

The man who chases justice, until innocence wins

Before another year is out, two men may walk free from prison: one after nearly 20 years and the other more than 10 years for murders they maintain they didn't commit.

But this story is not about them. It's about Brian Tennant, Subiaco. That's how you'll see his name these days, at the bottom of letters to the editor.

For years, he has been one of the main people behind the lonely, painstaking process of assembling real evidence to prove convicted "criminals" are not guilty as convicted, but innocent. Now 77, he has been campaigning for the rights of the abused, the put-upon, the maligned, the defamed, the cheated and the screwed (often by government and bureaucrats) for more than 40 years.

He became a crusader for West Australians one day in 1971. He was in a queue at the interstate railway booking office to buy a ticket for a friend before an announced price rise of 28% came into effect later that day: suddenly at 11.00am the shutters went down, and he and others waiting in the queue were told the booths would re-open at 11.30pm charging the new fare. There were rumblings and murmurings aplenty, but only Tennant had the wit to organize a petition on the spot.

He showed two things that day: he was man of action, and he possessed a rare ability to get his causes, and himself, in the media. Few people have a record of the day their life changed...but Brian Tennant does (*picture right*). Within the week, the railways relented and all those who had been in the queue – and who had signed the Tennant petition – got a refund back to the old price.

In a ticket queue was born a fighter against injustice, a civil liberties and personal freedoms advocate prepared to stand up for someone's rights even when that's not a popular stance.

Since that day, he has been the nemesis of official excess and bastardry. To take on the powers that be year after year, you have to be immensely strong internally, prepared to back your own judgment, be ready to be laughed at by "experts", pilloried by authorities, patronized by police and scorned by some, notably relatives of victims.

There are very few people with much-enlarged social consciences who can see when a serious wrong may be afoot. Often in WA since the 1970s, on cases big and small, the main one man has been Tennant.



◆ Angry train travellers walked out of the railways interstate booking office today when it was announced they would have to pay increased fares. There were shouts of protest from about 100 people at the booking office when they were told by the stationmaster that they would have to pay increases of about 25 per cent from 11.30 am. Mr BRIAN TENNANT, president of the Miscellaneous Workers' Union, who was at the office to buy a ticket for a friend, is pictured signing the protest petition he organised on the spot.

In fairness, he has been aided and abetted by the fact that newspapers mainly, but other media also, have been prepared to carry alternative views, to challenge the powers-that-be, to allow a voice to a single man beating a muffled drum barely heard against background of politicians pumping up 'law and order' campaigns and one side of society baying for blood (see *comment from 1975, below*).

His is a role that sometimes needs the hide of a rhino, the stubbornness of a donkey, the repetitive drive of a woodpecker, just to identify that there might be a spluttering chance of a so-far hidden truth after highly-qualified judges, leading lawyers, diligent police and precise prosecutors have acted out dramatic courtroom scenes to seemingly extinguish any flame of hope, any flicker of doubt, even in the far-off distance, down a long, dark tunnel that ends in years, not kilometres.

Tennant, this remarkable man, has investigated dozens of 'cold cases'. He hasn't always been right, but he has been many times. Several people or their families have received major compensation because of Brian's persistence, working alongside others. He was associated with the well-known cases of Aboriginal elder Mr Ward, John Button and Darryl Beamish, but it's the dozens of smaller, unknown causes and 'nameless' people he's taken on and helped where he's really made a difference.

Like so many without much formal education last century, it was unionism, activism and public speaking that taught him life lessons, encouraged him to have a go, and to keep walking until someone said 'Stop'. Or, actually, until a number of people yelled 'STOP', loudly.

On one occasion, someone tried to stop him physically. He was laid up with two black eyes, a fractured cheekbone, and a broken leg after a savage bashing in his backyard. Six years later, WA police closed the bashing file when a known drug dealer who had been a physical fitness freak in prison died of a drug overdose in a motel overlooking Bondi Beach in Sydney.

Tennant (*right*) rose from the lowly position of the man who stuck the labels on tins on a paint factory conveyor belt line to become State President of the Miscellaneous Workers Union. After 12 years in the role, he was awarded life membership.



Now retired and living on his pension and a few investments, Brian still doesn't know or use long words. In fact, uni students write his letters to the editors, submissions to parliament and appeals to the courts. Child of an Aboriginal mother he didn't meet for decades, from age 11 months he lived 15 years in WA orphanages. Later, because of his campaigning knowledge and experience by then, he was able to secure his mother's right to a deceased de facto husband's house so she that passed her final days without want.

For 12 years in WA, he was the president or secretary of the then highly-regarded local civil liberties body, building for it an excellent reputation for advocating sound policies and trying to wind back the excesses of out-of-control police and prosecutors, politicians and bureaucrats. Justice could be wild thirty years ago in WA, as it can be still: the State Government has been forced to pay out many millions of dollars in compensation this

century after police and prosecutor excesses of the 1990s. There's no certainty that the need for payouts has ended: not every government worker is as keenly aware of the distinction between right and wrong as Brian is.

