

**IN THE MAGISTRATES' COURT
OF VICTORIA AT MELBOURNE
BETWEEN**

**THE STATE OF VICTORIA
Respondent One
THE COMMONWEALTH OF AUSTRALIA
Respondent Two
THE HON. MINISTER ANTHONY CARBINES MP
Respondent Three
THE HON. ENVER ERDOGAN MLC
Respondent Four
ATTORNEY GENERAL OF STATE OF VICTORIA
Respondent Five
THE EX. HON. DANIEL ANDREWS
Respondent Six
CHIEF COMMISSIONER OF VICTORIA POLICE
Respondent Seven
DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY
Respondent Eight
INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION
Respondent Nine
MAGISTRATES' COURT OF VICTORIA
Respondent Ten
AND
ORS
V
REECE STORME FERRARA
Applicant**

Date of document:	29/07/2024	Solicitors Code:	N/A
Filed on behalf of:	Applicant	Telephone:	0400690987
Solicitors name:	N/A	Court Ref:	P11271001;
email:	Reece.Storme@Protonmail.com		P11370782;
<i>Magistrates Court Act 1989</i> (Vic) section 133 Contempt in the face of the Court			P12154228

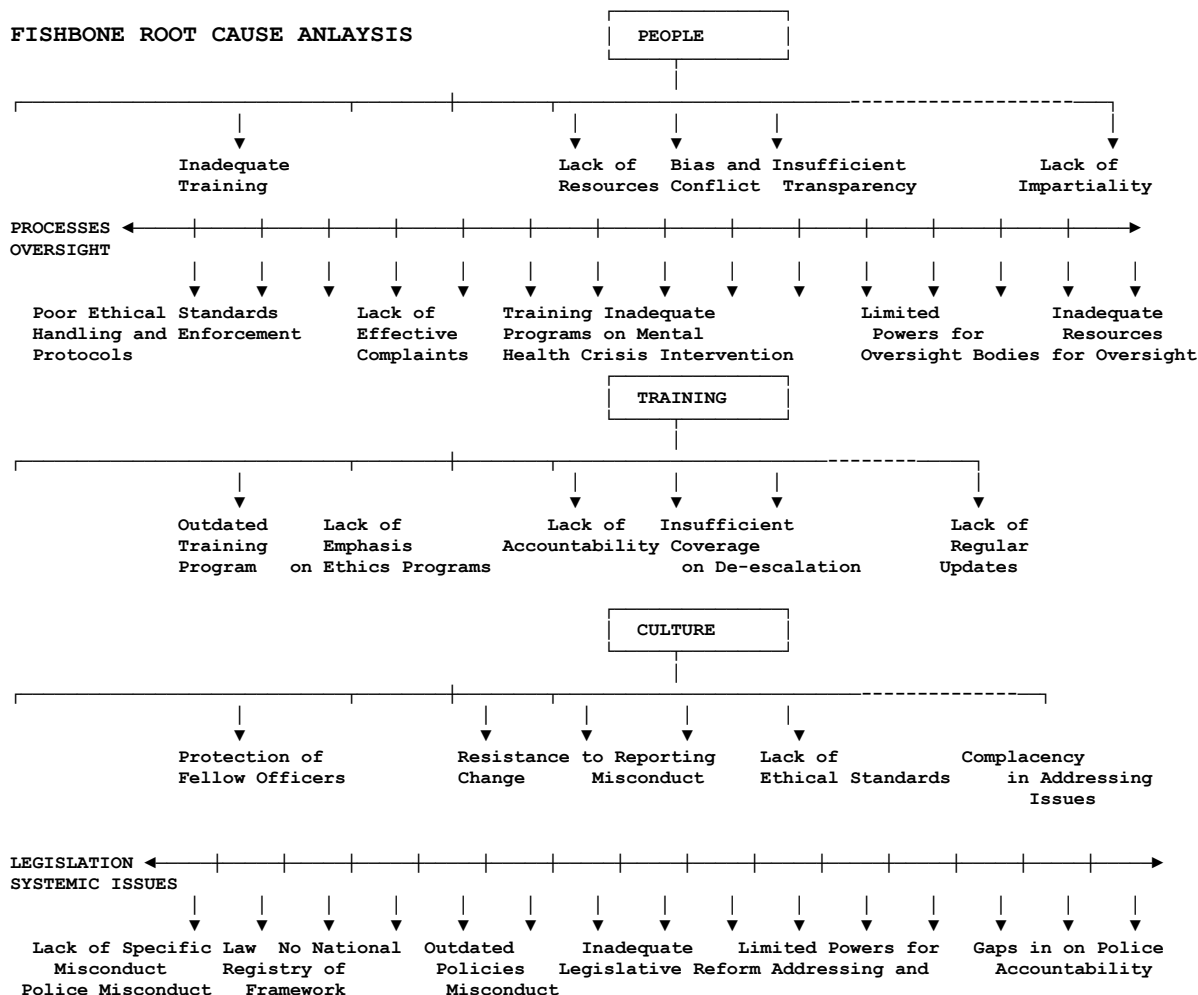
Problem Statement:

