received a four year custodial sentence, with a minimum non-

parole period of 15 months' jail. But he didn't even serve all that time behind bars.

The court was told by the Queensland DPP that there was no evidence of deliberateness by Hasenkamp in driving over the boy's body, remember not once, but twice. Sunday made a strong case for the racial basis of their claims (For the transcript go to: sunday.ninensn.com.au/sunday).

What is illustrative is how the Queensland Police and DPP handled the media strategy for the Sunday investigation: Basically, the head in the sand attitude, "if we don't speak with them, the nasty media, it will all go away". Wrong, and just so wrong in this case. No credible explanation from the police or DPP is provided to the program of what is, in the view of some, either their gross incompetence or racism, or both.

Programs such as Sunday are using the internet to draw their audience into the journalistic process. Sunday has posted online the 101 questions to the Queensland police and their answers. Make up your own mind.

It's an uncomfortable process for those on the other side who stay in the media bunker, with a big blanket pulled over their heads.

Contrast the deafening silence from the Queensland police (in terms of doing an interview) with that of their federal counterparts, the Australian Federal Police. In the recent ABC Australian Story on one of the Bali 9, Scott Rush, a senior copper fronted up on camera to credibly justify why the AFP had dobed the nine into the Indonesian authorities. No bunker for the AFP. You also often see AFP chief Mick Keelty on the front foot, media wise. That's a deliberate media strategy; don't let all the critics have all the air space. And it's probably a strategy that gains more for the AFP in terms of public credibility and acceptance than the 1960 media attitude of their Queensland brothers.

Like all good drama, the Sunday piece contained that TV "moment", the cameo an audience will

remember. The moment came in Coulthart's interview with Townsville mayor Tony Mooney. Right in the middle of the mayor doing his mayor-like defence of the good citizens of Townsville, Coulthart drops on him his own colourful past. In 1989 the Queensland parliament was told how Mooney had driven away after hitting a pedestrian, an Aboriginal man, and that Mooney smelt of alcohol after being chased and brought back to the scene by another motorist. Mooney denied the accusation. Don't these guys get advice about how the media works?

Don't they think that some journalists do some research? If you have a skeleton in your closet (of whatever colour), it's best to stay away from Coulthart.

Whilst the Sunday piece was thorough, I think it should have, if it could have, gone further. I wanted to know who in the DPP decided on the lesser charge, who in the police was in charge. Until these decision-makers are exposed to public scrutiny and the stop hiding within our local institutions, nothing will change.

Anthony McClellan runs media strategy company, AMC Media.

anthony@amcmedia.com.au

Ian James informed of a Public Meeting to discuss the issues.

Errol Wyles Junior Campaign

*Letter to members
18 March 2006
DEAR All,*

WE are holding our first public meeting on Saturday April 1st from 1 PM to 3 PM, at the Boardroom of Radio 4K1G, 271-279 Sturt Street Townsville (between Flinders and Walker Streets). There is plenty of on-street parking.

We are aware that many interested parties live too far away from the venue to attend, and will provide full details of our activities and the meeting shortly after.

I will send an outline of what we hope to achieve at the meeting, several days beforehand.

The meeting is as much intended to be a meeting of the people, rather than a conference, and will be very informal. Tea and biscuits only (no lunch!)

Once the draft agenda has been circulated, I would like to speak to some of the key volunteers, to discuss their participation and some of these addressing the group.

I will arrive in Townsville at lunchtime on Wednesday March 29th, and leave on Sunday April 2nd late afternoon. I am available for the whole time, and would be pleased to meet anyone who wishes, away from the meeting, to discuss our activities. Please email or ring me if you wish to meet, ASAP.

I will use my mobile phone when in Townsville (but do not use it when in Sydney). In Sydney my contact numbers are pager or home. (deleted by request of IJ)

We have received strong support from many quarters, since the 'Sunday' program aired.

Thank you all for your offers of help.

*Regards,
Ian James.*

Gary Highland, National Director of ANTaR, wrote to the Townsville Bulletin Editor who declined to print his letter. We will. It shows at least a 25 year span of racist attitudes. At least.

Culture of denial lets racism fester

*Letter to the Editor
Townsville Bulletin
Gary Highland
4 March 2006*

HE was an easy target. A lone Aboriginal man riding a bicycle along a Townsville street late at night.

The tires (sic) of the car squealed as we reversed then circled him once, twice, three times, four. I can still see his ashen face as my friend swore at him from the driver's seat.

"You're an idiot, mate. What did you do that for?" I wanted to know. "He's just a boong. I thought we'd give him a scare."

What happened in my friend's car took place more than 25 years ago. It's just one of many similar racist incidents I recall from my childhood. These kinds of things happened before and have been occurring in Townsville ever since. Some, as the Sunday program reported recently, have had far more tragic consequences.

Despite all the denials and finger pointing by people who should know better, these incidents and the lack of action in response to them make up a pattern of behaviour that is too prevalent to be ignored.

It's not true, as some have tried to suggest, that most people in Townsville are racist. But the pockets of racism and violence that still exist diminish everyone in the community.

Today, whenever I meet tourists in Sydney or Melbourne I encourage them to visit Townsville. I tell them about all the places I love - like Dairy Farmers Stadium, the Strand, Florence Bay, Crystal Creek and Castle Hill at sunset.

"But isn't that a really bigoted town?" a couple of British visitors said to me recently. Apparently a story in one of their newspapers had described Townsville as the most racist city in Australia.

It's the same in my work. Too often when I meet people at conferences or functions and tell them I'm from Townsville, they raise their eyebrows and say something like, "Gee, you're in a strange job then."

"There's another side to the place," I tell them. "The Cowboys have more Aboriginal players than any other team in the NRL, and Townsville was the home of both Eddie Mabo and Henry Reynolds."

But these criticisms hurt, particularly because there's a grain of truth to them.

So instead of blaming the "southern media" or "Sydney lawyers", perhaps we should be turning our anger towards the real source of the problem - the racists who are holding the city back.

What is needed is for the community's leaders - and by this I don't just mean politicians - to tackle the problem head on. Leaders from areas like business, the military, churches, education, sport, politics and particularly the police should be saying that racism and violence are not on in our city any more.

They should set an example by encouraging everyone in Townsville to make a pledge not to commit racism or violence, not to tolerate these things being committed by others and to do all in their power to stamp them out.

The organization I work for, Australians for Native Title and Reconciliation would welcome the opportunity to do what we can to support the city in this task. But the process will have to start with the people whose job it is to lead - Townsville's community leaders.

It's been 25 years since I sat in that car being driven by a racist and became an unwilling accomplice to an appalling act. I hate people calling Townsville a redneck town, but I hate racism even more.

Let's not wait another 25 years to stamp out both of these things for good.

Gary Highland grew up in Townsville and is the National Director of Australians for Native Title and Reconciliation (ANTaR).

On 8 March 2006 the first Errol Wyles Campaign Newsletter was made available to all who wanted it. It clearly explained the need for this Campaign and the establishment of the Errol Wyles Justice foundation that was concurrently being prepared.

Errol Wyles Junior Campaign

*Newsletter 1
Ian James
8 March 2006*

THE campaign was commenced by Errol and Sonja Wyles the day their son was killed.

After trying to get justice and following all the proper channels, including enlisting the support of the then Senator Aden Ridgeway, several other MPs, and Aboriginal Legal Services, the family was unable to have the investigation, prosecution and sentencing of the offender reviewed.

In December 2004, Ian James became involved.

He collected information and conducted limited investigations then sought to enlist support of a law firm, on a pro bono basis, which could assist with the central issues needed to obtain justice through the legal system.

In June 2005, Stewart Levitt of Levitt Robinson, a Sydney law firm, upon being approached by Ian James, volunteered to attend a conference in Townsville, with another solicitor from his firm Frederic Cassis.

After chairing the conference, Stewart decided to take the case and has been running the strategy since then. Stewart then co-opted a number of prominent lawyers, including Ken Horler QC, to assist.

Levitt Robinson will lodge by March 17th with the Queensland Attorney General, a request that a fresh indictment for murder or manslaughter be preferred against the man who pleaded guilty to killing Errol Wyles Junior by driving in a manner dangerous causing his death.

Stewart recognized the importance of exposing the serious shortcomings in the legal system in Queensland which had allowed this injustice to occur and contacted Ross Coulthart, who has a long background as a senior investigative journalist. Ross then made his own enquiries, researched the background, and in January flew to Townsville to conduct further research.

As a result of witnesses he interviewed, Ross called in a film crew with producer Nick Farrow. They spent a solid week investigating, interviewing and filming in Townsville and related

areas to make the Sunday program Black and White Justice which went to air on the 'Sunday' program on 26 February 2006. A transcript of that program with associated material is available at

www.ninemsn.com.au/sunday. The Errol Wyles Campaign website is accessible through either entering Errol Wyles into Google, and the Levitt Robinson site should appear or via www.levittrobinson.com/errolwyles.asp

In the course of investigating the Errol Wyles killing, other evidence of similar incidents and racial crimes emerged. This presented an opportunity to those involved to broaden the movement from the single issue of obtaining justice for Errol Wyles, to include exposure of the depth of the racist problem as a means to opening up the entire subject for scrutiny.

Ian James then approached Amnesty International to see if they as an organisation would devote resources to assist, and they are presently considering this request. Kevin Rose, principal solicitor with the Aboriginal and Torres Strait Islander Legal Service called for the establishment of a Redneck Register, in an article in the 'Townsville Bulletin' on 1 February 2005, as reported on the front page. A copy of this article is available upon request.

