

**NATIONAL
IMPORTANCE**

**POLICE STATE OR
FREE & DEMOCRATIC
SOCIETY**



PREPARED FOR THE
STATE AND FEDERAL GOVERNMENTS AND
THE AUSTRALIAN POPULATION

“RBT VIOLATES RIGHT TO PRIVACY”

by

Stephen Fitzgerald

31st August 2016

Professor Gillian Triggs
Australian Human Rights Commission
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HUMAN RIGHTS IN AUSTRALIA

Emeritus Professor Gillian Triggs President of the Australian Human Rights Commission.

Dear Gillian,

I refer to the document "Police State or Free & Democratic Society" and, the matters raised in relation to Human Rights abuse not being taken seriously by our politicians at both State and Federal levels. See covering letter to the PM dated 27th August 2016.

This impacts everything your Commission stands for, the same way it stifles me... There needs to be a combined and concerted effort to break down that brick wall...

For our children and grand children to be able to grow up in the country our forefathers fought for we need basic human rights acknowledged and respected. This is not happening in Australia and from my observation, each year, things get a degree worse. We need to reverse this disturbing trend.

Could you please use every means at your disposal to change the mind set, of our heads of state, from control & oppression to freedom & liberation. This is what Human Rights are all about. This is what you are all about.

I have also attached the document "Australia Free Nation or Penal Colony" outlining more wide ranging Human Rights abuse. (Sent to our politicians in March 2016 with no positive response except from the Greens). These are national issue and well worth a determined fight. Also, please feel free to use any part of these documents in your own mission.

Could you please forward both attachments to everyone in the Australian Human Rights Commission and anyone else you can think of. With knowledge and understanding, in the wider community, comes the power to drive change.

As a matter on national importance our "Human Rights" must, above all else, be taken seriously by our public servants and elected representatives.

Please let me know the approach you may take, so I can weave that into my humanitarian objectives.

Yours Faithfully



Stephen Fitzgerald
28th August 2016

The Hon. Malcolm Turnbull MP
Prime Minister of Australia
PO Box 6022, House of Representatives
Parliament House, Canberra, ACT 2600

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HUMAN RIGHTS ABUSE - RIGHT TO PRIVACY

Please find inclusive my documentation "Police State or Free & Democratic Society" in relation to Human Rights abuse in Australia - In particular violation of our right to privacy. "RBT Violates Right to Privacy".

I have previously given Yourself, the State Premiers and Police Commissioners the opportunity to respond personally in relation to the matter of RBT's and Human Rights abuse alone and, I have been given the brush off by public service assistants.

Subsequently, I have been forced to take this matter to the next level and provide DUI statistics showing that RBT's don't work and also, expose veiled bribery between the police and the (2 share) company who supplies RBT units to the police. My concern is Human Rights abuse and not police corruption. But, it is your concern.

After exposing veiled bribery of the police (page 10), if I have something to fear. It proves we live in a Police State and, that must change. The matter has been referred to each state Police Integrity Commission for investigation.

Please keep in mind that suspending RBT's is a step in the right direction for a positive outlook as opposed to the current oppression. Oppression equals Depression. As you know, a positive outlook is the key to a buoyant and prosperous economy.

In view of the escalated and changed circumstances of this case, a personal response may now seem appropriate.

Yours Faithfully

A handwritten signature in blue ink that reads "Stephen Fitzgerald". The signature is written in a cursive, flowing style.

Stephen Fitzgerald
27th August 2016

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REFERENCES

International Covenant on Civil and Political Rights 1967 (*ICCPR*)
Universal Declaration of Human Rights 1948 (*UDHR*)
International Human Rights Commission (*IHRC*)
Australian Human Rights Commission
The Joint Human Rights Committee
Making of Law State & Federal
Transport Accident Commission
Police Integrity Commission
The United Nations
Wikipedia & Google
Channel Nine News

MAILING LIST

The Hon. Malcolm Turnbull PM
The Hon. Colin Barnett
The Hon. Mike Baird MP
The Hon. Jay Weatherill
The Hon. Daniel Andrews MP
The Hon. Will Hodgman
The Hon. Anastacia Palaszczuk
Chief Minister Adam Giles
Chief Minister Andrew Barr
Commissioner Grant Stevens
Commissioner Darren Hine APM
Commissioner Reece P Kershaw APM
Commissioner Karl O'Callaghan
Commissioner Graham Ashton AM APM
Chief Commissioner I. Stewart
Commissioner Andrew P Scipione APM
Rudi Lammers Chief Police Officer

ABOUT THE AUTHOR

<http://www.hootgallery.com/#!/cv/c1kyo>

2.

