The National Legal Eagle

Volume 15
Issue 2 *Spring 2009*

Article 4

2009

Understanding the Dennis Ferguson debate: Part 2

Jodie O'Leary
Bond University, jooleary@bond.edu.au

Follow this and additional works at: http://epublications.bond.edu.au/nle

Recommended Citation
O'Leary, Jodie (2009) "Understanding the Dennis Ferguson debate: Part 2," *The National Legal Eagle*: Vol. 15: Iss. 2, Article 4.
Available at: http://epublications.bond.edu.au/nle/vol15/iss2/4

This Journal Article is brought to you by the Faculty of Law at ePublications@bond. It has been accepted for inclusion in The National Legal Eagle by an authorized administrator of ePublications@bond. For more information, please contact Bond University's Repository Coordinator.

Understanding the Dennis Ferguson Debate: Part Two

Assistant Professor Jodie O'Leary Faculty of Law Bond University

Recently I received a cause invitation from an old school friend on Facebook. The cause was to support micro-chipping of all paedophiles. I rejected that invitation. All I could think of was the microchip embedded in my Labrador. The way I understand that chip to work is that if someone finds my dog wandering the streets they can take him to a vet or the RSPCA who will then scan the chip and return him to me. The obvious question seemed to be: how would such a measure help protect children? After all, protection of children is the goal articulated in the mission statement of this cause.[1]

Preliminary investigation revealed that the type of chip anticipated to be implanted in paedophiles is not the same as those in animals. It is a satellite-tracking device that would be used to monitor the person's movements. It is suggested that the implantation would occur before the offender is released from prison, and their release would be conditional upon their consent to the implantation.[2] This type of, effectively mandatory, intrusion (not yet debated in Australia) appeared to teeter on the edge of a very slippery slope towards eroding basic civil liberties. Reminiscent of an Orwellian 'Big Brother' concept it seemed more at home in the science-fiction movie genre, like 'Minority Report', than as a present day solution to address recidivist tendencies of sex offenders.

Nevertheless, protection of the community is articulated as a sentencing purpose in the legislation of most Australian states.[3] It is particularly important when the offending is against vulnerable members of the community, such as children.[4]

It is this tension, between protecting the rights of those accused of heinous crimes and protecting members of the community from those who commit such crimes, which is highlighted in the Dennis Ferguson debate.

We started the discussion about the Dennis Ferguson debate in the Spring edition of Legal Eagle last year. As promised, this article expands on that discussion, noting the outcome of Dennis Ferguson's matter and its implications for the future. It clarifies the law in areas that have been raised in the media in relation to dealing with convicted sex offenders, particularly around sentencing and other measures employed to protect the community.

The High Court's decision

Readers of the first part of this article will recall that District Court Judge Botting granted a stay of proceedings out of concern that Dennis Ferguson could not receive a fair trial following significant pre-trial publicity. The Queensland Court of Appeal then set aside that stay. Ferguson's lawyers subsequently applied for special leave to appeal in the High Court.

The right to appeal to the High Court is not automatic. The conditions that need to be fulfilled, before an appeal will be considered, frame the nature of appeals in that Court differently to those in State appellate courts. The High Court will not grant leave to appeal simply because it considers that a particular State's Court of Appeal made the wrong decision. Instead the appellant must demonstrate that the appeal grounds relate to a question of law of public importance or that it is necessary to resolve conflicting opinions as to the state of the law and further that it is in the interests of justice for the High Court to hear the matter.[5]

The High Court, in refusing Ferguson special leave to appeal, stressed 'the need to avoid fragmentation of the processes of criminal justice that follow from appeals against interlocutory decisions' and so found that 'questions about review of the exercise of discretion [whether to grant a stay] raise no point suitable to a grant of special leave.'[6]

As such, the Court of Appeal's order stood. The District Court's decision to grant a permanent stay was set aside and Ferguson faced the prospect of a trial in the District Court earlier this year.

