

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

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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 deterrent 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. I don't know about you but, I want my grand children growing up in a free and democratic society not a police state.

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, together with the following attachments: Covering Letter to Police, RBT - At Primary Schools and Nine's Afternoon National News 8th August 2016, have been sent to The Hon. Malcolm Turnbull MP, each State and Territory Premier or Chief Minister plus our Police Commissioners.

For the innovation nation, 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 POLICE**

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 including S.A. Premier The Hon. Jay Weatherill and S.A. Police Commissioner Grant Stevens respectively on 12th August 2016.

Keep in mind that my intention is not to denigrate the Police Force in any way. If it seems otherwise, it is merely to make the reading more compelling and controversial to attract attention. So, no hard feelings...

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.

My intention 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 are accountable for violations.

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 7 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  
GPO Box 1539  
Adelaide SA 5001

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12th August 2016

**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. Also, what is the devastating impact on that person, their job, their families and a struggling economy”. Now multiply that by hundreds of thousands.

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.

If possible I would like acknowledgement that you received this.

Yours Faithfully



Stephen Fitzgerald

## **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... From 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](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.*

## CONCLUSION

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".



**CONCLUSION** 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 workforce 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 legislations.

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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# **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.*