The Hon. Malcolm Turnbull PM
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COVERING LETTER TO POLITICIANS

Subject: RBT Violates Right to Privacy

Please find attached my documentation in relation to Human Rights abuse in Australia - In particular violation of our right to privacy as a result of RBT's.

If the RBT was working people would not be drink driving. Last year there were 3.4 million Random Breath Tests in N.S.W. alone. One needs to ask at what cost to the tax payer, in dollars terms, and the resulting unnecessary suffering to thousands of Australian families.

There are more effective deterrents to DUI as adopted in the USA and UK where the RBT has been outlawed. "Big Brother" and "The Mother Country" don't have RBT's for a reason. Two of those reasons are that it violates human rights in terms of right to privacy and, also of social importance, frees up the police for more dedicated criminal oriented work.

Oppression of Human Rights takes away our freedom. Right to privacy is one of those freedoms. Your children and grand children may not grow up to join the police force. Do you want those children living in a free & democratic society or a society controlled with police oppression?

I hope you will take the opportunity to read through this document and voice your opinions. If that is the case I will respond promptly and, keep you personally informed of progress.

This covering letter is an inclusion in the document "RBT Violates Right to Privacy." In particular I would like to draw your attention to (Pages 9 & 10) Adjunct. A copy of this document has been sent to The Hon. Malcolm Turnbull MP, each State and Territory Premier or Chief Minister plus our Police Commissioners.

For the innovation nation, we hope something better is possible...
I look forward to your personal reply.

Yours Faithfully



Stephen Fitzgerald
19th August 2016

On Duty Police Sergeant
Name of your Station
Address of your Station
Email address

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COVERING LETTER TO ON DUTY POLICE SERGEANTS

Subject: **RBT - VIOLATES RIGHT TO PRIVACY - UDHR**

Please view the attached document sent to The Australian Prime Minister, every Australian police station and, each State Premier and Police Commissioner respectfully on 12th August 2016.

Keep in mind that my intention is not to denigrate the Police Force in any way. My primary motivation is to see the provisions of the Universal Declaration of Human Rights upheld in terms of freedom and right to privacy.

Australia is a signatory to and, helped create this United Nations Declaration and as such our Governments, and the police force, are accountable for violations.

I am fully aware that RBT is a response to oppressive legislation endorsed by your State or Federal Government. With RBT you are just doing what you are told whether you like it or not and, that takes up a massive amount of your time, police resources and taxpayers money.

If RBT were to be suspended you may be concerned about redeployment. Keep in mind that every ambulance driver is also a paramedic and it follows that every police officer should also be a detective. Trained to hunt down and catch the real criminals in society. That would be something to be proud of and something you would be respected for.

Could you please provide a printed copy or forward the sent email to each of your officers and staff. Also, please print out the poster on (page 11) and pin it to your notice board.

I truly hope that you, as a police officer, would like to be part of this narrative and voice your personal opinions. I look forward to hearing from you.

Yours Faithfully



Stephen Fitzgerald
17th August 2016

Grant Stevens
Commissioner of Police
South Australia Police Headquarters
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Subject: RBT - AT PRIMARY SCHOOLS

Please find attached my document in relation to Human Rights abuses in Australia - In particular the right to privacy.

NINE'S AFTERNOON NATIONAL NEWS - 4:30pm August 8, 2016

"Random Breath Testing and Cannabis Swabbing - South Australian Police blitz primary schools as Moms drop off their children. Three mothers arrested and dragged off to lockup as Police strike fear into toddlers". What, the police have nothing better to do - I don't think so.

Instead of looking up to the police the young children impacted by this will always fear the police. That's great in a Totalitarian Police State but not in a Free and Democratic Society. Not in this country, not in Australia...