Trial by judge alone

Meanwhile, subsequent to the Court of Appeal's decision, the Queensland government announced their intention to introduce legislative provisions allowing for trials by judge alone in some circumstances.[7] These provisions were incorporated into the *Criminal Code*. Section 615(4) provides some specific reference as to when these orders may be made, including if 'there has been significant pre-trial publicity that may affect jury deliberations.'[8] The court can make these orders if it is in the 'interests of justice to do so.'[9] However the legislation anticipates that a no jury order may be refused if the issues at trial would require 'the application of objective community standards.'[10]

Ferguson's lawyers made use of these new provisions prior to his trial, applying for a no jury order along with making their third application for a permanent stay of proceedings. Unsurprisingly, given the Court of Appeal's approach, Judge Robin felt compelled to refuse the permanent stay.[11] However his Honour did make a no jury order, noting that this was an 'important avenue for assuring that an accused person can, by resort to that mode, get a fair trial which may arguably not be available before a jury.'[12]

The Chief Judge of the District Court was allocated to preside over Ferguson's trial. On 6 March 2009, Wolfe CJ delivered a verdict of not guilty. She found the Crown could not prove their case beyond a reasonable doubt.[13] As anticipated in Part One of this article, this matter has come full circle with Ferguson free again. And as expected, given that his release came at the hands of a judge alone, some members of the community are dissatisfied. The following comments are illustrative:

> This is a perfect example as to why we should NEVER have a judge only trial.... This make [sic] no sense to me! They had been shown a video interview of the girl who stated Ferguson was the one that touched her, now he has been found not guilty![14]

> WOW – Big shock the courts let him go. I doubt anyone

Published by ePublications@bond, 2009

will be surprised. Such a waste of space and money are our courts and justice system.[15]

Civil libertarians however may imply that the finding in Ferguson's case represents an achievement demonstrative of respect for the rule of law in Queensland. It might be thought that the blindfolded statue of Lady Justice located in the Queensland District and Supreme Court Precinct in Brisbane City is not merely symbolic of the idea that everyone deserves equal treatment before the law; it has been confirmed in reality.

However other community members perceive that Lady Justice's scales have tipped too far in favour of the accused (and presumably others like him). They instead advocate a different approach. In a 'Have Your Say' section appearing after a story entitled 'Notorious pedophile [sic] Dennis Ferguson not guilty of sexual assault', this suggestion, by Sarah of Melbourne, appeared:

> Lock this disgusting freak show up!! Whether or not he did it to this girl, he's a convicted pedophile [sic] and deserves to be behind bars forever lest he hurt another innocent child. It is disgusting that he can roam free.[16]

And another respondent promoted castration as an alternative solution to protect the community from child molesters.[17]

So what legal measures are available to deal with those convicted of sex offences against children? The focus in the following section of this article will remain with Queensland, as this is the jurisdiction in which the debate has raged with renewed vigour in recent times.

Sentencing options

When a judge passes sentence he or she is providing a punitive sanction following a finding of guilt. While the *Criminal Code* generally stipulates the maximum penalty possible for each offence, this is not prescriptive. The judge usually retains the discretion to choose the appropriate type of penalty and its length (restricted only by the upper limit). In exercising that discretion the judge is guided by legislation and Common Law. In Queensland the various sentencing options, purposes and factors the court can take into account are stipulated in the *Penalties and Sentences Act 1992* (Qld).

One of the most important sentencing principles is proportionality. This requires that the punishment reflect the gravity of the crime.[18] To award the maximum penalty the conduct of the accused must be within the category of worst cases for that particular offence.[19] The mere risk that an offender may reoffend upon release cannot be used as justification to increase a sentence beyond that which is proportionate.[20]

Yet, in reflecting on the appropriate sentence, the court can take an accused's criminal history into account.[21] This is an often misunderstood aspect of sentencing. A distinction is drawn between the usual prohibition against admitting an accused's criminal history in a trial setting (where an accused is deemed innocent until proven guilty) and the situation at sentence, where guilt has already been admitted or proven.

As mentioned in Part One of this article, it would seem that the Judge who sentenced Ferguson in 1988 took into account his previous convictions. It certainly could not be said that the penalty handed down to Ferguson, of fourteen years imprisonment, was a light one.[22]

Any paedophile facing a court now is facing a higher maximum penalty for their offence.[23] Further, the need to protect the community is now given greater weight in sentencing offenders for this type of conduct, and the principle that imprisonment is a last resort does not apply.[24]