Significant issues of police misconduct, coercion, mishandling of mental health cases, and systemic problems within Victoria Police (VICPOL) have led to grievances, legal actions, and calls for reforms. These issues also reflect non-compliance with the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), with additional factors of wilful impunity and intentional ignorance to systemic problems contributing to the issues.

Major Categories:

1. **People**
2. **Processes**
3. **Training**
4. **Culture**
5. **Oversight**
6. **Legislation**
7. **Compliance with International Standards**
8. **Wilful Impunity and Intentional Ignorance**

FISHBONE ROOT CAUSE ANALYSIS



Date of document: 29/07/2024

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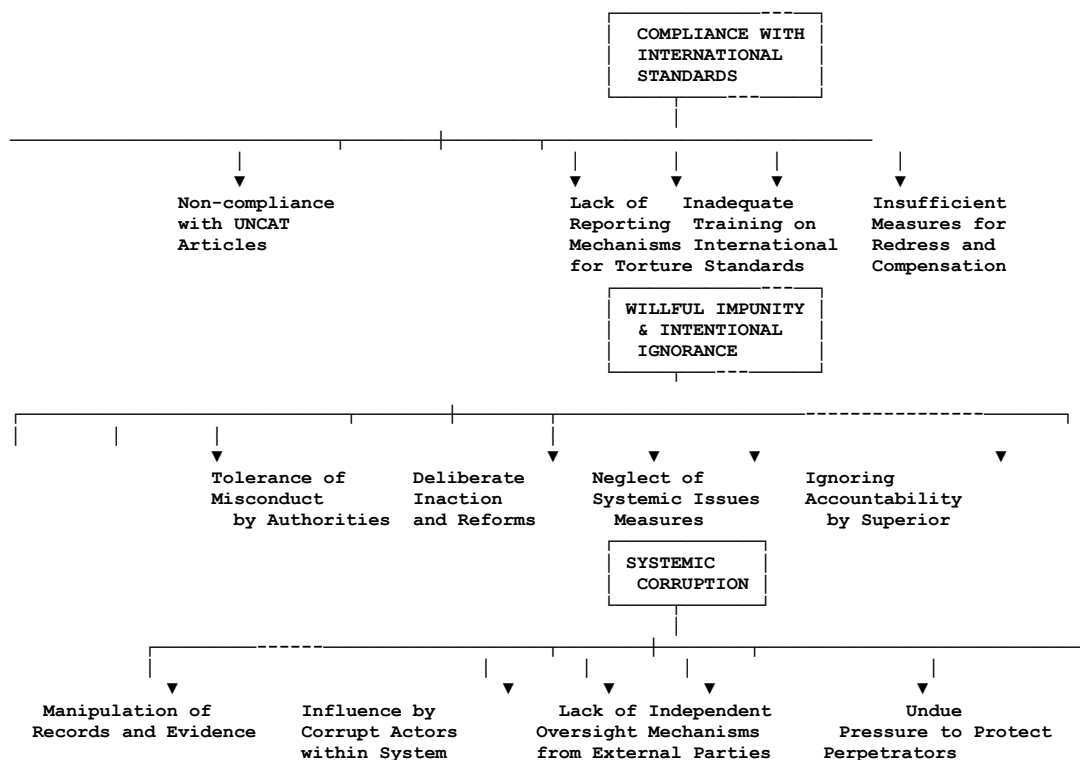
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Cultural and Systemic Issues

- **Culture of Silence and Complicity:** The environment within several institutions, including police and medical bodies, appears to foster a culture where misconduct and malpractice are not only tolerated but protected. This culture results in victims being further victimized and perpetrators shielded from accountability. Specific quotes from internal communications and case files illustrate this, such as a police officer dismissing a valid complaint due to perceived bias ("This mother is terrorising me").
- **Systemic Corruption:** Corruption within public institutions like the police, justice system, and healthcare is pervasive. Instances of falsified reports, ignored complaints, and biased investigations are rampant. The legal and systemic framework appears to support these corrupt practices, further entrenching a lack of accountability.