Since the program aired, many people from all over Australia have volunteered help. A general theme in the responses has been compassion and understanding that this situation can't be allowed to continue. The volunteers are united in their resolve to end a situation where a black man in the 21st century can be feloniously killed by a white man who escapes fitting punishment.

The Errol Wyles Junior Foundation is presently being established with a Trust Deed and a Charter, which will shortly be available. An entirely independent Trustee, authorised under the Trustees' Act, will be appointed to ensure all funds received by the

Foundation are administered properly.

There will be expenses associated with this campaign, which provide challenges for the volunteers involved. Levitt Robinson have contributed about \$100,000 worth of billing hours to date, and Ian James has spent around 2,000 hours to date, unfunded.

We are this week requesting all exhibits and material (previously denied to Errol Wyles Senior - on the ostensible ground that he did not have a direct interest in this matter) and expect this could cost \$2,000-\$4,000 alone, so any and all donations would be welcomed. Receipts will be issued by the Foundation.

In the event that Senior Counsel needs to be retained to make appropriate representations to the Queensland Attorney General, we would need to fund this possibly to the extent of \$25,000.

Airfares and accommodation in Townsville have to-date been met by the individuals concerned.

A media strategy is being devised which should be finalised within two weeks. At that point we would ask those who have media contacts to help us to use the media in the most beneficial way.

We want to harness the goodwill of the many volunteers to promote a smart campaign, focused on clear objectives to ensure we can achieve meaningful change. Many have tried before, to address how racism has tainted the legal system.

We are working to expose the shortcomings of Queensland 'justice' and to ensure the safety and security of all people, including indigenous people.

The objectives of this project include the mobilization of resources to ensure that institutionalised abuse of human rights is eradicated and to help a minority culture live equally, safely and securely.

Paragraph 2 of the preamble to the Universal Declaration of Human Rights states "Whereas disregard

and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind. . . .", and various articles state the need to live in liberty and security of person. We have obtained compelling evidence that indigenous people in Townsville are not able to enjoy such liberty and security.

Please advise if you would like a DVD of the 'Sunday' program.

We thank everyone for their support and look forward to maintaining an effective campaign to ensure that justice, law and order are companions, rather than that law and order are seen as instruments of oppression and too often the antithesis of justice.

Volunteering needs:

We have several immediate specific needs, including:

People who are able to compile a directory of relevant media organisations and networks that we can utilise to get our messages out, to enlist support, and to advertise the register. Maybe this could be done state by state, or all ideas could be emailed to me, so that we can compile a central directory.

People who can accept responsibility as conduits to those networks that we can send our material through who can ensure it is received, and disseminated.

Someone with database skills who could compile a database of volunteers, and of media outlets.

Access to influential opinion makers, in all walks of life.

Information came from Cheryl Kaulfuss of the ISJA (MSG) relative to two important initiatives arising from the Errol Wyles Jnr. Campaign.

Two initiatives to remember

Errol Wyles Junior

POET, Amelia Walker, came up with the idea of producing a zine to pay tribute to Errol Wyles Junior after she attended a screening of Black and White Justice, hosted by the Indigenous Social Justice

Association (Melbourne Supporters Group). A major issue discussed that night was the lack of public awareness of how and why Errol Wyles Junior died.

Amelia thought creating a poetry zine could help change this. She put out a call for contributions to her poetry contacts around the country as well as to members of young Errol's family and others such as Stewart Levitt, the Sydney-based lawyer involved in setting up the newly formed Errol Wyles Justice Foundation.

Not an accident.

Cheryl Kaulfuss

ON 7th June 2003, Errol Wyles, a 15-year-old Aboriginal boy, was killed by a racist white man, Scott Hasenkamp, in a hit-run "incident." A flawed and inadequate investigation left yet another Aboriginal family grieving and disappointed by the lack of justice.

When Channel 9 screened its excellent documentary, Black and White Justice, produced by the Sunday team, the many questions surrounding Errol's death reached a wider audience. The documentary conveys a powerful message. This country has two kinds of justice – one black and one white. For the Indigenous people of Townsville, it is a shameful fact that genocide is not history. It still occurs on a daily basis and is perpetuated by white supremacists, such as Hasenkamp, and the system that fails to hold them to account for their crimes.

A young life honoured. Creative skills such as writing poetry have passed me by. But contributors to the zine display an abundance of poetic talent. Shooting Star honours young Errol's memory in a remarkable way. Family and friends will no doubt reminisce about the teenager as they read and re-read Shooting Star. The title of the zine is taken from the poem Something for Diddy by Errol's Uncle Carl. Among the contributors are Errol's cousins, aunts and friends.

For those of us who read the zine without having known Errol, we get to know a little about a person whose

life was too short. We also get some insights into the racist legal system that failed the Wyles family so spectacularly.

Errol's parents, Sonja and Errol Wyles Senior, who gave the project their full support, said, "The zine was really good. Amelia did a great job on it."

Not being a poet myself, I decided to ask a few of the contributors what they felt about the zine.

Errol's aunt, Stephanie Miller, said, "The zine was one way of bringing Errol's story to the attention of the wider community, especially in the southern states." Her poem, *What is Freedom?*, is a call to action. "Freedom is having the right to say to all bad laws, 'we can't obey.'"

Contributor Gayle Platypus Abode said, "I think the brevity of poetry hits home." Her piece, *2006 Conning Wealth Games*, paints sport as "the big game hunter."

Alison Thorne, who contributed a message to the zine on behalf of *Radical Women*, said, "I really like the zine format. The layout — especially the star theme — is really creative. This helps reach out to a different audience in order to expose the injustice that is built into a legal system designed to defend the status quo. I also found the title, *Shooting Star*, to be a very powerful metaphor for the life and death of Errol. He was bright, vivacious and, like a shooting star, flashed by too quickly."

Another person who contributed some fantastic provocative but honest poetry to the zine is Stewart Levitt. His poem, *A Sorry Tale*, pulls no punches. It powerfully answers the Howard Government's scapegoating of Aboriginal men. Levitt's *Talking Townsville* is a tribute to Errol:

Without rage they will
maintain repression.

In hooded white they burn
our cross.

Its cinders will define our
loss.

Amelia Walker's *Fear and Freedom* confronts complacency. West Australian poet, Kevin Gillam, cleverly uses repetition in his piece, *Moons*.

But don't take my word for it! Get your own copy and read the diverse contributions for yourself.

Drop in to Solidarity Salon, 580 Sydney Road, Brunswick to pick up a copy of the zine. Or request a copy by mail from the Indigenous Social Justice Association Melbourne Supporters Group, PO Box 266, West Brunswick, VIC 3055.

Funding to battle injustice. The death of Errol Wyles Junior has also prompted another important initiative in honour of his life. On 15 November 2006, the Errol Wyles Junior Foundation held its inaugural dinner. The foundation — set up with the backing of Errol's family — is a non-profit, community-based, non-government organisation named in remembrance of Errol. The foundation provides legal redress for Aboriginal victims of crimes and injustices and promotes the equal opportunity and treatment of Aborigines under the law. For more information on the foundation, go to www.errolwylesjusticefoundation.

Stephanie Miller says, "The Errol Wyles Foundation is something that will be good for all Aboriginal people. This foundation is desperately needed and will go a long way in achieving justice for all who have been wronged by the corrupt Queensland Police and racist judicial system!" Errol Wyles Senior agrees. He and other family members tried every channel to get justice for their son, but were rebuffed every time. He wants others to have the legal backing to be able to fight. Stephanie hopes that this foundation, which carries Errol Junior's name, will win legal precedents which can benefit Indigenous people across the country.

Some precedent-setting legal victories would be a fitting tribute to Errol, the "brilliant shooting star streaking across a darkened sky."

Frederic Cassis, on behalf of Levitt Robinson, Solicitors and Attorneys briefly set out the legal process that had been put into place and would be carried out.

Subject: Legal aspect of campaign

To: Ian James (E-mail)

24 March 20006

Dear Ian,

1. We have formally advised the Queensland Government of our involvement in this matter and that we will shortly be lodging a submission requesting that, on the basis of the evidence, the matter be reviewed with a view to more appropriate charges being preferred against Scott Hasenkamp.

2. We anticipate being in a position to lodge the submission by Friday 31 March 2006.

3. We are in the process of incorporating and registering a Foundation, for which we will be seeking tax deductibility status, and anticipate that to take place by 1 May 2006.

4. We confirm that Levitt Robinson is prepared to hold monies in its trust account, until such time as the Errol Wyles Justice Foundation is established. In other words, our trust account can be used as a temporary repository of funds, until a proper trust account for the Foundation has been established at which time the money will be transferred to that account.

5. We have formulated the objectives of the Foundation which we understand will be sent to each of you.

6. We will be lodging a Freedom of Information request for all material relating to the Errol Wyles with the Queensland Government on Monday 27 March 2006.

Regards,

Frederic Cassis

Solicitor

Levitt Robinson, Solicitors & Attorneys

Level 11, 117 York Street Sydney NSW 2000

PO Box Q1353, QVB Post Shop NSW 1230

DX 13037 Sydney Market Street

A letter of support to the Public Meeting was sent by Alison Thorne on behalf of the

Indigenous Social Justice Association (Melbourne Support Group). We produce it below.

Dear Ian

Here is a brief greeting to read out to the meeting in Townsville this Saturday, 1 April.