The 1997 amendments to the *Penalties and Sentences Act 1992* (Qld) also introduced the possibility of serious violent offence declarations in certain circumstances. Such a declaration may be available to a court sentencing an offender for the charge of indecent treatment of a child if it proceeded upon indictment.[25] The declaration is at the court's discretion if the sentence imposed involves imprisonment more than five but less than ten years.[26] The declaration is mandatory if the sentence of imprisonment ordered is greater than ten years.[27] The impact of the serious violent offence declaration is that a prisoner is not eligible to apply for parole as early. Eligibility for parole though does not guarantee early release from prison. The parole board assesses the prisoner's suitability for parole and may grant or refuse an application for parole. Usually a prisoner is eligible for parole after serving half of their term of imprisonment.[28] However, if a prisoner is serving a term of imprisonment for a serious violent offence, they only become eligible after serving eighty percent.[29] This means that if Dennis Ferguson was to be sentenced today as he was in 1988, he would only be eligible for parole after he had served just over eleven of his fourteen year term. However, it must be remembered that such a provision would have made little difference to Dennis Ferguson's case as he was never granted parole. Instead he was required to serve the entire term of fourteen years imprisonment.

Generally, the length of a sentence is certain. That is, once someone like Dennis Ferguson has served the total period of imprisonment ordered, the sentence is complete and they must be released. This outcome is considered by some to be unsatisfactory.[30] Those people suggest that such offenders need to be locked up forever. The Court in this instance did not have the power to order life imprisonment (as the maximum penalty outlined by legislation is less). But the Court could have sentenced Dennis Ferguson to an indefinite sentence under the *Criminal Law Amendment Act 1945* (Qld).[31] The Courier Mail reported that the sentencing Judge was aware of this provision yet it was not clear why it was not used.[32] An indefinite sentence can be ordered if two or more psychiatrists agree that the offender is incapable of controlling their sexual instincts. Once a judge is satisfied of this they can order an offender to be held at 'Her Majesty's Pleasure.'[33] As such, there is no set term of imprisonment and in theory it can be ongoing. Nevertheless, even this type of order requires quarterly psychiatric review to determine whether the offender is fit to be at liberty.[34] Once a positive assessment of fitness is determined the offender will be released. The uncertainty of this type of order though is one of the main criticisms it garners. It is this uncertainty and its subsequent contravention of the principle of proportionality that led the High Court of Australia in the case of *Buckley v R* (2006) 224 ALR 416 to note that such an order is exceptional. Quoting Hayne J in *Moffatt*,[35] the Court said that the power to order it was 'one "to be sparingly exercised, and then only in clear cases." '[36]

A recent report, endorsed by the Queensland government, again identified the tensions between protecting the community and protecting the rights of the accused. It noted that:

> The community is understandably concerned about the risk posed by those offenders who are considered to be dangerous…[and] [t]he Government is committed to doing all it can to minimise risk to community safety.[37]

Despite this, it also stressed the need for protective measures to consider fundamental criminal justice principles and the constitutional and legal limitations against offenders being detained 'indefinitely in the absence of substantial procedural safeguards.'[38] This report described other protective measures available in Queensland (including the registration of sex offenders under the *Child Protection (Offender Reporting) Act 2004* (Qld)) and was mostly concerned with reviewing the legislation that heralded new ground as a measure for community protection efforts, the *Dangerous Prisoners (Sexual Offenders Act) 2003*.[39]

Registration

As described in Part One of this article, upon release from his fourteen year term of imprisonment that began in 1988, Dennis Ferguson was found to pose a substantial risk of re-offending and so he was required to submit to reporting conditions for a further fifteen years.[40] The legislation prescribing such reporting now is the *Child Protection (Offender Reporting) Act 2004* (Qld). That legislation 'requires particular offenders who commit sexual or other serious offences against children to keep police informed of their whereabouts and certain other personal details.'[41] This register though is not normally disclosed to the general public.

Proponents for an open register would suggest that this would provide the greatest level of community protection, as those living in the vicinity of the residence or workplace of a convicted sex offender could take precautionary measures.[42] Opponents though point out that an offender's right to privacy is infringed.[43] Also, there is a concern that some members of the community may misuse such information, taking the law into their own hands.[44] As Pawson expresses, it may 'lead to vigilantism rather than vigilance.'[45] The hordes of people protesting at Dennis Ferguson's residence when it became known, some with burning effigies and hangman's nooses, confirm the validity of this concern.

