

= Trial of Lex Wotton =

The trial of Lex Wotton relates to the events surrounding the Townsville , Queensland proceedings in the Federal Magistrates Court concerning the actions taken by Palm Island Aboriginal Shire Council member Wotton during the 26 November 2004 Palm Island riots .

Wotton was a two @-@ time councillor on the Palm Island Aboriginal Shire Council when Cameron Doomadgee died in custody . Wotton led approximately 1 @,@ 000 people in the Palm Island Riots . Wotton was arrested , but on his release , he was hailed as a hero by many residents of Palm Island . He continued to act as a leader and even ran for mayor of the North Queensland Aboriginal community . Approximately four years after the riot , Wotton was found guilty of inciting a riot and sentenced to seven years in prison .

= = Wotton = =

Wotton was a plumber by trade and the plumber for Palm Island as well as an Aboriginal elder , an indigenous activist of prominence and co author . He also married and is the father of four children .

In October 2002 , at age 34 , Wotton was elected to his second term as councilor on the Palm Island Aboriginal Shire Council in an ATSIC Regional Council elections where he was one of eight nominations seeking two positions . In May 2003 , Wotton supported a group of Palm Island women who called for the resignation of council chairwoman Delena Foster , asserting that she " diminished the rights of all islanders by proposing a strict new alcohol ban " as well as threatening a significant source of income for the area . Eleven days later , Wotton stated that the council had only \$ 600 @,@ 000 left in its reserves to run the island until the end of June ? a claim chairwoman Foster heatedly disputed by saying that the council in fact had \$ 1 @.@ 5 million . By the end of June , Wotton became fed up with the Palm Island Aboriginal Council 's practices and handed in his resignation , reasoning that in the 3 ½ years he was on the council , the body did not achieve one long @-@ term success .

Wotton , a plumber by trade , then kept his name in the public by writing to Letters to the Editor of the Townsville Bulletin to get his messages out . For example , in November 2003 , Wotton 's letter to the editor praised the decision to dissolve the Palm Island Aboriginal Council , since it would allow Palm Island " to adopt the very principles and practice of good governance and to see it effectively and efficiently discharged for the benefit of all in our community . " In March 2004 , he wrote an open letter to the recently reelected official Mike Reynolds , requesting an explanation as to why the jetty at Arcadia Bay received part of a massive injection of state money whereas no state funds were allocated for the dilapidated Palm Island jetty , even though 86 per cent of the Palm Island vote went to Reynolds . At the end of March , Wotton was one of eight candidates for the new Palm Island Community Council .

= = = Public speaking = = =

Wotton had become something of a public speaker , speaking at various venues including presenting the screening of Protected at the Film Fanatics society at Petersham Bowling Club where he spoke of seeing the film as a boy and how it opened his eyes to the way " things were different on Palm " . He went on a tour that included Melbourne on 9 August 2008 at the Solidarity Fiesta at the MUA Auditorium he said .... " I 'm not afraid of anything , because ... people like you will get out there and spread the message , tell the truth . " On 10 September 2008 he spoke at a public meeting at the Queensland University of Technology .

= = Book release = =

Along with French ethnographer Barbara Glowczewski , Wotton is co @-@ author of the 2008 book Warriors for Peace : The Political Conditions of Aboriginal People as Viewed from Palm Island . ( Glowczewski has also written Angry dreams ? Aboriginal alliances in the North @-@ West of

Australia and Desert dreamers ? the Warlpiri people of Australia . )

= = The Palm Island riots = =

On Friday 19 November 2004 , 36 @-@ year @-@ old Palm Island resident Cameron Doomadgee was arrested for public drunkenness and died in police custody an hour later . The coroner 's report was released on Friday 26 November , and read to a community meeting . After hearing that Doomadgee had died from a ruptured liver in the scuffle at the island 's watch @-@ house , a succession of angry young Aboriginal men spoke to the crowd and encouraged immediate action be taken against the police . Doomadgee 's death was repeatedly branded " cold @-@ blooded murder " . Wotton joined 1 @, @ 000 other people in a riot on Palm Island that resulted in the police station , the court house , and the home of the officer @-@ in @-@ charge being burned down . In a Friday interview with the The Courier @-@ Mail , Wotton justified the riot , saying that the residents did not believe the death was an accident and the residents had set fire to the police station because they had been " crying out for help " and no one had listened . Additionally , Wotton sought an investigation by the Crime and Misconduct Commission ( CMC ) and wanted the government to agree to move all police from the island .

Before his Courier @-@ Mail newspaper interview was delivered to the public and in response to Wotton 's actions during the riot , police entered Wotton 's home at 4 : 45 am Saturday and used a stun gun on the back of his leg to arrest him , all the time pointing a rifle at his 15 @-@ year @-@ old daughter 's head as she sat on a bedroom floor . At the time , Wotton became one of 17 defendants , all males , charged in the Palm Island riots and was alleged to be the riot ringleader . At the Townsville Magistrate Court on 29 November , Wotton was charged with " arson ( two counts ) , serious assault on police ( three counts ) , wilful damage and riot causing damage " .

