

Navy apologises over boy's death

By ANDRÉE STEPHENS

THE AUSTRALIAN Navy has apologised to a South Coast Aboriginal man for its treatment of his family after his brother was killed by an unexploded shell 52 years ago.

In what was described as a "sad chapter in Navy's history", the Department of Defence said it acknowledged the lack of support the Carriage family received after youngest member Max Carriage was killed by ordnance he found at the Beecroft shelling range in 1957.

"In a mediation process conducted in late 2008, Navy formally apologised to Mr [Allan] Carriage over Navy's treatment of his family after the incident," Defence said in a statement.

Mr Carriage said this week the news had lifted a great weight from him.

Brother's sad fight ends at last

"When they approached me I didn't believe it at the time. I felt quite relieved when they offered us the mediation. I was still hurting about the whole situation because it shouldn't have happened in the first place, you know," he said.

"They've done the right thing by us by just recognising what they did."

Max Carriage, 10, was walking through the naval bombing range with his family on September 6, 1957. He picked up a large bullet and upon return to his Aboriginal fishing camp at Hammerhead Beach, started tapping it.

The shell exploded, killing him instantly. It also blew off his father's hand and badly burned another brother, Peter.

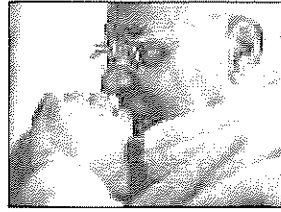
Allan Carriage, 15 at the time,

was not in the tent when the explosion occurred. But the effects of the day remained.

The family were moved on from the camp, after they received some blankets and tins of food from the Navy. Mr Carriage said he ran away, fearing welfare would institutionalise him. His mother and father separated and his other brother, Peter, carried physical and mental scars from that day.

Mr Carriage began petitioning the Government to have the Navy accept it should have given clear warnings about the dangers on the range, that it should have let the family know of the particular type of shell which cost Max his life, and that the range should have been more securely enclosed.

He also wanted an apology and



Allan Carriage, of Dickson, said his family had suffered since the accidental death of his brother Max from a navy shell.

compensation for the effects the tragedy had had on his family.

After the Liberal government rejected the case a number of times, last year the Navy began a mediation process which included a visit to the site where Max Carriage discovered the shell.

"That was a very powerful thing for me, to go down there. It was the

first time I'd been there," Mr Carriage said.

"I should have gone back there a long time ago."

Defence said it had since funded a headstone for Max Carriage and would record the incident in its Sea Power Centre - Australia website as a permanent part of history.

ACT senator Kate Lundy, who represented Mr Carriage on several occasions in Parliament, said while the apology had taken too long, she welcomed the outcome.

"It is a very poor reflection on the Navy in the past when you consider how very long and painful Allan Carriage's personal campaign for justice has been," she said.

"With this result, I congratulate the Navy and am proud for Allan that it has now been resolved."

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Government boasts could backfire

By ROSS PEAKE

THE FEDERAL Government's "boasting signs" outside schools will not be saved by a sticker from being challenged in the High Court, an electoral law expert says.

Professor Brian Costar from Swinburne University of Technology said the signs that advertise projects funded under the stimulus program would be too close to polling booths when the schools were used for voting.

The signs are on school fences but would have to be 6m away from the school property line under the relevant legislation, he said.

The Federal Government has ordered schools to keep the signs up until March, 2011, by which time the federal election and several state elections will have been held.

However, embarrassingly for the Government, the Australian Electoral Commission ruled this week that the signs must carry a message saying they were authorised by the Government.

The signs already erected must have stickers attached before the Bradfield by-election, forced by Brendan Nelson's retirement, and new signs must have the authorisation included.

Neither the Government nor the commission has published the advice.

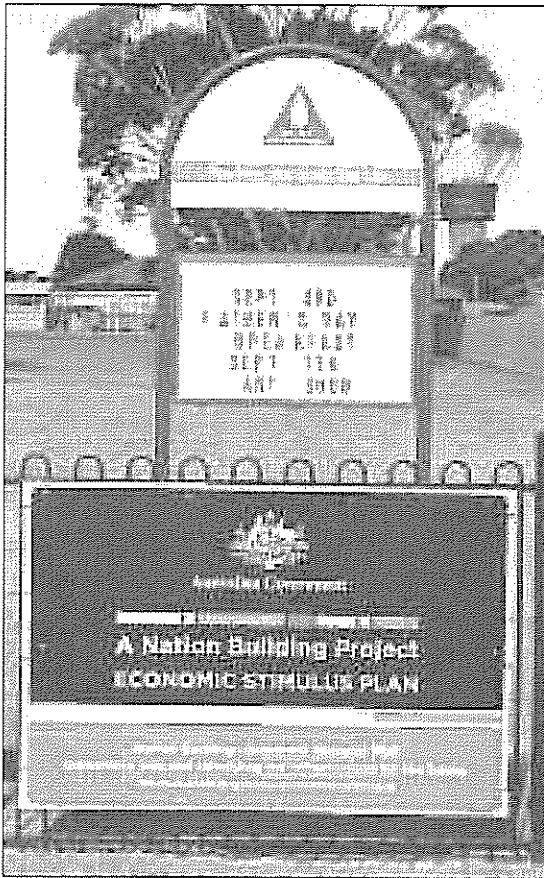
The Opposition, which called for the ruling, believes it means there is no doubt that the roadside signs are designed to sway voters because they contain slogans.

Professor Costar said there was a misunderstanding about the laws covering elections. The Commonwealth Electoral Act provided that party advertising had to be kept 6m away from polling booths, which are usually in primary school halls.

However, Section 340 said the school grounds were deemed to be part of the polling booth.

"Just because the signs are over the fence - that is, not technically on school grounds - they are probably still in many cases within the prohibited distance from the polling place," he said.

"If this went to court, there would be an argument mounted



Signs advertising government works may breach the Electoral Act.

as to what that section of the Act actually means. There would be an argument about where the 6m starts from.

"I think you could argue the case the sign has to be 6m from the school fence.

"I think there is a prima facie case that some of these signs breach the Act."

Political parties may already be breaching this law by displaying advertising signs near school gates on election day but no one wanted to upset this tradition with a challenge.

However Professor Costar predicted that if a Coalition MP or candidate narrowly lost to

Labor, he or she might challenge the result in court based on the stimulus project signs. "They could argue voters were influenced improperly," he said.

"There's never been a case about this in the courts because nobody's ever done anything like this before.

"This is blatant political advertising, using the taxpayers' money - something the Labor party preached against.

"If I was a Labor member in a marginal seat I would be pleading with the Government to take the signs down long before polling day to avoid a voter backlash."

Body found in London Circuit car park

ACT Police cordoned off a city carpark yesterday afternoon in response to what was described as a "significant incident".

Police were called to the carpark on London Circuit opposite Rydges Lakeside at 12.30pm, and later confirmed

that there had been a death in the area. A spokeswoman said the death was not being treated as suspicious.

Parts of the carpark were closed to the public for several hours.

Police are not releasing any more details at this stage.

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