In running the civil liberties organisation, Tennant was across it all: he wrote and spoke to Premiers, Attorneys-General, Police Commissioners, judges, lawyers and dozens of other officials locally. He extended his critiques and comments, proposals and suggestions to the national stage, as the letters he received from federal Prime and other Ministers, judges like Michael Kirby, lawyers like Ian Temby and others demonstrate. Many now very senior people count him a friend: certainly, they continue to have enormous respect for him and his selfless work.

His achievements are amazing, and include things we now take for granted, like:

- Document witnessing centres for people to consult JPs (he has been a JP for 23 years, a Commissioner for Declarations before that);
- Commonwealth benefits for remand prisoners, who used to get none;
- Low alcohol beer, which he began advocating decades before it was introduced;
- Rebates on taking out private health insurance, now official policy;
- Improved recreational facilities and protection for remand prisoners;
- Introducing the concept of infringement notices, payable immediately, instead of full-on summons and court appearances for even minor offences back in the day.

Criticised by police for only helping 'criminals', Tennant responded that the state helps victims with financial compensation, and there are also several support groups available. People in jail – and this includes remand prisoners still officially innocent – have no-one to stand up for them. One of his shining achievements was to change WA law so people convicted now have their sentences dated from the first day of detention, not from the day of sentencing. Because of court delays, this can save a person two extra years in jail, years they have in fact already been imprisoned on remand.

Approaching 80, Brian Tennant now mostly restricts himself to writing letters to newspapers, supports the national Civil Liberties Australia group as an active member, and takes up the case of the worst miscarriages of justice only. As always, sometimes he'll be right, in both his letter-writing and his prisoner advocacy, and sometimes he'll be wrong.

But, with a track record of gaining liberty for state-abused individuals, of campaigning for freedom of speech and assembly and of labour unions' rights to organise, Mr Tennant is today that rarity in our society, a man of demonstrable conscience and justice.

He was 40 years ago, and is today, a supporter of the traditional rule of law and civil liberties in a country where tradition is increasingly devalued, and "liberty" sometimes means one man's freedom to exploit another, any other way than civilly. When Australians coined the term 'fair go', the principles that Brian Tennant has always lived by were what they had in mind.

ENDS

See below for:

[Brian Tennant speaks...](#)

and

[WHAT THE EDITOR SAID...](#)

[Brian Tennant speaks: 'I do...because no-one else does'](#)

"I listen. That's what I do most. And I hear, really hear, what people tell me. If they seem to be telling the truth, I follow up. If, after following up, what they tell me seems more likely to be true than not, then I take on their case.

"Not all people in jail are criminals. Even top judges admit a percentage are innocent. What percentage? I'd guess that 2 or 3 out of 100 are innocent for sure. After that, the percentages depend on whether there are crooked or bad cops, lazy prosecutors, dozy judges who don't care as much as they used to.

"What do I say to the victim's family members? I say, if this man's innocent, you don't want him in jail, because it means the real killer or robber has got away with hurting your child or stealing your money or goods. It's not in anybody's interest, not even the State's, to have an innocent man, or woman, in jail.

"Prisoners shouldn't be locked away and forgotten by society. We owe them a responsibility to shine a light into the jails, to make sure they're being treated reasonably and humanely.

"A lot of life's like that, we just need a few people to be counted, and make sure we support each other's civil liberties, or we'll soon find ourselves living in a surveillance state unlike anything we've experienced yet.

"I can never understand the rule that says a prisoner must admit his guilt before he can be released. One man in WA has served 18 years – the minimum he was given was 7, so he could have been out in 2001, but he maintains his innocence, so he can't be released. That's crazy: if someone continues to claim they are innocent, when just that claim has kept them in jail a further 11 years so far, you'd have to half-think there was something to what the bloke's saying.

"I do what I do because I believe someone has to, and no-one else does.

"I'm just a pensioner, but I've got enough to get by, so I use my limited spare cash to help other people. The ones I help just happen to be in jail, and some of them, on murder charges. But I help lots of people other than murderers – there are very many people in jail who don't deserve to be there".

ENDS Tennant comment

WHAT THE EDITOR SAID...

The Editor of the Sunday Times, Frank Dunn, was answering a Mr Leeden of South Perth in a personal letter 38 years ago. Mr Leeden had complained about a fashion story on women's shoes which, he said, produced 'tortured feet'. The complainant alleged that newspapers were only interested in running stories which could produce advertising revenue.

In his answer, on 12 August 1975, Mr Dunn said in part:

“Why do people always blame newspapers for the state of the nation? One of the best known people in Perth today – although the knowledge is not generally personal – is Brian Tennant, who calls himself a private law reformer. Yet, Brian Tennant’s name would be unknown if it were not for the press.

“And don’t accuse me of pandering to somebody of substances and importance. Mr. Tennant’s position vis-à-vis his employer is such that he is not even permitted to use the company telephone during working hours.

“No, we espoused many of Mr. Tennant’s causes simply because we thought they should be given an airing. Other newspapers are included in my use of ‘we’ since all have given him editorial space.”

ENDS

Article by Bill Rowlings, CEO of Civil Liberties Australia

CLA Civil Liberties Australia Inc. A04043
Box 7438 Fisher ACT Australia
Email: [secretary \[at\] cla.asn.au](mailto:secretary[at]cla.asn.au)
Web: www.cla.asn.au