In solidarity

Alison Thorne

PO Box 266, West Brunswick Vic 3055

GREETINGS from the Indigenous Social Justice Association (Melbourne Supporters Group) to all of you assembled in Townsville today to demand Justice for Errol Wyles Junior.

Clearly the death of young Errol must NOT be allowed to be explained away as a tragic accident.

It was not an accident but the product of institutionalised racism and a police attitude of protecting mates.

Demanding answers will honour Errol's memory but will also challenge the racist culture by holding those directly responsible and those who failed to investigate his death properly to account.

ISJA (MSG) is a group campaigning to end Indigenous deaths in custody. To do that means reducing Indigenous imprisonment rates, holding killer cops and prison officers to account and implementing all of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody. It also means looking holistically at the issues and backing the struggle for sovereignty, culture and land rights.

Although Errol did not actually die in custody, we see his death as connected to those of Mulrunji Doomadgee, TJ Hickey, John Pat, Douglas Scott, Colleen Richman and every other Indigenous person who has died in police or prison custody or due to racist indifference.

Please let us know the outcome of the meeting as we are keen to assist the campaign.

Justice for Errol Wyles Junior NOW!

Letty Scott and her Family also sent greetings and support.

From Letty Scott, whose husband Douglas, was killed in custody 20-years ago

Our hearts go out to Errol Wyles Junior, and his family. The law must bring this criminal that took away the precious young life of Errol to account. And racism must be stamped out by the Governments of Queensland and Australia.

kindest Regards to the Wyles family

love from Letty Scott and family.

The meeting on 1 April was moved, hopefully because of numbers overflowing the original venue, to St Theresa's Catholic Church in Garbutt.

Meeting Errol Wyles Justice Campaign

Ian James

1 April 2006

THE meeting was held at St Theresa's Catholic Aboriginal Church in Garbutt. St Theresa's doubles as a Catholic Church and a community hall, and the lectern is in fact the pulpit. It is a large church, low set with a huge steel girder overarching its roof, as a challenge to any Acts of God like a cyclone.

It was a typical balmy/muggy Townsville autumn day-30 degrees and sweaty (for a southerner).

About 30 people attended, we started at 3.20 PM (scheduled for 3 PM) and finished about 4.30, with the chatters remaining till about 6 PM. Several people who had not previously known of the campaigns offered their assistance, including key people within the local community.

Errol advised the meeting that Claudia Taranto of ABC Radio National wished to record parts of the meeting and there were no objections.

Errol then said that he'd like to acknowledge the Traditional Custodians of the Townsville area, the Wulgurukaba People whose land the meeting was being held on.

Ian James was then invited to the pulpit to talk about the Errol Wyles Justice Campaign, the Foundation, the current strategies, and to discuss the proposed Register of Racist acts.

The purpose of the meeting was to bring people up to date with the campaigns and to ascertain commitment to assisting with these campaigns. There was no written agenda.

He explained that there were two separate campaigns-the Errol Wyles Justice Campaign and the Register proposal, and discussed the Justice Campaign first.

Levitt Robinson, the lawyers representing the Wyles family, have applied for all material previously denied under Freedom of Information laws this week.

They were also due to lodge a submission with the Queensland Government seeking a Judicial review of the Hasenkamp charges and sentencing and we will await the outcome of this submission before proceeding with other strategies.

The Errol Wyles Justice Foundation is in the process of being incorporated, the objectives have been agreed, and tax deductibility status will be sought for donations to the Foundation, when the incorporation is completed over the next few weeks. An independent ASIC approved trustee has been appointed.

The objectives of the Foundation include the promotion of equal treatment under the law for Indigenous Australians, and providing support for Indigenous people who would otherwise not have equal access to the justice system.

We have developed an education kit, which includes the transcript of the program and the Register proposal and have sent this to some schools upon request.

In the course of enquiries in the Errol Wyles investigations, we had uncovered significant evidence of apparent race-based acts of violence that had not been adequately investigated by the authorities. This

provided an opportunity to take action in the hope of providing relief and aimed at creating change, so that the present apparent inactivity by authorities would not be allowed to continue. Thus the idea of the Register, which had been publicly floated by Kevin Rose, as principal solicitor for the Aboriginal Legal Service, in Townsville in February 1st 2005.

Ian James had been in Townsville for several days and had been advised that the Centre for Multicultural Pastoral Care was holding a Confronting Racism In Communities Data Collection Workshop on April 4th. He had met the organisers of this workshop and extended his stay so that he could attend, as this seemed like an ideal opportunity to link up with a group with similar objectives, and to share resources. Other members of our group today are also attending, including Stephanie Miller and Joe Conway, so they can act as a continuing bridge to liaise with the Centre, to try to get a shared project underway.

The Centre's register at present specifically excludes the collection of data relating to Indigenous people, something to do with the way it was set up and funding, and we will attempt to see if we can pool our resources so that we can include Indigenous people. If not, we will have to seek alternatives.

Whereas we had planned to operate our register via the web page and a 1300 phone number, the Centre had established 100 data collection points throughout Queensland, including 10 points in each region-places such as Universities, Legal Services offices etc.

We will make representations at the workshop on April 4th to see if we can house our Register within the proposed Confronting Racism Register, and report the outcome.

The objectives of the Register were to capture information about racist acts for a number of reasons. Firstly, this would provide some comfort for victims that what had

occurred was being recorded, and in many instances when victims had tried to report such acts to the police they had been dismissed, and no investigation undertaken.

Secondly, capturing such data and retaining it on a permanent basis could enable extraction of trend or pattern data to establish to authorities the organised nature of such attacks and the prevalence, and this information could be used to counter the present inactivity by authorities.

There are many sensitive issues in compiling this Register. There are reported rapes of males, and in taking such a report from victims, extreme care is required, including the involvement of trained counsellors. It is also important to make it clear that in capturing information, the Register holders are not offering to investigate these incidents. Those doing this work, are unfunded, untrained and there isn't a resourced legal/investigative team available. At some later stage it may be possible to interest some party to conduct some analysis and investigation of some cases, but we must ensure that victim's expectations are not falsely created.

Jenny Sterling made the telling observation that people's behaviour changes when they know they are being watched. That the press should be used to ensure that everyone knew that there were people actively recording such events, and that this was a key element in checking such behaviours. Just as we act differently when on CCTV.

Jenny also made the point that it was important that independent third parties control the data so there is no chance of it falling subject to the interference of any untoward authority.

Ian James then cited the fact that Hasenkamp's photo appeared on Channel 9's web site and would remain there forever, as the perpetrator of the killing of Errol Wyles as a good example of exposure.

We then discussed the practical nature of the Register and how we felt that unless we could ensure its permanent operation, and the integrity of the data collection, that we should not commence the project.

Ian James advised that he had met recently Dr Glenn Dawes, Associate Professor of Sociology at James Cook University. Glenn advised that they proposed that 3rd year Criminology students be given the option of completing part of their coursework by assisting with the Register.

There was general discussion from the floor and evident frustration that previous attempts to create change and provide protection from such racist attacks and abuse had come to nothing. Graham Pattel raised the issue of the increased rate of deaths in custody that had occurred since the Royal Commission, as a prime example of the hopelessness of such efforts. He also asked what undertakings we could provide that this project would achieve something rather than fail similarly. Ian James replied that he couldn't give any undertakings, that we believed this was an essential step to lay the foundation for change and that we did not intend to represent that the Register would be more than what it was-the foundation for data and evidence that could be used effectively, etc.

Gracelyn Smallwood then addressed the group stating that similar data had been collected in a large-scale project in the 1970's and that this data now seems to have disappeared. Accordingly, our proposal can only be viable if it is housed within an on-going institution. We have approached Amnesty International, who are sympathetic to the project, but will not be in a position to make a decision about commitment for some months.

We then discussed the offers of support from many quarters, and significant momentum developing. Dave Francis, a Uniting Church minister in Sydney, who looks after the welfare of 400 Sudanese

refugees in Newcastle and 350 in Toowoomba, had pledged support, both financial and by providing access to a network of highly skilled nuns who specialised in human rights advocacy throughout Australia.

Many media groups had offered support including Central Australian Aboriginal Media Association (CAAMA) which relays transmission to 240 stations throughout remote communities.

The 7.30 Report were keen to follow one of our lines of enquiry, Ross Coulthart and Channel 9 had a continuing interest in our activities, as well as other media which were seeking interviews and news of the plans for the Register.

We have decided to keep our powder dry until such time that the register has a permanent home, its long-term viability is feasible and at that point we will marshal our media resources to publish the activities in a concerted fashion.

We discussed the moral vacuum on the leadership of this country, and Ian James quoted roughly the comments of the Queen, when in Melbourne recently to open the Commonwealth games, wherein she addressed a group including the PM, praised Australia for its efforts and stature on the world stage, and ended her speech with the comment that Australia must do something to redress its treatment of its Indigenous people.

Several other issues were raised from the floor, including incidents of racist violence that had not been investigated, and Ian James invited those participants to register those incidents via the web page.

We also discussed Patricia Greenfield's role in Chilout, the Children Out of Detention campaign, which she had started with just few people a few years ago. Patricia had prepared a Public Relations Campaign document for the Errol Wyles Campaign and this had been circulated before the meeting.

We believe that Stewart Levitt Robinson and Frederic Cassis (his

principal solicitor working on the Errol Wyles matter) would be attending Townsville in the near future and that Stewart has a deep interest in Human Rights and that he was assisting a couple of other people in Townsville.

Ian James confirmed that everyone involved in the Errol Wyles matter was doing so on a pro bono basis, and similarly those involved with the Register, and that the work involved was quite intense and time-consuming.

