

Inquiry into Allegations of Misconduct in the
Investigation of Paedophilia in Queensland
Kimmins Report

Term of Reference No. 5

FEBRUARY 1999

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The Chairperson
Criminal Justice Commission
557 Coronation Drive
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Dear Sir

PROJECT TRITON — REFERENCE 5

Further to my report delivered in August 1998, I attach a report to the Commission detailing the results of my investigations in respect of number 5 of the Terms of Reference for Project Triton.

Yours faithfully

J P Kimmins
Brisbane
January 1999

Foreword

The terms of reference for Project Triton are given below.

References 1 to 4 pertained to matters that had been, in many respects, the subject of widespread publicity. Accordingly, I took the view that their investigation should be given priority. My conclusions are contained in my report, *Inquiry into Allegations of Misconduct in the Investigation of Paedophilia in Queensland: Kimmins Report* published in August of last year.

Having concluded the investigation of references 1 to 4, Project Triton was able to turn to the many matters falling within reference 5. These matters involved 56 separate complaints (both current and historical) that were of isolated incidents rather than of systemic wrongdoing.

Every complaint was investigated by Project Triton and every such investigation has been

reviewed by me. In some instances I ordered further inquiry, which was carried out.

I have prepared a summary of each complaint and my determination in each case.

It should be noted that in some instances, while the evidence did not disclose any issue within the jurisdiction of the Criminal Justice Commission (CJC), it did warrant consideration by other agencies. In each such instance, the matter has been referred to the appropriate agency.

Finally, in every case I have reported my determination to the Chief Officer, Complaints Section, for formal process by the CJC. I felt it appropriate that this report not be finalised until each complainant, as far as was possible, had been notified by the CJC of the results of my investigation. I understand that that process is now complete.

J P Kimmins

Project Triton's Five Terms of Reference

Reference 1

- 1.1 That in the period to July 1988, then Commissioner of Police Terence Lewis kept files on suspected paedophile activity for blackmail purposes, and that these files reveal that subsequently such activity had not been subject to full investigation by the Queensland Police, or that any proper investigation of the files by police had been frustrated by other police or persons holding appointments in units of public administration.
- 1.2 That in the period September 1987 to July 1989, a police officer attached to the police task force of the Fitzgerald Commission of Inquiry, being not authorised to do so, removed from secure custody and copied files previously seized by Commission of Inquiry staff from safes then controlled by Mr Lewis.

That a police officer then either copied the files and replaced them, or that he failed to replace them.

Reference 2

- 2.1 That in 1985, police investigations into the possible filming, in Brisbane, and distribution, in Brisbane, of a 'snuff movie' by a group of alleged paedophiles, were closed down improperly.
That in 1985, police investigations into the possible importation into Queensland of Filipino boys, by a group of alleged paedophiles, for criminal purposes, were closed down improperly.
That in the period 1976 to 1978, police investigations into the alleged paedophile activities of an individual were closed down improperly.
- 2.2 That in the period 1983 to 1988, police investigations into claims by prisoners that one Sam Pandeli had participated in the making of a number of 'snuff movies' in Queensland were not properly investigated due to the interference of senior police officers.
- 2.3 Whether in the period 1996 to 1997, the Queensland Police Service did properly investigate written claims by a prisoner that in 1992 he and other persons had filmed the rape and murder of a young girl.

Reference 3

- 3.1 That in the period 1 January 1989 to 31 December 1993, police impeded investigations into allegations of paedophilia.
- 3.2 That in the years 1989 and 1990, a person holding an appointment in a unit of public administration obstructed a police officer in his investigation of another person holding an appointment in the same unit of public administration, in relation to paedophilia.
- 3.3 That in the period 17 December 1984 to 28 November 1985, police impeded an inquiry by Mr D G Sturgess, QC into the sexual exploitation of children, which was the subject of a report published on 28 November 1985.

Reference 4

That since the early 1990s, in the Whitsunday area, police have protected paedophiles from detection and punishment.

Reference 5

- 5.1 Allegations or complaints by individuals made publicly, or directly or indirectly to the CJC, involving official misconduct in respect of investigations which relate to alleged paedophile activity by public officials.
- 5.2 Allegations or complaints made publicly, or directly or indirectly to the CJC, that in some individual cases, police and other persons holding appointments in units of public administration failed to adequately investigate, or covered up, allegations of paedophilia.