One needs to ask. "How many people have the police pulled out of the crowd, at random, for no good reason, and taken away their drivers licence. This is called **creating criminals on demand** from hard working, tax paying citizens. What is the devastating impact on that person, their job, their families and a struggling economy". Now multiply that by 70,000.

This is another barbaric breach of Human Rights by State Police as Australia hit another all time low. Desperately, something needs to be done!

As with former senator Dr. Bob Brown MB BS, if I see something fundamentally wrong going on in society I feel compelled to do something about it. Forwarded for your information and appropriate action...

A copy of the attached document has also been posted and/or emailed to each State and Territory Premier or Chief Minister. Each Police Commissioner, the Prime Minister of Australia, the Australian Human Rights Commission, the Australian Representative to the United Nations, each Australian Political Party, our Magistrates plus Australian newspapers, television stations and radio. Also our educational institutions including secondary and university.

On this most important issue, I look forward to your personal reply.

Yours Faithfully



Stephen Fitzgerald
12th August 2016

NINE'S AFTERNOON NATIONAL NEWS - 4:30pm August 8, 2016

“Random Breath Testing and Cannabis Swabbing - South Australian Police blitz primary schools as Moms drop off their children. Three mothers arrested and dragged off to lockup as Police strike fear into toddlers”.

O.K. - SO WHAT HAPPENS NOW? (Lets look at just one scenario):

The law abiding mother is charged, fingerprinted, criminalised and fined for having a minuscule trace of cannabis or .050 of alcohol in her blood. A residue from a dinner party the night before. She, loses her licence, can't drive her car or run her child to and from school and can't get to her part time day job. The mother and child are stigmatised by neighbours and at school.

The fine and loss of her job eats into their tight budget and bills don't get paid. The husband who works 60 hours a week has to look after the child's transportation needs, do the shopping and all the running around. This puts immense pressure on the entire family and arguments break out.

The depressed mother can't cope so starts on prescription drugs and drives her car again. She gets caught for driving without a licence and is heavily fined once more and loses her licence for much, much longer. The child thinks it's his fault and withdraws. “If I hadn't asked Mom to drive me to school none of this would ever have happened. Now they bully me at school and I don't know what to do”.

The husband can no longer cope with the pressure of work and family and loses his job and then the house goes. The family falls apart and that beautiful, loving, intelligent woman and mother feels helpless and useless but takes control one last time... She O.D's on pharmaceuticals.

The talented child who would have become a hard working tax paying citizen has a huge chip on his shoulder, hates the police with a venom, turns to drugs and crime and ends up in juvenile detention where he plots his revenge against the system that abuses him every day, killed his mother and destroyed his life.

The father develops a “I don't care” attitude, takes alcohol and gambles as a diversion - He feel now that he's been screwed over by society and figures that “You can all go and get stuffed”. No more work and no more tax to the Government that crippled him. He throws in the towel and searches for any means of escape. He takes up residence at the end of a bar and fades quietly into the night.

That's the butterfly effect... Form an innocent fun loving dinner party to oblivion via a RBT. Mother dead, father and child destroyed beyond repair... The Police need to ask themselves what the consequences of their actions are going to be?

Family is the foundation stone of society and is entitled to protection by the State. That's right, that is the State that just destroyed a perfectly good nuclear family and they have destroyed thousands more just like it.

3.4 MILLION random breath tests were conducted by Police last year in NSW alone. At any one time around 125,000 Australians have lost their licence to a RBT. An action that violates basic human rights and has a devastating and lasting impact on our struggling economy. All this to make the police feel big and strong and all powerful for beating up mothers who are taking their small children to school.

HUMAN RIGHTS VIOLATIONS (In relation to the above news storey)

Random Breath Testing: In UK and US law police need a reason to suspect that a driver is intoxicated, before requesting a breath and/or sobriety test. i.e. (Due cause).
Re: https://en.wikipedia.org/wiki/Drunk_driving_law_by_country#Australia
Not so in Australia where the human right to privacy and bodily integrity are violated.

Drug Driving Laws: It is held that random cannabis swabbing violates human rights in terms of right to privacy and bodily integrity. Also, zero tolerance means you will be criminalised, may lose your licence and be heavily fined even though you are not physically or mentally impaired. Again, this is happening without due cause.