In the United States of America convicted sex offenders are subjected to community notification and registration laws. These are known as Megan's Law, named after a child victim of rape and murder committed by a paroled sex offender who lived across the street.[46] As with the Queensland legislation, offenders are required to register their details. However, the main difference is that, dependent on the state, this information is available to the general public. For example, in some states there is an ability to search an online database.[47]

The 2008 report by a Queensland government Inter-departmental working group entitled 'A New Public Protection Model for the Management of High Risk Sexual and Violent Offenders' was critical of the American system. The report noted that:

> A significant proportion of offenders do not register their location with police to avoid publication of those details. Other offenders register as homeless which may be because they do not wish to place their address on a public register. The strategy of maintaining a public register is not considered an effective strategy to reduce the risk posed by sexual offenders to the community.[48]

In addition, research examining the effect of Megan's law over time has not been promising. A New Jersey study found that Megan's law had no effect on the number of victims of sexual offending and had no demonstrable effect on the rate of reoffending.[49] Combined with the fact that, in Queensland, some controlled disclosure is already provided to those who reside in the community where it is envisaged that an offender, subject to a dangerous prisoner supervision order, may reside,[50] it is not surprising that the Queensland government prefers the status quo.

Dangerous Prisoner Orders

In the debate following the second reading speech of the Dangerous Prisoners (Sexual Offenders) Bill, Dennis Ferguson was provided as an example. It was explained to the house that his demonstrated lack of remorse and failure to undertake rehabilitation, combined with the law's inability to keep him detained, led to community outrage.[51] There was overwhelming parliamentary support for this legislation that would act to protect the community from such offenders. The introduction of the legislation in 2003 was too late to impact upon Dennis Ferguson (as long as he remained offence free). But it is available to apply to other serious sex offenders.[52]

It must be stressed that one of the objects of the legislation is protection of the community.[53] This purpose was raised in the High Court's determination that the legislation was constitutionally valid.[54] The legislation allows the court to order, shortly before release, the continued detention of an offender, or to make their release conditional upon being subject to a supervision order.[55] As such, these orders do not form part of the original sentence.

Some of the objections to this legislation mirror those relating to the imposition of indefinite sentences.[56] In addition, it has been argued that the legislation subjects a person to double punishment.[57]

The continuing detention order has been the most controversial as it allows detention 'after the prisoner would otherwise have been released by effluxion of his finite sentence.'[58] This measure, contemplated by blogger Sarah of Melbourne,[59] appears to be an obvious breach of the offender's right to personal liberty and arguably uses prison for a non-punitive purpose. Certainly it has been written that Kirby J (who was in the minority in *Fardon*) expressed that the extremity of the legislation was 'reminiscent of laws passed by the Nazi Government in Germany in the 1930s in which the estimated character of a person was punished rather than the proven facts of a crime.'[60]

But the supervision order may also provide a vehicle for attaching other unusual conditions to ensure protection for the community and to provide for the offender's rehabilitation.[61] Recently, electronic monitoring or curfew conditions have become a matter of course as part of these orders.[62] It does not seem to be a huge leap to require a prisoner to consent to the implantation of a tracking device, as opposed to simply wearing one. Although it must be queried what value such a device would have over the currently available options and it should be remembered that 'while the use of electronic monitoring can enhance the compliance of the offender with his supervision order conditions it cannot prevent re-offending from occurring.'[63] Lastly, while the physical castration contemplated by some members of the community is not likely to eventuate,

Published by ePublications@bond, 2009

chemical castration (or the use of anti-libidinal treatment) is already occurring, albeit in a purely consensual manner and not with the intervention of the Queensland Corrective Services.[64] Even though these measures are currently only framed as consensual, the reliability of that consent is dubious given the alternative of remaining in prison on a continuing detention order.

Conclusion

The publicity surrounding Dennis Ferguson's case recently revived the debate as to the appropriate measures that should be employed in both trying and sentencing sex offenders. The rights of offenders and the need for equality before the law were vocalised on one side, and the right of the community to be protected from harm was advocated on the other. This article has gone some way to clarifying some of the misconceptions promulgated in the debate, particularly by describing how the law (specifically in Queensland) attempts to accommodate both sides as much as possible. You can decide for yourself whether the Queensland Government has achieved this goal.