Legal Implications

- **International Convention Against Torture:** The treatment of Reece Storme Ferrara potentially violates multiple articles of the International Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Articles related to the prohibition of torture, the obligation to investigate and prosecute such acts, and the protection of victims have seemingly been disregarded.
- **Constitution Act of the Commonwealth of Australia:** The actions and omissions described can be seen as attempts to undermine the principles enshrined in the Constitution Act, particularly regarding the protection of individual rights and the rule of law. The continuous harassment, failure to act on complaints, and manipulation of legal processes directly contravene constitutional protections.

Treasonous Elements

- **Legal Definition of Treason:** Actions and omissions designed to undermine the constitutional framework of Australia, including the manipulation of legal processes and systemic corruption, can be considered treasonous. This includes knowingly protecting individuals who commit serious offenses against the state and its citizens and failing to report or act on such knowledge.
- **Historical and Comparative Analysis:** Historical cases of treason, such as those of Louis Riel and Julius and Ethel Rosenberg, demonstrate that actions undermining the state's fundamental principles are treated with utmost severity. The failure of Australian institutions to address these issues could be viewed through a similar lens, with implications for national security and the integrity of governance.

Advanced Legal Research and Application

Treason in the Context of Systemic Corruption

The legal concept of treason involves not only direct actions against the state but also complicity in actions that undermine its integrity. Systemic corruption and intentional ignorance of such practices can be seen as indirect attempts to overthrow constitutional order.

1. **Legal Framework:** Under Section 80.1 of the Criminal Code Act 1995 (Cth), treason includes acts of levying war against the Commonwealth, instigating non-citizens to invade, or assisting such acts. Complicity in systemic corruption that threatens the state's fundamental principles could be argued as falling under this scope.
2. **Case Application:** The actions and omissions in Reece Storme Ferrara's case illustrate a pattern where state actors, through corruption and bias, have undermined the rule of law. This could be interpreted as a form of indirect treason, as these practices weaken the state's constitutional integrity.

Fishbone Diagram

Fishbone Diagram: Root Cause Analysis of Treasonous Acts and Omissions

Key Elements and Integration

Main Cause: Treasonous Acts and Omissions

- **Actions:** Killing or harming representatives; levying war; instigating invasion.
- **Omissions:** Failing to report known plans for treason; systemic corruption; protection of perpetrators.

Effects:

- **Legal Repercussions:** Life imprisonment.
- **Historical Precedents:** Similar cases like Louis Riel, Julius and Ethel Rosenberg.
- **Défence Strategies:** Self-defence, duress, necessity.

Contributing Factors:

- **Political Climate:** Historical and current political contexts.
- **International Perspective:** Comparative analysis of international cases.

Systemic Issues:

- **Culture:** Silence and complicity within institutions.
- **Corruption:** Pervasive across police, justice, and healthcare systems.

Legal Framework:

- **Constitution Act:** Undermining constitutional protections and the rule of law.
- **International Convention Against Torture:** Violations through inaction and complicity.

Systemic Corruption and Misconduct

- **Culture of Wilful Impunity:**
 - **Observed:** Repeated failures to act on complaints and evidence of misconduct, illustrating a systemic tolerance for inappropriate behaviour.
 - **Expected:** Timely and impartial investigations and responses to allegations of misconduct, ensuring accountability.
 - **Legislation Cited:** Public Interest Disclosure Act 2013, which mandates protection for whistleblowers and thorough investigation of their claims.
- **Intentional Ignorance to Systemic Problems:**
 - **Observed:** Consistent disregard for evidence and testimonies that indicate deeper systemic issues.
 - **Expected:** Proactive identification and addressing of systemic issues, with regular audits and reviews to ensure compliance and integrity.
 - **Legislation Cited:** Independent Broad-based Anti-Corruption Commission Act 2011, establishing the IBAC's role in investigating and preventing corruption.