Violation of UDHR Article 12 - No one shall be subjected to arbitrary interference with their privacy. Everyone has the right to the protection of the law against such interference.

Violation of UDHR Article 3 - Everyone has the right to security of person.

Violation of UDHR Article 5 - No one shall be subjected to inhuman or degrading treatment.

NOTE: Like those adopted in the USA and UK, there are other effective deterrents to drink driving and drug driving that don't violate human rights. e.g. If someone is in an accident, driving erratically or breaks a road rule, by all means breath test them. Also, concurrently as a deterrent, increase DUI penalties. If need be crush cars. Otherwise, respect a persons right to privacy and leave them alone!

HUMAN RIGHTS IN AUSTRALIAN

UNIVERSAL DECLARATION OF HUMAN RIGHTS 1948 (UDHR)

The Universal Declaration of Human Rights is an international document that states basic rights and fundamental freedoms to which all human beings are entitled. No nation may rightfully deprive a person of a human right. Human rights are fundamental rights universal to all human beings and are considered to be the necessities of human existence. They are internationally recognised personal guarantees and freedoms that the Government cannot abridge, either by law or by judicial interpretation. The *UDHR* is generally agreed to be the foundation of international human rights law and yet, Australian Public Servants blatantly ignore them.

Since there is no mechanism for civil rights protection in Australia and since the Universal Declaration of Human Rights is written into international law then, this is where we must turn for protection of our rights. Australia was a key player and one of 8 nations involved in the drafting of the Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10 December 1948.

We would be seen as hypocritical not to fully embracing something we helped create.

UNITED NATIONS GENERAL ASSEMBLY PROCLAMATION

The United Nations General Assembly proclaims the Universal Declaration of Human Rights 1948 (*UDHR*) as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction. As a member state, this includes Australia.

WHERE WE STAND IN 2016

Politics of Australia incorporate elements from the UK Westminster system (State) and United States Congress (Federal). Yet, international human rights embraced by both the UK and USA are ignored in Australia? Are we a free and democratic society, who respect international law or not! ***Our Governments are elected to administer, not to control.*** As a free nation we cannot tolerate being abused and oppressed by our own public servants.

Any excuses put forward by those same public servants, for their oppressive actions, are pathetically disproportionate, and pale into insignificance, compared to the internationally recognised freedoms and human rights of an entire nation. What's lacking in the Australian Constitutions is also no excuse and is, in fact, more reason to embrace the UN Universal Declaration of Human Rights.

We can't let any person or group or any government department be a law unto themselves? These are the people who feed off us. The bullies, the oppressors and controllers who undermine and drag down all of society to justify their own existence. The alarmists with police state and totalitarian mentalities intent on a dark future.

Prime Minister Malcolm Turnbull is correct in saying that for Australia to flourish we need to be seen as the innovation nation and this suggests being ahead of the times. To hold our heads up high, on the international stage, first we need to step out of the dark ages and loose the penal colony mentality.

Going on a witch hunt for those responsible, for lost human rights, is a negative response. The positive response would be to follow the lead of the UK and the USA and change the mind set from control and oppression to freedom and liberation. If they can do it with populations of 65 million and 326 million respectively, we can do the same thing for 24 million Australians. The *UDHR* mechanism is already in place.

A starting point, for change, would be to amend oppressive legislation and reinstate the lost human rights referred to. And again, this is where we need to engage our politicians. Those who speak for us and those who will stand up for the rights of all Australians.

UDHR Article 21 - 1. Everyone has the right to take part in the government of their country, directly or through freely chosen representatives.

Also, it follows that there needs to be an amnesty for any Australian imprisoned, directly or indirectly, as a result of abuse of their human rights. As an example that would be a person imprisoned as a result of a RBT violating their right to privacy without reason to suspect that the driver was intoxicated. i.e. Without due cause.

Violation of UDHR Article 12 - No one shall be subjected to arbitrary interference with their privacy. Everyone has the right to the protection of the law against such interference.

SUMMATION

I should point out that, with RBT, the police have an unlimited supply of law abiding, tax paying citizens to feed off and the fact that there have been 3.4 million RBT's in NSW in the past year is testament to that. Again, one needs to ask. "How many of these people have the police pulled out of the crowd, at random, and taken away their drivers licence. Nationally, the answer is around 125,000 at any given time and the impact on them, their families and a struggling economy is devastating".