References

1 See *Campaign to have satellite tracking chip inserted in all Paedophiles* < http : / / www . facebook . com / group . php ? gid = 75947965624> at 29 July 2009.
2 See <http://childsafetyfirst.webs.com/missionstatementfaq.htm> at 29 July 2009.
3 See, for example, *Penalties and Sentences Act 1992* (QLD) s 9(1)(e) and *Crimes (Sentencing Procedure) Act 1999* (NSW) s 3A(c).
4 See, for example, *Penalties and Sentences Act 1992* (QLD) s 9(6)(d).
5 *Judiciary Act 1903* (Cth) s 35A.
6 *Ferguson v The Queen* [2009] HCATrans 016, 6. There were two other grounds of appeal raised (that are beyond the scope of this article). They were also unsuccessful.
7 Premier Anna Bligh and Attorney-General Kerry Shine, 'Premier Announces Significant New Law Reforms' (Press Release, 18 August 2008) <http://www.cabinet.qld.gov.au/mms/StatementDisplaySingle.aspx?id=59747> at 15 August 2009.
8 *Criminal Code 1899* (Qld) s 615(4)(c).
9 *Criminal Code 1899* (Qld) s 615(1).
10 *Criminal Code 1899* (Qld) s 615(5).
11 *R v Ferguson* [2009] QDC 158 (Unreported, Robin J, 23 February 2009) 4.
12 Ibid 7.
13 *R v Ferguson* [2009] QDC 049 (Unreported, Wolfe CJ, 6 March 2009) [64].
14 *Posted by: Annoyed of Melbourne 1:36pm March 06, 2009* <http://www.news.com.au/heraldsun/story/0,21985,25147471-661,00.html> at 23 July 2009.
15 *Posted by: Paul of Brisbane CBD 11:23am March 06, 2009*, <http://www.news.com.au/couriermail/comments/0,23836,25146861-952,00.html> at 23 August 2009.
16 *Posted by: Sarah of Melb 1:40pm March 06, 2009* <http://www.news.com.au/heraldsun/story/0,21985,25147471-661,00.html> at 23 July 2009.
17 See *Comment 7 of 132 posted by: timex of Mooloolaba 11:32am March 06, 2009* <http://www.news.com.au/couriermail/comments/0,23836,25146861-952,00.html> at 23 August 2009.
18 *Veen v R* (No 2) (1988) 164 CLR 465.
19 Ibid.
20 Ibid.
21 See, for example, the *Penalties and Sentences Act 1992* (Qld) s 9(2)(f) which allows the court to take an offender's character into account. Section 11 then states that in determining character the court can look to previous convictions.
22 The maximum penalty (as outlined in the *Criminal Code 1899* (Qld) s 210) provided for indecent treatment of a child under 12 at that time was 10 years imprisonment so it would seem that the Judge at least made some portion of Ferguson's sentence cumulative.
23 The *Criminal Law Amendment Act 1997* (Qld) increased the maximum penalty for indecent treatment of children under 12 from ten to twenty years.
24 See *Penalties and Sentences Act 1992* (Qld) ss 9(5) and 9(6)(d) which took effect by virtue of the *Sexual Offences (Protection of Children) Amendment Act 2003* (Qld).
25 As it is an offence within the Schedule of the *Penalties and Sentences Act 1992* (Qld).
26 *Penalties and Sentences Act 1992* (Qld) ss 161A(b) and 161B(3).
27 *Penalties and Sentences Act 1992* (Qld) s 161A(a).
28 *Corrective Services Act 2006* (Qld) s 184.
29 Or 15 years, whichever is the lesser: *Corrective Services Act 2006* (Qld) s 182.
30 See, for example, above n 16.
31 *Criminal Law Amendment Act 1945* (Qld) s 18.
32 Wayne Smith, 'Perversion of the law – background to the Dennis Ferguson case' *The Courier Mail* (Brisbane), 11 January 2003.
33 *Criminal Law Amendment Act 1945* (Qld) s 18(3).
34 *Criminal Law Amendment Act 1945* (Qld) s 18(6A).
35 [1998] 2 VR 229, 225.
36 *Buckley v R* (2006) 224 ALR 416, [44]. Note that this case refers to the indefinite sentence option available under the *Penalties and Sentences Act 1992* (Qld) s 163 rather than that under the *Criminal Law Amendment Act 1945* (Qld) s 18, however the principles are arguably the same.
37 *A New Public Protection Model for the Management of High Risk Sexual Offenders and Violent Offenders*, Queensland Government, June 2008, 7-8.
38 Ibid 8.
39 Above n 37, 10: 'Queensland was the first State in Australia to successfully introduce legislation…allowing the continued detention and supervision of offenders beyond the expiration of their sentence.'
40 *Director of Public Prosecution v Dennis Raymond Ferguson* [2003] QSC 1 (Unreported, Mackenzie J, 8 January 2003) 5.
41 Above n 37, 23.
42 This is the premise of Megan's Law: Kristen Zgoba, Philip Witt, Melissa Dalessandro and Bonita Veysey, 'Megan's Law: Assessing the Practical and Monetary Efficacy' *Report of the Research and Evaluation Unit, Office of Policy and Planning, New Jersey Department of Corrections*, December 2008.
43 Alexander Brooks, 'Megan's Law, Constitutionality and Policy' (1996) 15 *Criminal Justice Ethics* 56.
44 This has been noted anecdotally in the United States of America: see ibid and Anthony and Carolyn Petrosino, 'The Public Safety Potential of Megan's Law in Massachusetts: An Assessment from a Sample of Criminal Psychopaths' (1999) 45 *Crime and Delinquency* 140, 142.
45 Ray Pawson, 'Does Megan's Law Work? A Theory-Driven Systematic Review' (Working Paper No 8, ESRC UK Center for Evidence Based Policy and Practice, Queen Mary, University of London, 2002) 41.
46 Petrosino, above n 44, 140.
47 Above n 37, 22.
48 Above n 37, 23.
49 Zgoba et al, above n 42, 2.
50 Above n 37, 22.
51 Queensland, *Parliamentary Debates*, House of Representatives, 4 June 2003, 2571 (Ms Nolan, Ipswich – ALP).
52 *Dangerous Prisoners (Sexual Offenders Act) 2003* (Qld) s 5(6).
53 *Dangerous Prisoners (Sexual Offenders Act) 2003* (Qld) s 3(a).
54 *Fardon v Attorney-General* (Qld) (2004) 210 CLR 50.
55 *Dangerous Prisoners (Sexual Offenders Act) 2003* (Qld) s 13(5).
56 See, for example, Patrick Keyzer, Cathy Pereira and Stephen Southwood, 'Pre-emptive Imprisonment for Dangerousness in Queensland under the *Dangerous Prisoners (Sexual Offenders) Act 2003*: The Constitutional Issues' (2004) 11 *Psychiatry, Psychology and Law* 244.
57 See, for example, Patrick Keyzer and Sam Blay, 'Double Punishment? Preventive Detention Schemes under Australian Legislation and their Consistency with International law: The Fardon Communication' (2006) 7 *Melbourne Journal of International Law* 407.
58 *Attorney-General for Queensland v Francis* (2005) 158 A Crim R 399, [33].