Torture and Cruel Treatment

- **Psychological Torture:**
 - **Observed:** Use of threats, manipulation, and denial of mental health support contributing to severe psychological distress.
 - **Expected:** Immediate mental health intervention and support in line with international human rights standards.
 - **Convention Cited:** International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 16, which prohibits acts of cruel, inhuman, or degrading treatment or punishment.
- **Physical Neglect and Abuse:**
 - **Observed:** Instances of physical neglect, such as withholding necessary medication and placing individuals in harmful conditions.
 - **Expected:** Provision of necessary medical care and humane treatment of all individuals in custody.
 - **Convention Cited:** International Convention Against Torture, Articles 2 and 10, requiring effective legislative, administrative, and judicial measures to prevent acts of torture.

Oversight Mechanisms

- **Weak Oversight:**
 - **Observed:** Ineffective oversight allowing misconduct to persist unchecked.
 - **Expected:** Robust oversight mechanisms with the power to investigate and act independently of the entities they oversee.

- **Legislation Cited:** Victorian Ombudsman Act 1973, empowering the Ombudsman to investigate administrative actions taken by government agencies.
- **Recommendations for Stricter Oversight:**
 - **Independent Review Panels:** Establish independent review panels for periodic audits of police and public sector conduct.
 - **Whistleblower Protection Enhancement:** Strengthen protections for whistleblowers to ensure their safety and encourage reporting of misconduct.
 - **Increased Transparency:** Mandate regular public reporting on investigations and outcomes related to public sector and police misconduct.

Comparisons and Contrasts

1. Handling of Complaints and Evidence:

- **What Happened:** Complaints and evidence were often ignored or inadequately addressed, leading to prolonged harm and lack of accountability.
- **What Should Have Happened:** Immediate, impartial investigations with timely responses and corrective actions taken as necessary.
- **Legislation Cited:** Public Interest Disclosure Act 2013.

2. Treatment of Individuals in Custody:

- **What Happened:** Individuals in custody faced neglect and abuse, both physical and psychological.
- **What Should Have Happened:** Provision of appropriate medical care and humane treatment, in line with international human rights standards.
- **Convention Cited:** International Convention Against Torture.

3. Judicial Integrity and Fairness:

- **What Happened:** Instances of judicial error influenced by misleading or incomplete information.
- **What Should Have Happened:** Accurate and complete disclosure of all relevant information to the judiciary, ensuring fair and just proceedings.
- **Legislation Cited:** Charter of Human Rights and Responsibilities Act 2009 (Vic).

Analysis of the Constitution Act of the Commonwealth of Australia

• Section 51(xxix) – External Affairs Power:

- **Application:** This section allows the Commonwealth to legislate on matters involving international treaties, such as the International Convention Against Torture.
- **Failure Observed:** Despite this power, insufficient legislation and enforcement at the state level have allowed torture and cruel treatment to persist.
- **Recommendation:** Harmonization of state laws with international human rights obligations, ensuring consistent and effective protection against torture and inhuman treatment.

1. **Torture and Inhumane Treatment:**

- **Article 1 (UNCAT) - Definition of Torture:**
 - "Numerous instances of physical and mental suffering inflicted by police officers suggest potential breaches of this article."
- **Article 16 (UNCAT) - Prevention of Other Cruel, Inhuman, or Degrading Treatment or Punishment:**
 - "Events indicating inhumane or degrading treatment suggest significant non-compliance with this article."

2. **Systemic Impunity:**

- **Article 2 (UNCAT) - Obligation to Prevent Torture:**
 - "The lack of effective measures to prevent such incidents and the recurrence of similar events highlights non-compliance with preventive obligations."
- **Article 4 (UNCAT) - Criminalization of Torture:**
 - "Despite the existence of legal frameworks, enforcement appears weak, with many instances of alleged torture not leading to appropriate criminal charges against the perpetrators."

3. **Inadequate Investigations:**

- **Article 12 (UNCAT) - Prompt and Impartial Investigation:**
 - "Delays and perceived biases in the investigation of complaints against police officers indicate a failure to meet the standards of prompt and impartial investigations."

4. **Retaliation Against Complainants:**

- **Article 13 (UNCAT) - Right to Complain and Protection of Complainants:**
 - "Instances where complainants faced intimidation or retaliation undermine the protection guarantees of this article."

5. **Lack of Redress and Compensation:**

- **Article 14 (UNCAT) - Right to Redress and Compensation:**
 - "Limited access to redress and compensation for victims of torture or inhumane treatment highlights gaps in compliance with this article."