SUMMATION cont'd

This is a barbaric and outrageous violation of our rights and, cannot be justified. I can only conclude that it's easier for the police to create criminals out of average Moms and Dads, rather than get out there and catch the real criminals who rape, pillage and plunder our cities. The Police need to re-deploy their abundant and talented work force to protecting society rather than destroying families. By undermining society the police are just as bad as the criminals!

Breathalyser legislation needs to change to incorporate our right to privacy and due cause. Lets drop the penal colony mentality and move forward.

The Universal Declaration of Human Rights is a declaration of freedom and, in the words of Senator Malcolm Roberts "You can only have human progress if you have freedom". Using RBT violates our right to privacy and removes that freedom!

We should not have to battle through the High Court of Australia for fundamental human rights or the civil liberties embraced by our contemporaries, they should be automatic. To stop the abuse our rights need to be 1st. acknowledged by Government and then 2nd. written into Australian law either through amendments to the Australian Constitution or an Australian Bill of Rights. As a Nation, maybe then, we can rejoice.

Keep in mind that our forbearers fought and died for our freedom. One of those freedoms is the right to privacy ***recently taken away from us*** by an over zealous and controlling Public Service and the State Political Party that endorsed those oppressive legislation.

62,000 young Australian men and women went to war and gave their lives. We have an obligation to respect and protect the freedom they fought for and our Public Servants and Politicians need to stay squarely focus on that.

We should be seen as the country who leads the world in human rights issues and yet here we are... Until we change Australia will continue to be looked upon as the Country that abuses its children, has no regard for human rights and has a disregard for international law. Besides being oppressive, it's shameful. We need to step up.



Stephen Fitzgerald
12th August 2016

About the author:

As a humanitarian & human rights activist, if I see something fundamentally wrong going on in society I feel compelled to do something about it.

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CV: <http://www.hootgallery.com/#!/cv/c1kyo>

ADJUNCT - DRINK DRIVING STATISTICS

Since 1997, Victorian Police have breath tested more than 20 million drivers and bike riders from RBT operations, catching close to 70,000 with a blood alcohol concentration (BAC) greater than 0.05g/100ml.

The majority (99.7%) of drivers and riders tested do not exceed prescribed blood alcohol levels. They have just been seriously inconvenienced and paid dearly for the privilege . Evert time you are breath tested it costs you roughly \$100 in tax.

The proportion of drivers and motorcycle riders killed with a BAC greater than 0.05g/100ml has increased from 27% in 1992 to 28% in 2013-15. The average throughout this 20 year period remains the same at about 45 drivers and riders killed each year. As verified by the TAC graph below.

From these statistics it appears that the RBT is having no discernable impact other than the outrageous cost to taxpayers and, the devastating and destructive effect it is having on our struggling State economies.

There are more effective deterrents to DUI that don't deny us our fundamental right to freedom. That freedom being our right to privacy. In the U.S.A. and U.K. the DUI management plan does not include RBT's for reasons previously outlined.

This is telling me that 20 million people have had their freedom and right to privacy violated and 70,000 taxpaying mothers and fathers, also in violation of their rights, have been criminalised and lost their licence with a devastating impact to them, their jobs, their families and their children.

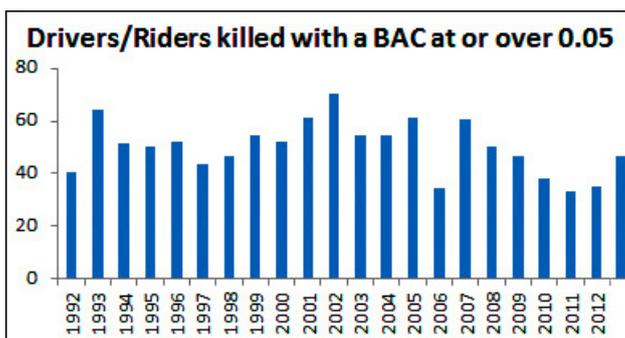
If you are serious about saving those 45 lives, a year, you are NOT going to do it with RBT's. Now ask yourself: "Without Random Breath Testing (RBT) what penalties would stop you from Driving Under the Influence?" Perhaps a \$20,000 fine and community shaming concurrently with the public crushing of your car... Make a day of it.