http://epublications.bond.edu.au/nle/vol15/iss2/4 4

[59] See above n 16.
[60] Anthony Gray, 'Preventive Detention Laws: High Court validates Queensland's Dangerous Prisoners Act 2003' (2005) 30 *Alternative Law Journal* 75, 77.
[61] *Dangerous Prisoners (Sexual Offenders Act) 2003* (Qld) s 16(2).
[62] *Dangerous Prisoners (Sexual Offenders Act) 2003* (Qld) ss 16(1)(da) and 16A.
[63] Above n 37, 21.
[64] Above n 37, 21.

Topic for discussion and further research:

Some states in the United States of America have legislated against the non-consensual micro-chipping of humans. Such legislation however would not prevent a government from legislating for convicted sex offenders to consent to the implantation of a tracking device to secure their release from prison. It was reported at the United States Supreme Court confirmation hearing of Justice John Roberts that Senator Joseph Biden said: 'Can a microscopic tag be implanted in a person's body to track his every movement? There's actual discussion about that. You will rule on that — mark my words — before your tenure is over.'

If the United States Court is asked to determine whether micro-chipping of paedophiles is legal, what arguments do you foresee will be made for and against?

See Elaine M Ramesh, 'Time Enough? Consequences of Human Microchip Implantation' (1997) 8 Franklin Pierce Law Centre available at <http://www.piercelaw.edu/risk/vol8/fall/ramesh.htm>.

Would there be any differences in the arguments made if the issue was raised in the High Court of Australia?

Published by ePublications@bond, 2009