Detailed Analysis of Statutes and Legal References:

1. **Public Interest Disclosure Standard 2013:**

- Provides guidelines for reporting misconduct and ensuring the protection of whistleblowers.
- **Quote:** "This standard aims to ensure that individuals who disclose wrongdoing can do so without fear of retribution."

2. **Public Prosecutions Act 1994 (Vic):**

- Establishes the office of the Director of Public Prosecutions and outlines procedures for prosecuting offenses.
- **Quote:** "The Director of Public Prosecutions is responsible for prosecuting serious criminal offenses and ensuring justice is served."

3. **Public Records Act 1973 (Vic):**

- Governs the management and preservation of public records, ensuring transparency and accountability.

- **Quote:** "Public records must be managed and preserved in accordance with established standards to maintain transparency and accountability."
- 4. **Victorian Charter of Human Rights and Responsibilities Act 2006:**
 - Protects the human rights of individuals in Victoria, including the right to protection from torture and cruel, inhuman, or degrading treatment.
 - **Quote:** "Every person has the right to protection from torture and cruel, inhuman, or degrading treatment."

Application of the Constitution Act of the Commonwealth of Australia:

Key Sections of the Constitution Act:

1. **Section 51 - Legislative Powers of the Parliament:**
 - Provides the Parliament with the power to make laws for the peace, order, and good government of the Commonwealth.
 - Relevant Subsections:
 - **(xxix) External Affairs:** Allows the Parliament to legislate on matters relating to Australia's international obligations, including those under UNCAT.
2. **Section 109 - Inconsistency of Laws:**
 - Provides that when a state law is inconsistent with a federal law, the federal law prevails.
 - **Implication:** Ensures that federal laws implementing international human rights standards take precedence over conflicting state laws.
3. **Section 75 - Original Jurisdiction of the High Court:**
 - Grants the High Court jurisdiction in matters arising under any treaty.
 - **Implication:** Enables the High Court to hear cases involving breaches of international human rights obligations, ensuring that Australia's international commitments are upheld.

Analysis:

The Constitution Act of the Commonwealth of Australia provides a robust framework for integrating international human rights obligations into domestic law. Sections 51(xxix) and 75 ensure that international treaties, such as UNCAT, can be effectively implemented and enforced within Australia. Additionally, Section 109 ensures that federal laws protecting human rights take precedence over conflicting state laws, thereby reinforcing the commitment to upholding international standards.

Comparison and Contrast of What Happened vs. What Should Have Happened:

1. **Torture and Inhumane Treatment:**
 - **What Happened:** Numerous instances of physical and mental suffering inflicted by police officers, often going unpunished.
 - **What Should Have Happened:** As per UNCAT Articles 1 and 16, there should have been clear policies and strict enforcement to prevent torture and inhumane treatment. Victims should have received protection and perpetrators prosecuted under criminal law.
2. **Systemic Impunity:**
 - **What Happened:** Lack of effective measures to prevent incidents of torture and recurrence of similar events.

- **What Should Have Happened:** UNCAT Article 2 mandates proactive measures to prevent torture. Authorities should have implemented comprehensive training and monitoring to ensure compliance and prevent recurrence.
- 3. **Inadequate Investigations:**
 - **What Happened:** Delays and biased investigations into complaints against police officers.
 - **What Should Have Happened:** UNCAT Article 12 requires prompt and impartial investigations. Authorities should have conducted timely and unbiased investigations, ensuring accountability and justice for victims.
- 4. **Retaliation Against Complainants:**
 - **What Happened:** Intimidation and retaliation against complainants, discouraging reporting of misconduct.
 - **What Should Have Happened:** UNCAT Article 13 guarantees the right to complain and protection for complainants. Systems should have been in place to protect whistleblowers and ensure their safety.
- 5. **Lack of Redress and Compensation:**
 - **What Happened:** Limited access to redress and compensation for victims of torture or inhumane treatment.
 - **What Should Have Happened:** UNCAT Article 14 mandates the right to redress and compensation. Victims should have been provided with adequate compensation and support services to aid their recovery.

Culture of Silence and Complicity

- **Institutional Complicity:** The environment within several institutions, including Victoria Police and healthcare bodies like AHPRA, promotes a culture where misconduct is tolerated and protected. For instance, the Victoria Police's handling of Reece Storme Ferrara's complaints reveals a systematic bias and neglect, as shown in the handling of family violence claims where police dismissed valid complaints due to perceived bias. This systemic issue is further highlighted by the failure of officers to act on credible threats and abuse, revealing a deeply entrenched culture of silence and complicity.

