

**keywords:** **Coles Culture**; staff despise customers; leads to lies, cover-up, criminal perjury; details known to **Coles** Snr Management; **Coles** had full details of criminality; **Coles** aware innocent man prosecuted by police; **Coles** criminal staff member terminated with **Coles**; **Coles** concealed what they knew;

magistrates; improper use Penalties and Sentences Act [PSA]; improves police conviction rates; magistrate deceives defendant; no hearing; Defendant told discharged absolutely no conviction recorded; police and DPP count as conviction; prevents disclosure of evidence of impropriety by police and public servants;



*Display of Coles Culture of Staff-customer relations.*

*HAIGPHOTO*

# **Coles** salute to the **World**

**Pages 5 and 6 of the most recent issue #200703 of Australian Criminal Law Journal [ACLJ], discusses what result from this culture of disgust with customers, when Linda Maree Wease, a published Australian Corporations previous Coles Manager of this Law Journal ISSN 1321-747X**

# Qld Magistrates fiddle the records

## Penalties and Sentences Act 1992 [PSA]

### 19 Order of court

(1) The court may make an order—

(a) releasing the offender absolutely; or

(b) that the offender be released if the offender enters into a recognisance, with or without sureties, in such amount as the court considers appropriate, on the conditions that the offender must—

(i) be of good behaviour; and

(ii) appear for conviction and sentence if called on at any time during such period (not longer than 3

years) as is stated in the order.

(2) In making an order under subsection (1)(b), the court may impose any additional conditions that it considers appropriate.

(2A) Without limiting subsection (2), the court may impose a condition that the offender must attend a drug assessment and education session by a stated date (a *drug diversion condition*) if—

(a) the court is a drug diversion court; and

(b) the offender is an eligible drug offender; and

(c) the offender consents to attending a drug assessment and education session.

(3) If a court makes an order under subsection (1), the court may also make any other order for payment of compensation or restitution that the court could have made had the offender been convicted.

**Magistrates in the Brisbane Magistrates Court are improperly using the Penalties and Sentences Act 1992 to aid Police gain higher convictions rates. When defendants are unrepresented, and clearly will win their case, but before the hearing has begun, Magistrates purport to dismiss the charge absolutely, under section 19 of the Penalties and Sentences Act 1992 [PSA], with no conviction recorded, rather than hear the case and the defendant's witnesses. The police can then claim this as a conviction. This is happening at present in Queensland. The unchallengeable proof appears below. The "favoured" police then gain promotion on the back of their higher "conviction" rate.**

**One extra reason the Magistrates may do this is that the evidence to be called is likely to cause embarrassment all round through the publication of proof of illegal or even criminal conduct by the "friends of the Court" [police and public authorities like public sector parasites in the Brisbane City Council [BCC]].**

**This is highly unethical and a fraud on the Queensland population and tax-payers. It is made to appear that the Police and the courts are being more effective with crime. Is the flip side of this "negative" corruption, "positive" corruption by the Queensland Beattie Government and its instrumentalities, like the the Supreme Court of Queensland [SCQ], the District Court of Queensland [DCQ], The Crime and Misconduct Commission [CMC], the Legal Services Commission [LSC], and the Office of the Information Commissioner [OIC]. The Beattie and other labor governments have appointed by far the majority judges and commissioners, and the present Queensland Governor, Quentin Bryce.**

**The Police and Queensland DPP are quite happy to go along with this "absolute dismissal" per Section 19, albeit it corrupt, simply because it makes their job easier and they gain a "WIN". Usually, the unrepresented defendant, is happy because he**

is released without a conviction recorded, which means to most they believe that they are not convicted and free to go. Of course, they are not informed that they are “convicted” of the offence: that is that the charge is proved. They generally, have no more to do.

Of course, all charges finalized this way, cannot be seen to exist, and in fact are a

fiction. In legal parlance, that are *ultra vires ab initio* [beyond the power of court, and so do not stand, from the very beginning, when the “conviction” was recorded]. The Criminal convictions cannot stand. It is an anathema to Natural Justice, aka Due Process, a basic tenet of administration of justice and our legal system. People have been denied a hearing yet convicted. It is wrong, so why is it occurring?

### 3 Purposes

The purposes of this Act include—

- (a) collecting into a single Act general powers of courts to sentence offenders; and
- (b) providing for a sufficient range of sentences for the appropriate punishment and rehabilitation of offenders, ...

As section 3 of the Penalties and Sentences Act 1992 titled “Purposes”, makes clear, this statute is about sentencing “offenders”. The person charged with the criminal act, is called the defendant when charged, and throughout the court hearing. It would be prejudicial to refer to him as

the offender before a finding of guilt had been made or a guilty plea accepted by the court. This statute, the PSA, cannot be used to deal with the procedure to follow in dealing with a court charge. It can definitely not be used to dispense with a hearing, unless a guilty pleas has been made, and accepted by the court.

The police advise in that regard found guilty on a ‘Public Nuisance’ charge and discharged absolutely with no conviction recorded. I am advised no adverse comments were made by the magistrate in relation to the actions of police.

*Excerpt of letter from Police Minister Judy Spence dated 23 January, 2007 and exhibited Page 8 of ACLJ #200703 published 26 March, 2007.*

The situation related in the case to which this letter referred, is precisely the situation described above. The police are claiming a conviction. The police officer has already been promoted. As stated in ACLJ #200703 published 26 March, 2007:

“In Court, the disabled guy appeared and had subpoenaed a number of witnesses. The Magistrate was named Ehrich. He did not wish to hear the matter. He could tell that there was no substance to the charge. The disabled guy was not given an opportunity to be heard. In fact, when he

attempted to comment, he was loudly and abruptly told to be quiet by the magistrate. That was bullying of the disabled guy. That amounts to discrimination on the basis of the disabled guy's disability. An illegal act by Magistrate Ehrich, pursuant to Commonwealth Legislation.”

We expect that this is much more widespread than people realize. Depending upon its prevalence, this could be a scandal. It is not so important to the individual, but to the administration of Justice at an Executive level. We will be following these matters.