The Register can be accessed by entering Errol Wyles into Google or any search engine, and the first site will lead you to the levittrobinson page. It will also lead you to the Channel 9 website, which contains the transcript of the program and now has a video of the program 'Black and White Justice' which was aired on February 26th this year.

Errol then read a message of support from Alison Thorne of the Indigenous Social Justice Association in Melbourne, and then thanked everyone for attending and participating and the meeting from the pulpit ended.

[Anyone who requires copies of any documents referred to in this report, please email me at kaizen@iinet.net.au]

Not being known for keeping a low profile (except as required by their political masters in the case of Redfern), for the Townsville police it was business as usual. The harassment, assaults and abuse of Aborigines continued unabated.

Until, as the article shows, they again arrogantly over-stepped the line. Not 'their line', they do not have a line. I mean the public acceptance line.

Talks as 'teen hit by police vehicle'

*The Australian
Tony Koch
23 May 2006*

ANGRY Aboriginal families will hold a public meeting in Townsville on Thursday after a boy from Palm Island was allegedly hit by a police

car, and other teenagers were allegedly assaulted and abused by officers.

Relations between police and Aborigines in the north Queensland city have been strained since an Aboriginal man, Mulrunji Doomadgee, was found dead in a Palm Island police cell in November 2004, sparking riots in which the police station and courthouse were burnt and 28 locals arrested.

A police spokesman said yesterday the Ethical Standards Branch was investigating Saturday night's incidents and hoped to interview the Palm Island boy allegedly hit by a car.

The Crime and Misconduct Commission will also be asked to investigate complaints by Desmond Namok, 16, who was a witness to the alleged incident and later claimed he was the victim of a police assault and abuse.

He said after objecting to police at the scene, he was sworn at, had his mobile phone thrown on the ground - and was then issued with a \$225 traffic offence ticket for speaking on his mobile phone at midnight while riding his bicycle on a suburban Townsville street.

"I left the party and saw the police car hit the lad and he went up on the bonnet," Desmond said yesterday.

"The police came around us families yesterday and asked for statements to say he jumped on the car, but that didn't happen.

"When it happened on Saturday night and I went up to the police and asked why they had grabbed two of my mates, they told me to f..k off and then questioned me about if my bike was stolen.

"I said I knew my rights and was not going to put up with the abuse and I would ring triple-O, which I did, and the police on triple-O asked to speak to the copper, so I handed him the phone.

"He switched it off and threw it on the ground and told me to get going, and swore at me again."

Desmond said he put on his helmet, turned on his bicycle light and rode around the corner.

He said his phone rang and it was the triple-O policeman ringing back to see what had happened.

"I was speaking to him and then the police waved me down again and wrote me out a ticket for \$225 for using the phone while I was riding," he said.

Activist Gracelyn Smallwood, a close friend of the Namok family, said police victimisation of Aboriginal children in Townsville was "out of control" and she called on people to turn up to the Thursday meeting.

"I want the police commissioner to come and hear just what his officers are up to in this city, and he will be disgusted," Ms Smallwood said.

"How ridiculous is it that a harmless little black boy gets a ticket for using a phone on his bike at midnight?"

"If that's not misapplication of the law, what is?"

Police, of course, denied any event as described happened but laid false information of police being 'attacked' by over 100 youths. Whether any police attended the meeting is not known.

Police urged to attend north Qld race relations meeting

*ABC News Online
24 May 2006*

ABORIGINAL activist Gracelyn Smallwood says the Townsville and Palm Island Aboriginal communities in north Queensland hope senior police and health bureaucrats will attend a meeting designed to improve race relations.

Ms Smallwood says locals are outraged by allegations that police ran over a 16-year-old boy in Townsville on Saturday night and swore at one of his companions.

She wants Health Department delegates to attend a meeting tomorrow to look at finding

solutions to the poverty plaguing communities.

"From all government departments, not only the police, but stakeholders to come together and hear what grassroots people are saying, that we want to work in with the Government, not work against you because we want the Government to stop working against us so we can do some serious programs," she said.

The Queensland police media unit say no formal complaint has been received.

A spokesman says there was a street incident involving up to 100 youths in Townsville on Saturday night and that rocks and other projectiles were thrown at police.

Police say they are not aware of the allegation that a youth was run over, but they are investigating.

The objectives of the Errol Wyles' Justice Foundation were them made known, as was the make-up of the Foundation Board. This letter was sent to the Queensland Department of Gaming and Racing (?) seeking approval for charitable status for the Foundation. A copy was sent to Ian James.

Objectives of Errol Wyles' Justice Foundation

Unattributed and undated

- To assist financially or otherwise, indigenous Australians who are the victims of crime or the family of such victims, to obtain justice, recompense or recognition of the crime and the suffering that results, where such justice, recognition or recompense would not otherwise occur because of the economic, cultural and social barriers faced by such person.
- To assist financially or otherwise, indigenous Australians who are at risk of, or who have suffered, a miscarriage of justice or discrimination through the justice system, with obtaining redress where such redress

would not otherwise occur because of the economic, cultural and social barriers faced by such persons.

- To conduct or promote research into the circumstances and case histories of indigenous Australians who:
- are the victims of crime or the family of such victims and their communities; or
- have suffered a miscarriage of justice; or
- have suffered discrimination through the justice system.
- To promote equal treatment before the law and equal protection under the law, of indigenous Australians.
- To promote education through publications and seminars in relation to the subject matter referred to in paragraphs 1 to 4 above.

Letter – Stewart A Levitt to Ian James

*Levitt Robinson
29 June 2006*

Dear Ian,

The purpose and objects of the Errol Wyles Justice Foundation Ltd.

I act for the Errol Wyles Justice Foundation Limited, a company limited by guarantee.

I was formerly a Member of the NSW Equal Opportunity Tribunal.

Pages 7 and 8 of the Foundation's Constitution, which is attachment 'B' hereto, sets out the Objects of the Foundation. They are particularly timely, as is the Incorporation of the Foundation, given the hardship affecting the community which is under the blow torch in the media, and the particular stresses affecting Aboriginal communities, particularly in Northern Australia.

The Foundation is intended to bring the professionalism of its Board of directors, which includes some eminent people with a record of public service and considerable experience in their respective fields.

Included are:

Mr Christopher Puplick, the former Equal Opportunity Commissioner in New South Wales and Federal Liberal Senator;

Mr Peter King, the Federal Member for Wentworth in the last Parliament;

Mr Colin McDonald, QC, Chairman of the Northern Territory Art Galleries and Museums Trust and former ALP member;

Douglas Campbell, SC, a senior member of the Queensland Bar and a Lecturer in Restitutions at the University of Queensland;

Dr Rosalind Kidd, historian and the author of two books on Aboriginal affairs, 'The Way We Civilise' and 'Black Lives, Government Lies';

Mr Errol Wyles Snr, Townsville based campaigner for Aboriginal Rights; and

Mr Kevin Shirlaw, an insolvency practitioner and 'A' List Liquidator and Senior Chartered Accountant.

Other eminent Australians will be invited to accept Board appointments.

Projects requiring our immediate commitment of funds are:

To organise and provide legal support and counselling for residents of Palm Island affected by the aftermath of the Palm Island Riots in November, 2004;

To assist Aborigines to avail themselves of property trusts set up in their favour;

To engage persons to make submissions to the Federal Senate Inquiry into Aboriginal Stolen Wages, due for lodgement by 28 July 2006;

To respond tangibly to calls from many Aborigines from around Australia who have sought our assistance since the intention to form the Errol Wyles Justice Foundation was first posted on the website of Levitt Robinson;

To lobby the Queensland Government to respond positively to

the petition of the family of the late Errol Wyles Jnr, to proceed with an ex officio indictment for murder or homicide against the man who killed him.

The Errol Wyles Justice Campaign and intention to form the Foundation was publicised nationally, particularly on Indigenous Radio Stations and, from contact with us, both through the internet and on our website, we have learned that there are many Aboriginal people who require legal help and social support for themselves and their families, both as persons who have fallen foul of the criminal law or who have become victims of crime themselves, and have not had their causes properly investigated or received appropriate protection from law enforcement agencies.

The extent of the despair of Aboriginal Communities in Northern Australia, in particular, is such that there is more demand for assistance than available funding provides from both Government and non-Government agencies, according to their current Charters.

The Errol Wyles Justice Foundation Ltd has a broader Charter which will enable us to bring expert discretion to bear, where appropriate, in evaluating projects and targeting resources where they will have the greatest impact on advancing Aboriginal Rights and restoring Aborigines' self-esteem.

The approach of the Foundation is that social malaise is economically determined and that targeted support should be directed towards Aborigines to assist them to raise their own standards with effective support from NGO's, such as the Foundation.

There have been strong indications of support for the Foundation from the Human Rights Centre attached to the Law School of the University of New South Wales.

I trust that the above has provided you with information as to the objects and purpose of the Foundation we have established.

Yours sincerely

Levitt Robinson

On 10 July 2006 Stewart Levitt spoke and then he was joined by Frederic Cassis and Errol Wyles Snr to participate in a workshop on Indigenous Racism in Queensland. This was held at the University of Queensland but I have no other information or transcripts of either event.

Remember just a few articles back when Lord Mayor Tony Mooney and Federal MP Peter Lindsay courageously defended Townsville's Honour on a charge of racism? Of course you do.

