

20 September 2002

**POLICE SHOULD UNDERSTAND AND RESPECT THE RULE OF LAW**

Recently-retired Victoria Police Deputy Commissioner Neil O'Loughlin has made an extraordinary attack on the Magistrates' Court following the acquittal of S11 demonstrators.

Mr O'Loughlin has said (Herald/Sun, 20 September) that -

*"The leniency shown in Court towards S11 protestors is sickening and out of step with what the community expects".*

And again:

*"If ever protestors needed to be made examples of, then this was it".*

This disgraceful outburst reflects very badly on Mr O'Loughlin who was, after all, the senior officer in charge of policing the S11 protest. More disturbingly, his remarks will inevitably damage the standing of the Court.

Liberty Victoria calls on the Police Commissioner to state unequivocally the support of Victoria Police for the magistracy and for the vital work it does. Nothing less than an unqualified endorsement can ensure that respect for the rule of law in Victoria is maintained.

Apparently, Mr O'Loughlin has no understanding of the basic principles of the rule of law, on which our free and democratic society depends. Every accused person is innocent unless proved guilty and it is the duty of a magistrate to acquit unless there is evidence before the Court which establishes, beyond reasonable doubt, that the accused is guilty of the offence charged.

Mr O'Loughlin must have a perverted view of the role of our courts, if he expects them to "make examples" of particular defendants. He evidently hankers after "show trials" of the kind held in the former Soviet Union and elsewhere, where prosecutions were conducted, and convictions recorded, for political purposes.

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Fortunately in Victoria we have an independent judiciary whose function is to decide guilt or innocence according to the evidence presented, and not according to their own political views or the views of the Government (or the police force) of the day.

Mr O'Loughlin is also suffering from a serious memory lapse. He appears to have forgotten that the brute force used by the officers under his command at S11 resulted in serious injury to a number of protestors. None of those officers was ever charged, as they should have been, with assault for using excessive force.

The failure of police command to control those officers was an indictment of police management. Mr O'Loughlin should spend his time helping his successors ensure that there is no repeat of such a policing debacle.

**Chris Maxwell**  
President

(0438 250 153)