CONCLUSION

Do the sums:- Hardware & labour for each breath test = \$100 x 20 million = \$2 Billion
Fines Revenue @ \$1,000 x 70,000 = \$70 Million. Cost to taxpayers = \$1.93 Billion
That's \$1,930,000,000 of taxpayers money wasted in the Victorian model alone?

With all the evidence pointing away from any good reasons to persist with RBT's why then are we still burdened with it? Other than Breathalyser Sales & Service Pty Ltd. supplying RBT units to the Police Force and also donating to the Police Force.

You can't put what the Police want or what a (2 share) Company wants ahead of the freedom of an entire Nation... Not this Nation - Not Australia!



As the name implies, public servants serve the public and, they are accountable.

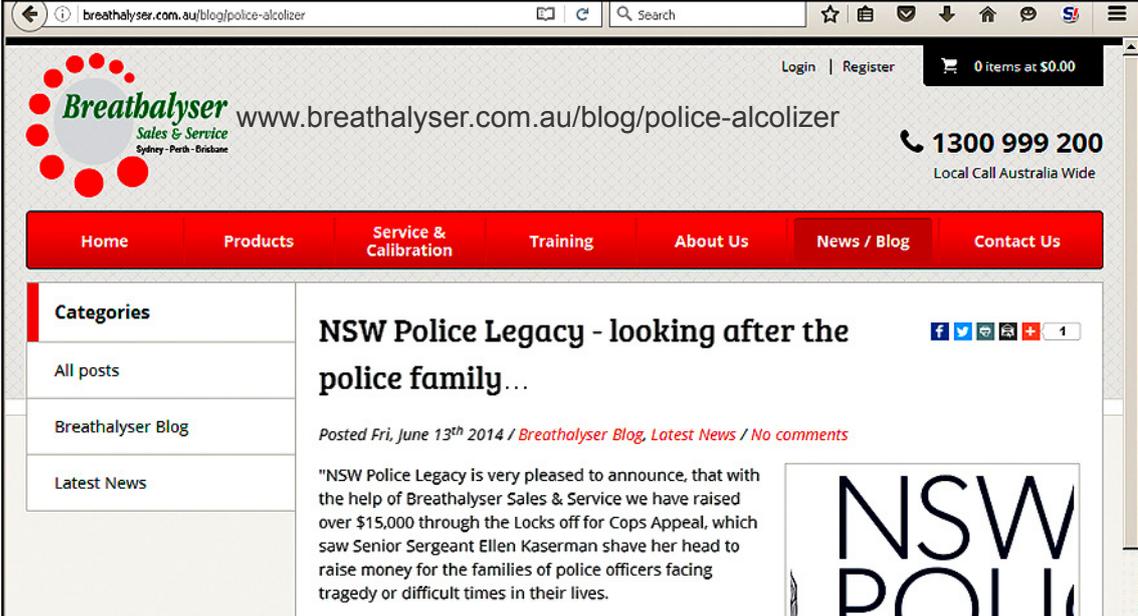
In view of the above, one needs to ask the big question: "Is the Australian population literarily being held to ransom?" I don't know about you but, I would like some answers!

ADJUNCT - ARE YOU MISSING THE POINT

If you are still arguing in favour of RBT's you have missed the point on a number of levels:

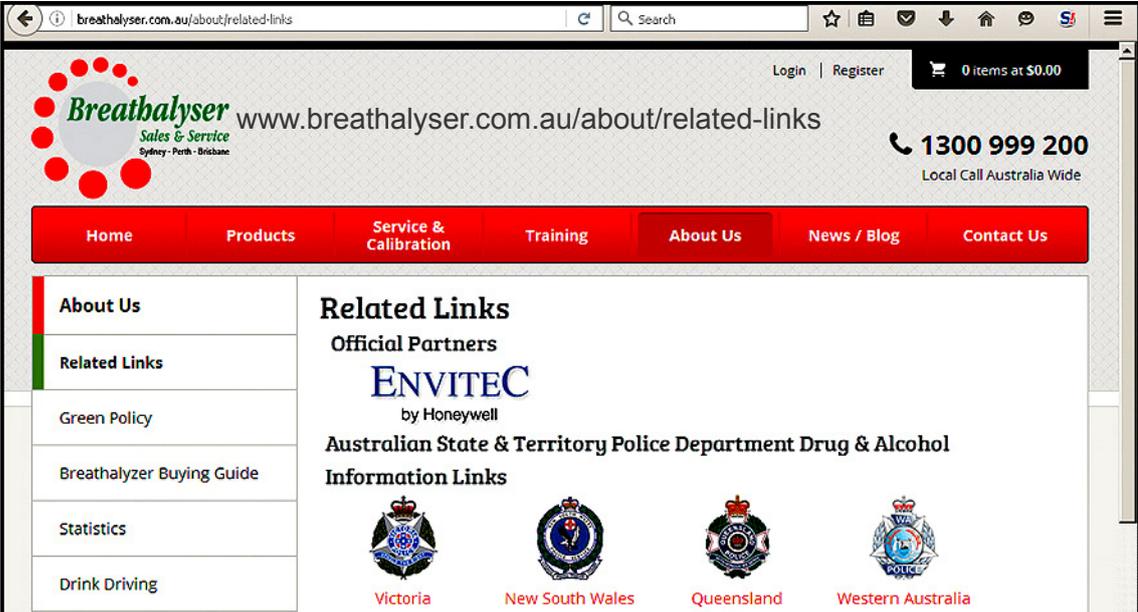
- (1) RBT's are in breach of the UDHR - Article 12 and **violate our right to privacy**.
- (2) Instead of **creating criminals on demand**, from good citizens, the police can be better deployed hunting the real criminals who rape pillage & plunder our cities.
- (3) The **impact on the community** and tax paying families is unacceptable. Also, the **outrageous cost** to those same tax payers cannot be justified.
- (4) From the TAC graph stats - RBT's are having no impact on saving lives from DUI.
- (5) **The RBT culture is open to abuse, violation of our rights and corruption:-**

BREATHALYSER SALES & SERVICE PTY LTD - VEILED BRIBE (View web page)



The screenshot shows a web browser displaying the Breathalyser website. The URL is breathalyser.com.au/blog/police-alcolizer. The page features a navigation menu with links for Home, Products, Service & Calibration, Training, About Us, News / Blog, and Contact Us. A sidebar on the left lists categories: All posts, Breathalyser Blog, and Latest News. The main content area displays a blog post titled "NSW Police Legacy - looking after the police family..." posted on Friday, June 13th 2014. The post text states: "NSW Police Legacy is very pleased to announce, that with the help of Breathalyser Sales & Service we have raised over \$15,000 through the Locks off for Cops Appeal, which saw Senior Sergeant Ellen Kaserman shave her head to raise money for the families of police officers facing tragedy or difficult times in their lives." A large image of the NSW Police logo is partially visible on the right.

A veiled bribe, in anyones language, is still called corruption and, in view of the vast amounts of money involved, this smells like it goes a lot deeper... O.K. You may say it's all about helping the police family... Well, what about the countless families the police have destroyed with their indiscriminate RBT's. Who helps them?



The screenshot shows the Breathalyser website's "About Us" page. The URL is breathalyser.com.au/about/related-links. The navigation menu is the same as in the previous screenshot. The sidebar on the left lists: About Us, Related Links, Green Policy, Breathalyser Buying Guide, Statistics, and Drink Driving. The main content area is titled "Related Links" and includes "Official Partners" with the ENVITEC logo (by Honeywell) and "Australian State & Territory Police Department Drug & Alcohol Information Links". Below this, there are four police department logos: Victoria, New South Wales, Queensland, and Western Australia.

* Original .bmp available on request - Downloaded 24th August 2016

RBT

VIOLATES

RIGHT TO

PRIVACY



UDHR

UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)

*Article 12 - No one shall be subjected to arbitrary interference with their privacy.
Everyone has the right to the protection of the law against such interference.*

12 Aug 2016 **RBT-REV01**
17 Aug 2016 **RBT-REV02**
19 Aug 2016 **RBT-REV03**
23 Aug 2016 **RBT-REV04**
27 Aug 2016 **RBT-REV05**
28 Aug 2016 **RBT-REV06**
31 Aug 2016 **RBT-REV07**