Well, it would come as no great shock to learn that in a Townsville Court of Law, Acting Chief District Court Judge, Tony Skoien agreed with the Solicitor acting for Lex Wotton, Stewart Levitt, that he would not be able to find enough race neutral jurors to hold a fair trial. The Townsville police are accusing Lex Wotton of being the 'ringleader' of the Palm Island unrest.

Stewart has commissioned an Opinion Poll that showed very, very few possible jurors (all white, of course) would be racially neutral in their dealings with Aborigines in general but specifically with Palm Islanders. With all due respect to Terry O'Gorman, I think he argues against his own case. I have a copy of the survey should you wish to see it. In the second article he appears to favour it.

The World Today

*Reporter: Melanie Christiansen
17 July 2006*

ELEANOR HALL: There's outrage in the North Queensland community of Townsville today, where an opinion poll commissioned by a legal team has branded residents too racist to guarantee an Aboriginal man a fair trial.

The Townsville Mayor has been quick to condemn the poll, saying his town is tired of being called racist.

And in legal circles, there's debate about whether the court's decision

sets a legal precedent, as Melanie Christiansen reports.

MELANIE CHRISTIANSEN: Sydney solicitor Stewart Levitt represents one of the men charged after a riot on Palm Island two years ago, sparked by the death in custody of an Aboriginal man.

To help convince a judge to move his client's trial from Townsville to Brisbane, Stewart Levitt commissioned an opinion poll, asking Townsville residents what they think of Aborigines.

STEWART LEVITT: Every single response, there were 405 responses, were recorded verbatim, and they range from put them all on Palm Island to shoot them, or one that I particularly liked was we gave them an island and this is what they do to it, the presumption being that white Australians have given land to the Aborigines rather than take it away from them.

MELANIE CHRISTIANSEN: And the responses were overwhelmingly negative?

STEWART LEVITT: Yes, they were. Well over 60 per cent had a negative view towards Palm Island Aborigines, and well over 40 per cent had a negative view towards Aborigines and Torres Strait Islanders generally. But the number of positive views expressed, or rather the percentage who actually had positive regard for either group was 13.3 per cent for Aborigines and Torres Strait Islanders, and under 5 per cent for Palm Islanders.

MELANIE CHRISTIANSEN: It's a result that doesn't surprise the Mayor of Palm Island's local council, Erikah Kyle.

ERIKAH KYLE: At the end of the day racism, the evils of racism, is still present. White Australia is not really serious about walking together with us, you know, it's only rhetoric.

MELANIE CHRISTIANSEN: Do think this poll is a bit of a wake-up call about the extent of racism?

ERIKAH KYLE: There'll be a lot of denial.

MELANIE CHRISTIANSEN: Not the least from Townsville Mayor Tony Mooney.

TONY MOONEY: I think people in Townsville are hardly sick and tired of being tagged racist. That is both unfortunate and untrue, that tag. And, you know, for a law firm in Sydney to be making those sorts of claims is a bit rich, given the recent history of race riots in Redfern and also in Cronulla.

MELANIE CHRISTIANSEN: So you don't think there is a problem with racism in Townsville?

TONY MOONEY: Not only do I not think there is a problem, there is no problem. Townsville is no different to any other community, and if you did that survey around the suburbs of Cronulla or Redfern in Sydney, where this law firm is based, I bet you'd find the same outcome as you found with the survey that was conducted in Townsville by a polling company.

MELANIE CHRISTIANSEN: And while the results of the survey stir up debate in Townsville, the legal community is considering a potential precedent, in the use of an opinion poll to help convince a judge to move a trial.

Sean Reidy from the Queensland Law Society thinks it will have a big impact.

SEAN REIDY: It will be certainly something that every lawyer will now look at, every lawyer doing their job will look at, to see whether or not they can have some relevance made of it and make sure their clients do get fair trials.

MELANIE CHRISTIANSEN: The president of Australian Civil Liberties Council, Terry O'Gorman, though, thinks too much is being read into the case.

TERRY O'GORMAN: This case is being painted as some sort of an endorsement by the senior judge who gave the order to move it to Brisbane, as some sort of endorsement of the fact that the defence are arguing that everyone in North Queensland's racist. That's just nonsense. The media coverage of

this case has been exaggerated and over-hyped. All that this case needs, as happens with other cases, is that the defence were able to make out a case that the risk of jurors not being able to be gathered who were neutral was such that the trial should be moved. That's all it is.

ELEANOR HALL: That's the Civil Liberties Council National President Terry O'Gorman, speaking to Melanie Christiansen.

A-G backs trial shift for riot accused

Townsville Bulletin
Ian Gerard
19 July 2006

QUEENSLAND'S Attorney-General, Linda Lavarch, has supported the decision of a judge to transfer the trial of the alleged ringleader of the Palm Island riots from Townsville to Brisbane.

Mrs Lavarch said the decision was prompted by 'the nature of media coverage of events on Palm Island', rather than concerns it would be difficult to find a jury in the north Queensland city that was not racist.

After receiving a report from some of the state's top legal officers, Mrs Lavarch said the decision on Friday of acting Chief District Court judge Tony Skoien to move the trial followed accepted legal precedent.

'I ask that the court be left to get on with the job of dispensing justice in this case,' she said.

In his online judgement, which was made available yesterday, Judge Skoien said the risk of prejudice was too high to allow the trial to go ahead in Townsville. 'It is undoubtedly the case that in Townsville there was initially very heavy publicity about the events on Palm Island in November 2004, considerably heavier publicity than in Brisbane.' He said.

'That publicity, on the material before me, was arguably highly adverse to the applicant accused person ... indeed it follows, it seems to me, that it cannot be confidently assumed that a properly instructed jury will act upon the instruction given to it.'

On Friday, lawyers for alleged riot ringleader Lex Wotton presented a survey of 400 people to Judge Skoien that showed more than 50 per cent of respondents would be unable to put aside prejudices against the riot co-accused, even if directed to do so by a judge.

Mr Wotton's solicitor, Stewart Levitt, said yesterday his client was too easily recognised in Townsville because of media reports that followed the riot, during which Palm Island's police station barracks and watch house were burned down.

The riot was sparked by the release of an autopsy report on the death in custody of islander Mulrunji Doomadgee.

'There has been so much vilification in the media that caused the judge to understand how these views were formed,' Mr Levitt said.

Townsville Aboriginal and Torres Strait Islander Community Legal Service lawyer, Peter Coombe, who represents three alleged rioters, said he would consider making an application to move his client's trials.

'If we plead not guilty, I would imagine we will probably follow the same pattern' Mr Coombe said. 'It's not necessarily anything to do with racist impressions – it's to do with the notoriety of events, and people may well have formed personal views about it.'

Australian Council for Civil Liberties president Terry O'Gorman said there were often strong community divides between indigenous and non-indigenous people in northern Australia, which made it difficult for Aboriginal people to get a fair trial.

Whilst we know that Queensland is not 100% racist, we do know that the percentage of racists is far too high, far too inbred and far too entrenched in positions of power. And it is generally much supported by the Queensland System.

Conversely, however, we know that there exists in Queensland good men and women, of

whatever nationality, who struggle against the racism, the homophobia, the xenophobia. All those things that act like cancer on a good 'social body'. Some put their thoughts to the written word, as does Ms Jane Fynes-Clinton who has a column in the Courier Mail. Another social token maybe. But I am glad she is there to put a more honest and thoughtful view.

Open your hearts

*Courier Mail
Jane Fynes-Clinton
20 July 2006*

If Townsville is the racist city it was painted to be in the District Court earlier this week, it is not alone.

Although District Court Judge Tony Skoien ordered that the trial of alleged Palm Islander rioter Patrick Lew (sic) Wotton be moved to Brisbane based on the results of a survey showed that only a handful of Townsville residents had positive views of Palm Islanders, it could be a case of out of the frying pan and into the fire.

In a perfect world, Wotton or any of the other people who face trial over the 2004 riot could be guaranteed that they are perceived innocent until proven guilty elsewhere in Queensland. But if Wotton's solicitor Stewart Levitt holds out hope that the results of similar polling in Brisbane (or anywhere else in Queensland) would be different from the result in Townsville, he would be mistaken.

Levitt stated that vilification by the local media is to blame for racist attitudes in Townsville. This is surely not the only contributor. The harboured notions are much deeper than purely the reporting of alleged crime and bad behaviour.

Racism in Queensland is rampant.

The advent of that fine, necessary institution the Anti-Discrimination Commission 15 years ago means that it may not be so overt, because it is now illegal in many cases, but it has never had a sharper edge or as broad a support base.

By definition, racism involves feelings of animosity towards people of another race. Animosity involves resentment.

Resentment towards Indigenous people too often begins with the perception that they get stuff that others don't. A kind of spoilt kid reaction, if you like.

And here is where the circumstances with Aborigines gets complicated. Aborigines need Government-funded help that others don't, because their culture is different, their socio-economic situations are most often poorer and their health needs are different. And the delivery of this aid must be different – in Aboriginal culture, community is at centre stage.

In non-Indigenous society, individual needs are uppermost.

In the Australian social landscape, Aborigines rightfully have a special place. To ask them to assimilate with the Anglo majority – do what we do or perish – disrespects their culture. If their cultural practices are not maintained in this their native land, it will dissolve, never to return. Yet non-Indigenous Australians as a group expect Aborigines to live like them and resign their traditional rights, ways and rites.

The perception that Aborigines as a group are moochers, that they suck the system dry and damage and misuse what is given to them is nearly always wildly inaccurate.

