

SUE NEILL-FRASER RALLY

Saturday, 19 August 2023

Speech – Meg Webb MLC, Independent Member for Nelson

**Note: minor spoken variation to the written speech may have occurred during delivery*

Hello everyone.

I'll begin by acknowledging the Tasmanian Aboriginal community as the original owners and ongoing custodians of the land that we are gathering on today.

I pay my respects to their Elders, past, present and emerging.

I acknowledge that despite invasion and dispossession, their culture of over 40 thousand years and their connection to this land, has endured.

We have an opportunity this year to take an historic step forward– to vote YES in the referendum, which would recognise First Nations people in our constitution and enshrine a representative Voice to advise on issue that affect their communities.

With a heart full of pride and hope, I will be voting YES in that referendum, and I strongly implore you all vote YES.

And now on to what brings us together here today.

I was so pleased to be invited by the Support Group to speak to you today.

I congratulate and thank Rosie and the Supporters Group for their tireless efforts to pursue the truth and to pursue justice on Sue's case.

I know for many of you, this will be an annual event that you have attended many times before, and I so admire your persistence.

I've come relatively late to this cause but my involvement in recent times has focused on pursuing transparency and accountability in Sue's matter.

I've also been greatly concerned by the Jeff Thompson case of illegal Police surveillance in Risdon prison issue.

A rally such as this is critical to keeping these issues in the public eye.

It is such a shame that Sue Neill-Fraser could not join us today.

Whilst on parole she is still subject to a range of restrictions, but we hope that one day soon Sue you will be able to join us on these lawns.

There is a clear focus for today's rally – and that is to call for a Commission of Inquiry into Sue's case.

A Commission of Inquiry is clearly essential.

What we have now a continuing shadow that hangs over our law enforcement and justice systems.

That shadow is a blight on our state.

It casts a pall over public confidence in the delivery of justice in Tasmania

Sadly, appeals are based on an adversarial system and are constrained by common law precedents and statutory requirements.

We need an inquiry to provide an inquisitorial system and a search for the truth.

As a Member of Parliament, both the Neill-Fraser and Thompson matters deeply concern me.

The Jeff Thompson matter, relating to Sue's case, and involving the illegal bugging of a visitor's room in the men's prison for over a 2 month period in 2017 is a travesty.

This is a situation in which a potential 723 visits (over four rooms) could have been the subject of illegal Police surveillance within Risdon prison.

The attempt to establish a truly independent Inquiry into the Jeff Thompson surveillance matter, with a proper terms of reference, that complies with current surveillance law, has so far failed.

The then Commissioner of Police announced a “desktop” or targeted review on 31 August 2022.

This proposed O’Farrell review is entirely inadequate.

It would not examine police conduct and will not provide full examination of how this illegal surveillance came to pass, what impact it may have had and the full breadth of who may have been affected.

Beyond that, it cannot even be legally conducted under its current terms of reference.

Something I drew to the Premier’s attention in a letter in October 2022.

I was so concerned by this grave breach of Privacy and flouting of legal professional privilege that I made a comprehensive complaint to the Integrity Commission in October 2022 alleging possible misconduct by police.

Sadly, the Integrity Commission is unwilling to investigate the complaint in light of the proposed O’Farrell review.

Never mind that the O’Farrell Inquiry was not tasked to look at any issues of misconduct.

I assure you, I will continue to pursue these matters through the parliamentary avenues available to me.

In recent months, I have also been trying to get information on forensic and DNA issues relating to the Sue Neill-Fraser case under RTI legislation, but I have hit hurdles at every turn.

It is now over 6 months since my first application seeking a key forensic exhibit and testing results.

But I am **still** waiting for my RTI applications to be fully responded to.

I will persist, because Tasmanians deserve answers – Sue deserves answers.

Tasmanians deserve better.

In relation to Sue's case, there are far too many unresolved issues, questions and doubt.

All we have is a case based on selected circumstantial evidence and fanciful speculation.

There is no getting past the complete absence of conclusive proof of guilt, and the abundance of reasonable doubt.

We have:

- No body
- No weapon
- No motive
- No witness
- No forensic evidence

A comprehensive re-examination of this case is needed, and that will not be delivered by any further appeal process.

A Commission of Inquiry must be held.

We do not have a Criminal Cases Review Commission in Australia, an important component of a justice system and which exists in numerous comparable countries

In the absence of this, exposing a miscarriage of justice is a risky, “David and Goliath” type battle for those who dare to challenge the status quo or rock the boat.

The power and resource imbalance is enormous.

We need a much more level playing field.

Our systems are not infallible and mistakes are made – history has proven this.

Even high-profile cases, such as Lindy Chamberlain and Kathleen Folbigg, have failed in appeals to the High Court.

The Hon. Michael Kirby published an article on miscarriages of justice in 2021.

He stated that no system of criminal justice is perfect.

He commented that there have been many “vivid” cases of alleged miscarriages of justice in Australia.

He stated that they have commonly included some peculiarity or special feature than meant that the case refused **to go away**, even when the legal process were finally spent.

In light of the two Sofronoff Inquiries dealing with the conduct of prosecutors in the ACT and DNA testing in Queensland, there is a real need to ensure that the Tasmanian criminal justice system is fair, accessible and fit for purpose.

Sue’s case, an entirely circumstantial case, has a number of special features that should keep us awake at night.

The case will not go away and nor will we.
Because we cannot tolerate injustice.

We cannot accept a system of criminal justice that is clouded by questions and which cannot provide full public confidence in the delivery of justice.
When I think about Sue's case, something I keep coming back to is this:

Why would we NOT have a Commission of Inquiry?

Why would our first law officer refuse, especially in the face of calls from thousands of community members and numerous local, national and international legal experts?

- Is it embarrassment?
- Is it protection of reputation?
- Is it personal loyalties?
- Is it the cost??

None of those reasons are acceptable. Not one.

In refusing to have a Col, we are saying that reasons such as these are more important than finding out if a miscarriage of justice occurred.

We are saying these reasons are more important than the impact of prosecuting, convicting, imprisoning for 13 years, and continuing to label as a murderer a woman **who may be innocent**.

That is not just unacceptable, it is abhorrent.

Sadly, our First Law Officer, the Attorney-General, Elise Archer, who is vested with important powers, refuses to take any action on an inquiry into the Sue Neill-Fraser case.

After numerous formal requests, including from well-respected legal experts, she refuses to act – hiding behind the claim she cannot intervene.

This is a claim that she herself has blown out of the water just this year when she chose to publicly intervene in the Jari Wise coronial matter.

Her decision to intervene in that case has completely undermined what we already knew to be spurious reasons for refusing to act on Sue's case.

Attorney-General, Elise Archer, has a critical role to play in ensuring justice and respect for the rule of law in this State.

We must keep the spotlight on her as long as she persists in her refusal to fulfil this responsibility.

Let me finish by saying:

Well done to you, Sue's loyal supporters, who continue to keep this matter in the public conscience!

Your strength and persistence is inspiring!

I think what we all feel in our hearts is that, if this could happen to Sue, it could happen to any of us.

It is well and truly time for a Commission of Inquiry into Sue Neill-Fraser case to deliver ongoing confidence in our justice system.

The calls for an inquiry will not go away.

And I know that we, too, will refuse to go away;

We, too, will persist.