= = Out on bail = =

On 6 December , Wotton was released on bail , in part due to being characterised as a " leader and saviour " for the Palm Island community . The bail conditions required Wotton to return to court on 10 March 2007 , and restricted Wotton 's movements , particularly focusing on preventing his attending Doomadgee 's funeral and returning to the north Queensland island .

Despite the strict bail conditions , three days later Wotton attended a protest march through Townsville and laid flowers on the steps of the north Queensland city 's police station in memory of Doomadgee . Wotton was being hailed a hero even before Doomadgee 's sister put her arms around Wotton 's neck on 9 December , saying " you 're my warrior " . After a subsequent court hearing , Wotton was allowed to return home to Palm Island in early May 2005 .

In November 2006 , four months before his trial where he faced life imprisonment , Wotton become one of six people nominated to run for mayor of the North Queensland Aboriginal community in a December by @-@ election . However , one day before the election , the Supreme Court of Queensland ruled Wotton ineligible to be mayor since the Local Government Act 1993 disqualifies people from elected office in Queensland if they are an undischarged bankrupt and Wotton had previously been bankrupt .

= = The trial = =

In February 2007 , Wotton was granted a separate trial from his co @-@ accused in the Brisbane District Court since the allegations in the prosecution case against the other co @-@ accused were prejudicial to Wotton 's case . Wotton then pleaded guilty to the charge of rioting . In late March , after Wotton had already applied to withdraw his guilty plea on the advice of his legal representatives ( including his then barrister Marcus Einfeld ) , Wotton 's co @-@ accused were acquitted by a jury of rioting causing destruction . Wotton 's application to withdraw his plea was granted by Nase DCJ on 26 April 2007 . A few days later , Wotton was released on bail with strict conditions and ordered to return in April 2008 to be tried .

As Wotton waited for his trial , a man mistaken for being Wotton in September 2007 was attacked from behind while at a urinal in the Rising Sun Hotel . In addition to having his wrist bone shattered and jaw bone fractured , the attackers caused him internal bleeding , head and facial injuries and bruised ribs .

After several delays , Wotton 's trial began on 6 October 2008 in the District Court in Brisbane . The trial lasted 18 days , with the jury on 24 October finding Wotton guilty of inciting a riot that resulted in the destruction of the island 's police station , the courthouse and an officer 's residence . Fourteen days later , Wotton was sentenced to seven years in prison , reduced to six years for time already served . His family has no plans to appeal the sentence .

= = = Protest against Wotton 's charge and sentencing = = =

On 1 November 2009 about 250 protesters in Brisbane who expressed anger at Wotton 's sentencing . The same week , similar rallies took place in major Australian cities and in Wellington , New Zealand . MUA workers in Sydney observed one minute 's silence in solidarity . Speakers at a Brisbane rally argued that Wotton should have been given a bravery award for what they saw as standing up to the racist oppression of Palm Islanders . Benefit concerts were also held in support of him .

= = Release from prison = =

On 19 July 2010 after spending two years in prison , Wotton was released from a Townsville prison and placed on parole . There are strict conditions surrounding his release . He was to return to Palm Island at the end of the week but was to first have some minor medical treatment .

= = = Gag order & High Court appeal = = =

Since 2006 , all prisoners and parolees in Queensland have been prohibited by law ( section 132 of Queensland 's Corrective Services Act , introduced by the Beattie Labor Government ) from speaking to reporters without permission . Thus , for the duration of his imprisonment and parole , Wotton cannot lawfully speak to the media or attend public meetings without prior approval from his parole officer . Gracelyn Smallwood of the Indigenous Human Rights Committee believes it is designed to muzzle the truth . Terry O 'Gorman , President of the Australian Council for Civil Liberties , has called it ' obnoxious ' . Stewart Levitt , the director of the Black and White Justice Foundation remarked that it was unusual for a public spokesman and former politician to be prohibited from a public meeting . Welcoming Wotton back home , Alf Lacey , mayor of Palm Island , commented that the conditions were excessive .

Wotton contested the constitutionality of Queensland 's parole conditions to the High Court of Australia . The Australian constitution contains an implied right of political communication , as is necessary in a representative democracy , plus rights to freedom of association and assembly . The case was heard by the High Court in August 2010 , where Wotton was represented by a team of lawyers including Stewart Levitt and Alison Drayton of Levitt Robinson Solicitors , Ron Merkel QC , assisted by Kristen Walker , Alistair Pound and Ben Schokman .

In February 2012 the High Court by majority decision , supported the gag order . The majority judgement applied the test in *Lange v ABC* . That ,

1 @.@ does the law effectively burden freedom of communication about government or political matters and 2 @.@ if so , is the law reasonably appropriate and adapted to serve a legitimate end the fulfilment of which is compatible with ? responsible government . ( *Lange v ABC* at footnote 69 . )

and found that , while the legislation did burden Mr Wotton 's freedom of political communication , that burden was applied for a legitimate ends , namely maintenance of law and order .