Aborigines use the health system far less than other Australians, said a study by Professor Gavin Mooney from Curtin University in Perth that was published in the Medical Journal of Australia a couple of years ago.

In luxurious Double Bay in Sydney, the Medicare and pharmaceutical spend was almost \$900 per year for each person; in remote Aboriginal Communities, the annual spend is \$80.

The Australian Medical Association, in its 2006 report card on Aboriginal health, said the gap between spending and need had been steadily widening for years, and stood at a frightening \$460 million

this year. And this is for a people whose statistics for life expectancy, incidence of preventable disease and infant mortality are far poorer than for non-Indigenous Australians.

Aborigines are over-represented in court lists (many say as a result of being broadly picked on by police) and the rates of imprisonment for Aborigines when convicted is almost 20 times that of non-Indigenous Australians. Yet Indigenous legal services struggle for funding and the general public begrudge even the paltry pennies they get.

There is a definite perception that purely because people are Aborigines, that they are somehow less deserving and that a hand up is a hand out.

There must be a broader deeper understanding of Aborigines and Torres Strait Islanders among non-Indigenous people. There must be an injection of compassion and an extension of humanity. Our national identity, our core values and the mark of us as a collective people are intrinsically bound together.

As a community, we are failing Indigenous people by almost every measure and on almost every level. Racist attitudes are the biggest roadblock.

Then Prime Minister, Paul Keating, gave his now-famous Redfern speech on reconciliation almost 14 years ago. In part, he said, "I think what we need to do is to open our hearts a bit. All of us. The message should be that there is nothing to fear or to lose in the recognition of historical truth, or the extension of social justice, or the deepening of Australian social democracy to include Indigenous Australians. There is everything to gain."

Sadly, Queensland as a whole is still the loser.

fclintonj@optusnet.com.au

The Sunday program, 'Black and White Justice' was judged as being worthy of a Finalist Award in the Walkley's Social Equity Journalism category. Our

congratulations go to Ross for his expose of Queensland Justice.

The Errol Wyles Justice Foundation website came on line and access is found at www.errolwyles.com

A site well worth visiting.

For those hardy souls still resistant to the technologies of the 'white mans magic box' – a state I would dearly wish to return to, but, alas, I cannot – I produce the following two extracts on, firstly, Who are we, and, secondly, a list of current campaigns that the Foundation is now involved in.

The Errol Wyles Justice Foundation

2006

Who Are We?

THE Errol Wyles Justice Foundation Ltd is a non-profit, community based, non-Government organisation. The Foundation draws on the skills and resources of professionals and volunteers throughout Australia to provide legal representation, advice and professional counselling to Aboriginal Australians who have suffered because of the failure of the Australian justice system.

The Foundation aims to build a national network that will act as a catalyst to overcome social and political injustices by exposing evidence of inequalities, creating public empathy and building bridges of understanding between Aboriginal and non-Aboriginal Australians.

What Do We Do?

The Errol Wyles Justice Foundation Ltd works with Aboriginal Australian communities to provide practical and moral support in the following areas:

General Advocacy

- Legal advice
- Legal representation
- Professional counselling
- Legal strategy
- Media coordination

Who was Errol Wyles Jnr?

Errol Wyles Jnr. died exactly two months after his fifteenth birthday. His death was not only tragic by virtue of his young age but equally it portrayed the potential of Australian society to ignore both the actual and perceived absence of equality in law and justice.

Errol is a son of Australia. He is every child of every nationality in our diverse culture. The Errol Wyles Justice Foundation Ltd. provides through its directors and in its adopted aims an ongoing legacy to his life: to build bridges of awareness and empathy between Aboriginal and non-Aboriginal Australians. It is a legacy for the future.

Errol at the time of his death was in year 10 at a high school in Townsville. His Dad would describe him as shy and mature for his age, and his Mum would describe him as very kind hearted and placid. His interests were those of many boys of his age: rugby league, swimming and fishing. His friendships crossed religious and cultural boundaries: Indigenous, White, Asian and South American. As is the case with many school boys and girls his age, Errol attended metal work class at school, where he made a tool tray which he proudly presented to his Mum and Dad as a gift.

His interests were those of the global child: martial arts movies, videos and his family. Close to his three siblings, he shared the concern of his family to provide for the needs of his eldest sister as she faced ongoing medical treatment for a congenital illness. He shared a love of music with his family: from his own love of "hip hop," to a mutual interest with his parents in the music of Fleetwood Mac and Bon Jovi. He learned to play the guitar and enjoyed the 'music of the fifties'.

Errol's pride was in his identity as an Aboriginal Australian and in his country. He loved the outdoors: its coastline, its rivers and he made these part of his recreation time. He was a child of Australia.

This is the Errol Wyles Justice Foundation.

Errol died on the night of 7th June 2003 while Errol and his friends were riding their bicycles on the road. Errol was struck and killed by a car as the driver put the car into reverse gear as Errol sought to move away from the path of the vehicle. Errol died at the side of the road. Errol's Mum and Dad, who live less than five kilometres from where he was killed, were informed two days later by Queensland police. The Errol Wyles Justice Foundation Ltd. has coordinated legal submissions in respect to these circumstances.

The Errol Wyles Justice Foundation Ltd. is a legacy to the life of Errol Wyles Jnr. It will promote equal protection under law for Aboriginal Australians by providing the resources which ordinarily could not be afforded. The Errol Wyles Justice Foundation Ltd. will provide practical support to Aboriginal Australians as an ongoing legacy to his life.

Errol Wyles Justice Foundation

2006

Current Campaigns

THE Errol Wyles Justice Foundation Ltd. is working on a number of high-profile campaigns to redress injustices affecting Aborigines, including:

The Errol Wyles Justice Campaign

The Foundation takes its name from the case of 15 year-old Aboriginal boy, Errol Wyles Jnr, who was run over and killed by 20 year-old Scott Hasenkamp on 7 June 2003.

There is evidence to suggest that in the months leading up to Errol's death, Hasenkamp, threatened to kill Errol, referring to his hatred of "niggers" and "coons" in that context.

In the early hours of 7 June 2003, Errol and his friends were riding their bicycles on the road outside the home where young White Townsville residents were partying. The offender, Hasenkamp, was a

guest at the party and by all accounts, was angered by the presence of Errol and his friends in the vicinity. With four passengers in his car, Hasenkamp reversed out of the driveway of the party venue and drove towards Errol and his friends.

Witness Statements suggest that after stopping the car briefly, Hasenkamp looked over his shoulder, saw Errol through the rear windscreen, put the car into reverse gear and aimed the car directly at him. Errol made several attempts to avoid Hasenkamp's car by running or jumping away from the vehicle's path. However, each time Errol tried to avoid being hit, Hasenkamp steered the car towards him. Ultimately, Hasenkamp struck Errol with the rear of his car, ran over his body and then stopped momentarily on the side of the road with Errol lying underneath. There is evidence that Hasenkamp then drove forward over Errol before speeding away from the scene. Errol died at the side of the road.

The police did not tell his parents of Errol's death for another two days.

A re-enactment of the events appears in "Black & White Justice", screened on national television in Australia on 26 February, 2006 (see below).

Despite there being at least seventeen eyewitnesses providing statements substantially corroborative of the facts recounted, the Queensland Director of Public Prosecutions considered it appropriate to charge Hasenkamp only with a traffic offence, namely, "Driving in a manner dangerous causing death"; a charge avoiding the question of whether Hasenkamp's actions were deliberate and also operating to preclude the Wyles family from being able to make any claim against the Queensland Government for Victim's compensation.

Hasenkamp pleaded guilty to the traffic charge and was sentenced to 15 months in prison, of which he served 11 weeks in custody and the balance on a WORC release

programme in rural Queensland. He was released, a free man, on 26 June 2005.

On a pro bono basis, we became involved with the Errol Wyles case in June 2005. Since that time, we have worked intensely to seek redress for the Wyles family.

We enlisted the support and assistance of several prominent lawyers around the country, and as a collaborative effort, a detailed submission was drafted urging the Queensland Government to re-open the case, and to charge Hasenkamp with murder, or at the very least, manslaughter.

The Queensland Attorney General has not yet acted on our petition to reopen the case of the felonious killing of Errol Wyles Junior.

We procured the involvement of prominent Australian television journalist, Ross Coulthart, who produced a nationally broadcast documentary, entitled "Black and White Justice" which focused on Errol's case and other similarly flagrant instances of prejudice and injustice in North Queensland, reflected in violent crimes against Aborigines going largely unpunished.

Through the course of investigating Errol's death and acting on behalf of the Wyles family, we exposed the disturbing truth about the unjust treatment of Aborigines by the Queensland Government, particularly in its approach to the administration of criminal justice. It became clear that the Errol Wyles case was not an isolated incident but rather, an example of the systemic injustice still besetting Australia's Indigenous people.

We discovered numerous instances of Aborigines being seriously assaulted, killed or raped by KKK-style gangs and that crimes inflicted against Aborigines were often not adequately investigated or prosecuted or when prosecuted, the prosecutions of White culprits were conducted perfunctorily.

Indeed, perhaps the most disturbing trend unearthed in our investigations was the fact that there was considerable evidence of members of the Queensland police turning a blind eye to crimes against Aborigines.

We established the Errol Wyles Justice Foundation to provide legal redress for Aboriginal victims of crime and injustice and to promote the equal protection and treatment of Aborigines under State and Federal law.

The "Black and White Justice" program can be accessed through the Foundation's website: www.errolwyles.org, under "Media Coverage".

