

Policing a citizen's right to expression



WHILE Justice Minister Duncan Kerr was in Sydney yesterday splashing

federal funding on legal aid, back in his Hobart electorate of Denison things have not been entirely glossy and wonderful.

Last Sunday and Monday he had Mr Mick Skrijel stamping over his borough spreading leaflets that said some beastly things about poor Dunky.

Skrijel will be familiar to readers of this column as the former South Australian fisherman who made allegations of drug trafficking and official protection. The NCA subsequently brought a drug cultivation charge against him. An inquiry into the NCA's conduct in this case found there was substantial evidence that the NCA fabricated the case against Skrijel in order to secure his conviction.

Kerr rejected the recommendation that a royal commission be held and has sent the matter to the Victorian Deputy Ombudsman for further investigation. Skrijel claims this is a totally inadequate response.

The material that Skrijel was distributing in Denison contained all those details, plus some flourishes that Kerr was trying to silence him.

The Minister for Justice was on notice that Skrijel was going to publish this pamphlet because he had sent him a copy on January 30 and asked him to read it carefully and tell him where he was wrong.

The minister did not take

Should Duncan Kerr's concern about a pamphleteer in his electorate allow him to involve the Australian Federal Police, asks RICHARD ACKLAND

up Mr Skrijel's generous offer. Instead on February 2 he wrote to Skrijel's lawyer in Melbourne, John Howie, of Howie & Maher, and said that the pamphlet was "wildly defamatory" and urged that the legal implications of distributing such material be made clear to Mr Howie's client.

He also sent a letter to members of the media in Hobart, dated February 5, warning that he "would be obliged to take legal action if any of the false and defamatory material were to be repeated in the media".

That letter went to the Hobart branch manager of ABC radio, among others, on the same day that ABC metropolitan radio host Annie Warburton was planning to interview Skrijel on her afternoon radio show. Before going to air she talked to a friend, Mr George Haddad, who is working with Kerr's campaign team in Denison. Haddad cautioned her about interviewing Skrijel because he was likely to say something defamatory about Kerr on air. Warburton then pulled the plug on the interview.

Kerr says he was concerned about his own safety and his office requested the AFP conduct an "assessment" of Skrijel. This is quaint since in the time Kerr has been a minister there has been no apprehension about Skrijel. It is only when he turns up in the electorate wanting a debate that the flatfoots are called in.

On Tuesday, Warburton was visited by the Australian Federal Police, Kerr being minister responsible for the AFP. She was asked about her impressions of Mr Skrijel and his reaction to being told the interview had been cancelled. The police officer also wanted to know Skrijel's whereabouts in Hobart, which she did not have. She was asked by the AFP officer to get in touch with the whistleblowers' organisation, ask them to contact Skrijel and invite him back to the studio on the pretence that another interview would be scheduled. It was suggested that she string Skrijel along and find out his address in Hobart, so that the copper could go and interview him about his pamphlet.

Naturally, like all good journalists, and also having been a lawyer herself, Annie Warburton declined to participate in this proposal.

In fact, the AFP did interview Skrijel, on Wednesday and yesterday in Melbourne. He was asked about the wicked pamphlet: how many had been distributed, were there any others, why was he "mentally harassing" the minister?

But why should a minister be so sensitive as to involve the federal police in the free expression of issues by a concerned citizen participating in the democratic process of an election campaign? This is an even more interesting question.