Systemic Corruption

- **Perpetuation of Corruption:** The actions of various public sector bodies, such as falsified reports, ignored complaints, and biased investigations, illustrate the extent of systemic corruption. For example, the handling of medical complaints by AHPRA, where reports were withheld and complaints dismissed without proper investigation, showcases a failure to uphold ethical standards. This systemic corruption undermines public trust and promotes an environment where justice is not served.

Legal Implications and Breaches

- **Violations of International Law:** The treatment of Reece Storme Ferrara, including harassment, failure to act on complaints, and manipulation of legal processes, potentially violates multiple articles of the International Convention Against Torture. Article 12 mandates that states must ensure prompt and impartial investigation wherever there is reasonable ground to believe that an act of torture has been

committed. The lack of action by authorities in Ferrara's case constitutes a breach of this obligation.

- **Constitutional Violations:** Actions that undermine constitutional protections, such as the right to a fair trial and protection from arbitrary interference, contravene the Constitution Act of the Commonwealth of Australia. The continuous harassment and legal manipulation faced by Ferrara demonstrate a disregard for these constitutional rights. Specifically, Section 80.1 of the Criminal Code Act 1995 (Cth) regarding treason can be interpreted to include systemic corruption that threatens the state's constitutional integrity.

Treasonous Elements

- **Complicity as Treason:** Systemic corruption and intentional ignorance of such practices can be construed as indirect attempts to undermine the constitutional order. The failure of institutions to address these issues adequately can be seen as treasonous actions against the state's principles, contributing to a weakened rule of law and governance structure.

Comparative Legal Framework

- **Historical Precedents:** Historical cases of treason, such as those involving Louis Riel and the Rosenbergs, demonstrate severe consequences for actions undermining state principles. The failure of Australian institutions to address systemic corruption and misconduct could be viewed through a similar lens, with significant implications for national security and governance integrity.

Advanced Legal Research on Treason

- **Legal Context of Treason:** Treason, as defined under Section 80.1 of the Criminal Code Act 1995 (Cth), includes acts aimed at overthrowing the government. By failing to address systemic corruption and protect constitutional rights, public officials and institutions could be seen as engaging in acts that indirectly threaten the government's integrity and stability.

Ensuring Justice to Protect the Rule of Law

Conclusion: The Imperative of Justice

Ensuring justice in this case is not just about addressing individual grievances but about upholding the rule of law and maintaining public trust in legal and governmental institutions. The systemic issues identified reveal a broader pattern of neglect and complicity that threatens the very foundations of justice and democracy.

Justice must be done to:

- **Restore Public Trust:** Addressing these issues openly and transparently will help restore faith in public institutions.
- **Uphold Constitutional Values:** Protecting constitutional rights and ensuring they are not undermined by systemic corruption is crucial for the integrity of governance.
- **Prevent Future Injustices:** Implementing stricter oversight mechanisms and reforms will help prevent future cases of misconduct and ensure that all individuals receive fair treatment under the law.

The pursuit of justice in this case serves as a powerful reminder of the importance of the rule of law and the need for continuous vigilance to protect it against all forms of corruption and misconduct

**AB (a pseudonym) v CD (a pseudonym)
EF (a pseudonym) v CD (a pseudonym)
[2018] HCA 58
5 November 2018
M73/2018 & M74/2018**

At [10]

*“Here the situation is very different, if not unique, and it is greatly to be hoped that it will never be repeated. EF's actions in purporting to act as counsel for the Convicted Persons while covertly informing against them were **fundamental and appalling breaches of EF's obligations as counsel to her clients and of EF's duties to the court. Likewise, Victoria Police were guilty of reprehensible conduct in knowingly encouraging EF to do as she did and were involved in sanctioning atrocious breaches of the sworn duty of every police officer to discharge all duties imposed on them faithfully and according to law without favour or affection, malice or ill-will.***

*As a result, the prosecution of each Convicted Person was corrupted in a manner which debased fundamental premises of the criminal justice system. It follows, as Ginnane J and the Court of Appeal held, that the public interest favouring disclosure is compelling: the maintenance of the integrity of the criminal justice system demands that the information be disclosed and that the propriety of each Convicted Person's conviction be re-examined in light of the information. **The public interest in preserving EF's anonymity must be subordinated to the integrity of the criminal justice system.**”*