Stolen Wages

The Foundation intends to supplement and broaden existing efforts to achieve fair restitution and compensation for Aborigines, for their misappropriated wages, child endowment and other entitlements.

Palm Island – Defending Lex Wotton

The Foundation has assisted in providing premium legal representation – and market research – to Lex Wotton including for the purpose of changing the venue of his trial from Townsville to Brisbane. In doing so, the Foundation has highlighted the sad history of Aborigines who were made wards of the Queensland State, and remained so for most of the 20th century.

Shane McNamee

Shane McNamee is a mentally handicapped, partially blind and deaf, 19-year old Aboriginal boy who suffered serious injuries following his arrest for possession of alcohol in a 'dry' zone in the town of Doomadgee, in the Gulf of Carpentaria. While detained in custody, Shane suffered facial injuries so severe that his left eye was swollen shut. There is evidence to suggest that up to three Doomadgee Police Officers were involved in causing the injury to Shane McNamee whilst he was in custody.

A Queensland Crime and Misconduct Commission ("CMC") report established that there was evidence to support the laying of assault charges against Shane's main police assailant, Senior Constable Malthouse. That report also noted evidence that Police may have covered up their failure to seek medical attention for Shane whilst he was lying injured in his cell.

In March and April 2004 alone, the CMC (the body which investigates allegations of police misconduct in Queensland) received four separate complaints against the police officers stationed at Doomadgee, where Shane suffered serious injury in police custody.

Shane - not the police - is currently facing charges arising out of the events surrounding his arrest, charges based upon the evidence of those police officers that were present on the night and allegedly assaulted him. The Foundation became involved with Shane when his previous counsel retired, due to lack of funding to support his defence, and is continuing to organise his representation to defend the charges brought against him.

Meanwhile, Constable Malthouse, who has not been charged with an act of violence against Shane McNamee, has since been stood down from the Queensland police force on narcotics charges.

Film Project – 'Cooee'

('Originally a call used by an Aborigine to communicate with a distant person' - Oxford Dictionary Definition).

The Foundation is calling for national and international tenders to join in the production of a film, recording testimonies of Aboriginal survivors of wardship and white settlement for archiving at the Australian Institute of Aboriginal and Torres Strait Islander Studies in Canberra. The project is based upon the precedent of Steven Spielberg's, "Shoah", which is a definitive record of the oral histories of Holocaust survivors, and is intended to memorialise for posterity the

experiences of survivors of the ravages of colonialist racism.

The launch of the Errol Wyles Justice Foundation was quickly approaching. Neil Hickey of the Courier Mail reported. I disagree with his Death-in-Custody figures. It is far higher than that.

Aboriginal rights in spotlight

*The Courier-Mail
Neil Hickey
14 November 2006*

THE campaign for legal rights for Aborigines will be refreshed with the launch of a justice foundation in Sydney tonight and a National Day of Action in capital cities on the weekend.

The Errol Wyles Justice Foundation – named in memory of the indigenous Townsville youth run down and killed by a motorist in 2003 – has been set up as an advocacy group for Aborigines facing legal action.

Protest marches will also be held across the country on Saturday to campaign for the reopening of the Royal Commission into Aboriginal Deaths in Custody.

There have been 200 Aboriginal deaths in custody and jail since the commission released its report in December 1991. (sic)

Both Gail Hickey, 'Aunty' Gail Cargill and myself were invited to the Inaugural Dinner on Wednesday 15 November 2006 to a long room full of people sitting at their tables. Many present I was told were from the legal fraternity – from humble solicitors to judges.

The Wyles Family were there – Errol, Sonja and Stephanie, Lex Wotton, Stewart Levitt, Ross Coulthardt and his team, among many unknown others. Music was provided by a classical pianist, and an art auction was held which raised some \$20 to \$30 thousand dollars, I believe.

And ex-Prime Minister Malcolm Fraser gave his blessing also.

Lots of speeches were made but the only one I can find is the one made by Stewart Levitt.

Errol Wyles Justice Foundation Inaugural Ltd Dinner

*Speech by Stewart A. Levitt
15 November, 2006*

I SAW a people, our people, Black Australians, in total harmony with their natural environment, in tune with their spirits with a transcendent capacity to access their past, though confronted by a miserable present.

Aboriginal Australia - for thousands of years: – the world's most isolated civilisation.

Then, rapacious White occupation, confiscation of land, wholesale relocation, dislocation, rape, murder, and subjugation, with families and communities rent asunder.

In 1897, The Queensland Colonial Government passed The Aboriginals Protection and Restriction of the Sale of Opium Act, which made Aborigines wards of the State. Aborigines could be and in fact, were, captured and dispersed or forcibly placed on mission stations or in penal colonies, at the mercy of White overlords, be they police, missionaries or bureaucrats.

Even after slavery was abolished in Europe and the United States, we maintained a form of slavery here, with slave wages paid or withheld, and misappropriated or spent, without reference to the Black men and women who had earned them.

Corporal punishment was arbitrarily meted out to Black Australians, without lawful authority.

Even today, Aborigines, in many parts of Australia, are denied the right to own the land where they live – even to buy it - which they have occupied for generations. Aboriginal title to their land, when recognised, is often more symbolic than real, given the restrictions placed on the Aborigines' ability to deal with the land for their own benefit.

Aborigines' life expectancies are dramatically lower than for other Australians.

They are frequently subjected to police harassment and rough treatment, and crimes against them are often under-investigated and under-prosecuted.

Pause a moment:

Imagine that the Japanese had not only won the Melbourne Cup last week but they had also won World War II and for the next 150 years, deprived us of a decent living, denied us our land and divided us as a people, splitting families and removing our children to be raised as Shintoists. Then, after decades of oppression, they started to make things a little easier for us Caucasians, by paying us welfare and allowing us to rent back some of our own land from the Imperial Government.

It did not happen to us - but something very similar to that happened to Australia's Aborigines.

The Reverend Martin Luther King of blessed memory, recognised that:

“The trouble isn't so much that we don't know enough but it's as if we aren't good enough. The trouble isn't so much that our scientific genius lags behind but our moral genius lags behind. The great problem facing modern man is that the means by which we live have out-distanced the spiritual ends for which we live. So we find ourselves caught in a messed up world. The problem is with man himself and man's soul. We haven't learned how to be just and honest and kind and true and loving. And that is the basis of our problem. The real problem is that, through our scientific genius, we've have made of the world a neighbourhood but through our moral and spiritual genius, we have failed to make of the world a brotherhood. And the great danger facing us today is not so much the atomic bomb, created by physical science. The real danger confronting civilisation today is that atomic bomb which lies in the hearts and souls of men, capable of exploding into the vilest of hate and into the

most damaging selfishness – that's the atomic bomb that we have got to fear today. The problem is with the men, located within the hearts and souls of men.”

It has been said that evil is possible when men of goodwill do nothing. So we started the Errol Wyles Justice Foundation, to unite men and women of goodwill.

Like so many of us here tonight, it wasn't so long ago that I dismissed Aborigines as welfare bludgers who shirked responsibility for their own futures and were ripped off by their own leaders.

The idea for this Foundation came to me when I attended a meeting of Aboriginal male elders at the Aitkenvale Hostel near Townsville in April this year.

I realised then how much the Aborigines wanted to enjoy their share of the national cake and work for it, too but that they did not know where to start. I recognised then that they were still essentially displaced persons from another world, and that we had not only failed to grapple them to the national breast but, as Treasury Secretary, Ken Henry said in a speech in Melbourne last week, that White Government had treated “the Indigenous community as a sheltered workshop for the permanently handicapped”.

Why, I asked myself, should our fellow Australians in Northern Australia be so desperate and despondent and what could we do together to better share our quality of life with our Black brothers and sisters, without trespassing on their own dignity, traditions and spiritual communion?

Rabbi Hillel said, “If I am not for myself, who will be for me?”

Without Aboriginal dignity and self-esteem restored and Aborigines' traditional values respected, how can we expect the Aboriginal population to recover from decades of denial and dehumanisation?

As an important part of this process, we have an obligation to ensure that crimes against Aborigines are no longer under-

investigated and under-prosecuted and that Aborigines, along with all Australians, have the full protection of the law which middle-class White Australia is able to access.

The Errol Wyles Justice Foundation seeks maximum community participation and support. We call on the pro bono divisions of all significant law firms around the country and lawyers and other professionals of good courage, to join us in undertaking the great and challenging work ahead.

The Board of the Foundation traverses the political spectrum and academic disciplines. It is a rainbow coalition of people dedicated to speaking out on behalf of Aborigines at a time when our national and state political leadership panders to the blue-collar and often reactionary constituency who are the swing voters in the Australia of John Howard and Kim Beazley.

It is not good enough for Labor Foreign Affairs Spokesman, Kevin Rudd to take a position on the role of Christianity in politics but to remain largely silent in the face of the moral bankruptcy of the political leadership of his own State. Mr Rudd's article on Christian Social Democracy appeared at around the same time as Premier Peter Beattie and Queensland's Police Commissioner, Bob Atkinson, said that they could find no reason to suspend from the Queensland Police Force, an officer found by the Acting Coroner to have killed an Aborigine in custody, to have given false evidence about his role and to have acted callously towards Aboriginal prisoners under his watch.

Yet there was a deafening silence from Federal Labor – and from Federal Government members, too – on the morally untenable stance of the State Labor leadership.

What kind of a message does it send out to Aboriginal Australia, that Lex Wotton and members of his family, and fellow Palm Islanders are facing trial – in Lex Wotton's case, for alleged arson and riot, both carrying maximum penalties under Queensland Law of life

imprisonment – when all that is alleged against them is that some Government property on Palm Island was damaged in 2004. Yet it is common ground that the circumstances in which that property was damaged involved the Black community's reaction to the killing of one of their kith and kin, by Police, who were supposed to be protecting the overwhelmingly Aboriginal population of the Island.

Who but us in the Foundation will continually remind the Premier of Queensland of his constitutional responsibility to govern in the best interests of all Queenslanders, Black and White? Who but us in the Foundation can consistently gain ready access to national media, to criticise the insulting and humiliating attitude reflected by some Federal Government Ministers in their public statements, which falsely impute a monopoly on domestic violence and paedophilia to Aboriginal Australians?

The Foundation has to act as a national opposition on Indigenous matters, while our politicians' dereliction persists.

The Foundation has launched the 'Coo-ee' project – coo-ee is an Aboriginal word meaning 'a call from the bush' – to record digitally the memories of Aboriginal Australians of their sad and traumatic lives in government settlements and on missions, and their experiences of White settlement, prior to the passage of the 1967 Referendum.

A formal tender process by willing film makers, producers and directors, and submissions to Government for assistance with the project, modelled on Steven Spielberg's live recordings of the testimony of Holocaust survivors, are currently under preparation.

The finished production will be presented to The Institute of Aboriginal and Torres Strait Islander Studies.

While the disadvantage of Aborigines is both economically and racially determined, hope for improvement lies with all of us and

our commitment to work with our Black brothers for a just Australia, in which all of its sons and daughters can rejoice in a land which is young and free.

As the late Dr King said in his 'American Dream Speech',

"I still have a dream that one day all of God's children will have food and clothing and material well-being for their bodies, culture and education for their minds, and freedom for their spirits."

"I still have a dream this evening: One day, all of God's Black children will be respected like his White children and, that one day, every man will sit under his own vine and fig tree and none shall be afraid."

The launch of the Foundation received wide reportage but the AM Report was about the best of them.

AM –

16 November, 2006

Reporter: Conor Duffy

TONY EASTLEY: Human and legal rights activists claim that many racist hate crimes against Aborigines are going unpunished.

A new justice foundation was launched overnight to ensure that Indigenous people get adequate access to legal services and redress.

It's been named after a North Queensland teenager who died violently three years ago.

The founders of the Errol Wyles Justice Foundation say their fight is similar to the American civil rights movement.

In Sydney Conor Duffy reports.

(sound of didgeridoo)

ANNOUNCER: Welcome to the inaugural launch dinner of the Errol Wyles Justice Foundation.

CONOR DUFFY: Errol Wyles Junior was 15 when he was run over and killed by a white man, Scott Hasenkamp, in Townsville in 2003.

His father, Errol Wyles Senior, says the man who killed their son was only ever charged with a driving offence.

ERROL WYLES: We battled for two years in the system to try and get justice for our son.

It felt like our son's life didn't mean anything.

CONOR DUFFY: Errol Wyles never gave up though, and with the help of Sydney Solicitor Stewart Levitt, he sent a petition to the Queensland Attorney-General asking for the man to be retried on a manslaughter or murder charge.

Errol Wyles still hasn't heard back about the petition, but he's happy his son will be remembered through the foundation.

ERROL WYLES: Me and my wife are very honoured that our son's name is going to keep on going on, especially with the foundation that's been named after him. And his will be associated with positive changes for Aboriginal people in this country.

CONOR DUFFY: The Errol Wyles Justice Foundation already has some high-powered support in the form of former prime minister Malcolm Fraser who delivered a pre-recorded message.

The keynote speaker, though, was alleged Palm Island rioter, Lex Wotton, who spoke publicly for the first time about his arrest for rioting in November 2004.

LEX WOTTON: My kids, to see what they saw, me being hit with a stun gun. I'm unarmed, just a shirt-on and they screamed because they heard this loud noise. They thought I was shot, and not only seeing me, but for these officers to go into my house and put guns to the children's head. Now I say is that wrong, or is that right? We know it's wrong.

CONOR DUFFY: Lex Wotton and his frail 64-year-old mother, Agnes Wotton, are currently facing charges that could lead to life imprisonment for their part in the Palm Island riots.

The riots were sparked when an Aboriginal man known as Mulrunji died in police custody. There's still no word though on the fate of Senior Sergeant Chris Hurley, the man a

Queensland Deputy State Coroner has found responsible for the death.

LEX WOTTON: Why hasn't, you know, the process been sped up for Hurley to actually stand trial now or whatever process it needs to take.

CONOR DUFFY: Stewart Levitt, the founder of the foundation says cases like these highlight the lack of justice for Aboriginal people in Australia.

He says the foundation will provide help in significant cases.

STEWART LEVITT: We have an obligation to ensure that crimes against Aborigines are no longer under investigated and under prosecuted, and that Aborigines along with all Australians have the full protection of the law.

We call on the pro bono divisions of all significant law firms around the country, and lawyers and other professionals of good courage, to join us in undertaking the great and challenging work ahead.

TONY EASTLEY: Solicitor Stewart Levitt ending that report from Conor Duffy.

Frederic Cassis is reported as again attempting to rattle the DPP cage. Either the cage is empty or Leanne Clare has other concerns on her mind.

Indigenous justice group renews calls for legal changes

*ABC Online
8 December 2006*

THE director of an Aboriginal justice foundation has again called for changes to the way the legal system deals with Indigenous people.

The foundation will ask the Director of Public Prosecutions whether it should launch a private prosecution against the man who was driving the car that hit and killed an Aboriginal teenager in Townsville, in north Queensland, in 2003.

The driver, Scott Hasenkamp, received a 15 month sentence for minor traffic offences.

The Director of the Errol Wyles Foundation, Frederic Cassis, says the sentence was inadequate.

"I think this case is indicative of a broader problem, especially in Queensland," he said.

"I think that there's a difficulty in the way in which the legal system and the Queensland Government approaches justice for Aboriginals in Queensland and I think in that way it really is a symbol of what is wrong with the system."

On 21 December there was to be a National Day of Action against Black Deaths in Custody and to highlight police brutality against Aborigines.

Stephanie Miller, Aunt of Errol Wyles Jnr, sent a solidarity message to the Sydney and Melbourne actions and informed us that Stewart Levitt would be at the Sydney Rally, as would Lex Wotton.

Frederic Cassis, Craig Longman and others would make themselves available for the Townsville and Palm Island actions.

She mentions Shane McNamee who was viscusly assaulted by police at Doomadgee in the gulf country. Shane has mental health problems, is partially deaf and blind and was 19 years old at the time of the incident.

Whilst detained by these over-zealous and brave officers he was assaulted severely to where his eye became swollen shut. The three police involved claimed his charges were rubbish.

A CMC investigation found evidence to support Shane against his attacker, Senior Constable Malthouse. Malthouse whist not being charged with the assault of Shane nonetheless has been stood down from the force on drug charges.

It seems that Senior Constable Malthouse may be far more expendable than their millionaire Senior Sergeant Chris Hurley.

When his trial begins shortly, the Beattie Government has already agreed to pay all his legal costs.

The Doomadgee Family it seems will either rely on Legal Aid or whatever they can find.

Justice, Queensland-style.

We give Stephanie the Last Word.

Hello from Townsville

Representatives for the Errol Wyles Justice Foundation and Levitt Robinson Lawyers who also will be walking with us in support at tomorrows Marches are:

Craig Longman, Lawyer (Levitt Robinson) - at Townsville 11am start. Craig will also be flying over to Palm to walk in support with our brothers and sisters over there.

Frederick Cassis, Lawyer (Levitt Robinson) - is flying to Palm Island in the morning for the 3pm start.

Stuart Levitt, Principal Lawyer of Levitt Robinson - will be walking in the Sydney March. Stuart Levitt and his team are 110% committed to the Lex Wotton, Stolen Wages, Errol Wyles & Shane McNamee cases and also to the Aboriginal fight for Justice!!

Errol and Sonja are the parents of Errol Wyles Jr who was callously run down and killed in 2003 in Townsville.

Tomorrow we all march for justice for brother Mulrunji, the Doomadgee family, Errol Wyles Jr & family and all our brothers/sisters who died in custody at the hands of the police thugs and racists murderers. The DPP has publicly shown their true

racist colours in their decision not to charge Hurley with any criminal actions. A bloody shameful disgrace!

And Beattie is a gutless wonder for supporting them, which makes him just as guilty.

The whole of Australia & the world now see how racist & biased this govt is. We all know if the shoe were on the other foot, and a white cop was killed/murdered, that person would be charged with murder and in jail by now!

The DPP should now stand for "Dept of Police Protection" !! Whoever said "The Act" was abolished? We are still living under it today under the Beattie govt! Leanne Clare/Beattie should be charged with Perverting the course of justice!!

We will never give up the fight!!

In Solidarity
Stephanie Miller

For the March/April issue we will be leaving the racist environs of Queensland and travel west to the racist environs that we touched upon previously in the Northern Territory.

We return to the Town Camps and Communities, remote or otherwise, that we began in Vol. 7, issues 7&8.

We will also look at the latest legal loopholes that allowed the Northern Territory police officer, suspended on full pay for four years for killing a young Aborigine from Wadeye, to return to full duty once more.

To contact the Association

Indigenous Social Justice Association Inc.
1303/200 Pitt Street
Waterloo NSW 2017
Phone: 02 9318 0947
0415 858 264
02 8399 2632
Email: isja01@bigpond.net.au