Summary of complaints

Complaint 1

'Police officer blackmailing an MP'

File: 502-04-03-814

By letter of 29.8.97, the Children's Commissioner passed on information to the CJC received by his office from a person who claimed to have received the information from an anonymous source.

The information suggested that an unnamed friend of the anonymous source had visited the home of a senior police officer where he had been shown a videotape featuring a parliamentarian 'and small boys'. It was suggested that the senior police officer was 'holding the tape as blackmail over [the parliamentarian]'.

Project Triton interviewed the person who gave the information to the Children's Commissioner. That person, who had no evidence to substantiate the allegations, claimed to have no means of identifying, or contacting, the initial informant.

Determination: In view of this response, the allegations cannot be substantiated.

Complaint 2

'Targets tipped off'

File: 502-25-60-545

By letter of 28.8.97, the Children's Commissioner told the CJC of an allegation received by him suggesting that a police investigation of paedophile activity at a government agency was frustrated at an advanced stage when targets of the investigation were 'tipped off'.

Determination: This allegation relates to Operation Firefighter and was fully explored during Project Triton's investigation of matters pertaining to references 2 and 3: see the Kimmins Report, August 1998.

Complaint 3

'Police inaction'

Files: 502-04-68-005, 502-07-53-001, 502-25-60-629, 502-07-53-001, 502-25-60-629

The CJC received two separate complaints (1.9.97 and 18.9.97) suggesting inaction by police

in investigating suspected paedophile offences allegedly committed by a person concerned in the management of a government-funded community organisation. One of the complaints was received through Operation Paradox.

In investigating the allegations, Project Triton found that the suspected offender had already been investigated by the Queensland Police Service (QPS) as a result of observations by local police officers rather than any direct complaint to police. The investigating officers were frustrated by what they saw as a reluctance by witnesses to provide crucial evidence.

Determination: There is no evidence to substantiate the allegations of inaction by police officers. Indeed, the evidence demonstrates that police had been active in the investigation of the suspected offender.

All relevant material held by Project Triton has been referred to the QPS and the matter has been referred to the Queensland Crime Commission for such further investigation as is considered appropriate.

Complaint 4

Re Whitsunday allegations

File: 502-25-60-537

This complaint concerned the allegations raised by the then Member for Whitsunday, Mrs Lorraine Bird MLA, about the investigation of paedophilia in the Whitsunday region.

Determination: The allegations were investigated as part of reference 4 of Project Triton: see the Kimmins Report, August 1998.

Complaint 5

'Snuff movies'

Files: 502-25-60-538, 502-25-60-544, 502-25-60-543, 502-25-60-544, 502-04-60-543

These matters involved allegations pertaining to the production in Queensland of 'snuff' movies.

Determination: The allegations were investigated as part of reference 2 of Project Triton: see the Kimmins Report, August 1998.

Complaint 6

[see note for complaint 5]

Complaint 7**'Blocking of investigations'**

File: 502-25-60-541

This complaint was referred to the CJC by the then Minister for Police and Corrective Services and Minister for Racing, The Honourable Russell Cooper. By letter of 27.8.97, Mr Cooper gave the CJC a copy of a letter sent to him by an entity called 'Consumer Help Against Malpractice'. That letter referred — in general terms — to the 'unexpected "blocking" of investigations and non-continuation of expected or progressing action' in 'the child abuse and paedophilia area'.

The author of the letter was interviewed and complained that police had failed to investigate complaints of child sexual abuse which had allegedly taken place at a children's home in the 1950s and 1960s.

Determination: Inquiries revealed that Task Force Argos had commenced an investigation of these matters on 11 February 1997. There is no suggestion that there had been any earlier complaint that had not been acted upon. There is no evidence of any interference in the course of the Task Force Argos investigation.

Complaint 8**'Failure to investigate properly'**

File: 502-25-60-542

On 1.9.97, the CJC received information from the Children's Commissioner which suggested that in 1996 police had failed to investigate properly a complaint involving the alleged sexual abuse of a 13-year-old boy.

Project Triton obtained access to the QPS file on the boy's original complaint. It is apparent from that report that it was the boy and his mother who decided that police should not charge the alleged offender. The boy signed a formal withdrawal of his complaint.

Determination: In view of the police report, there is no basis to suggest that any police officer had failed to investigate the boy's complaint properly.

Complaint 9**'Failure to respond to complaint of incest'**

File: 502-14-86-135

On 28.8.97, the CJC received a complaint via the Children's Commissioner that police had failed to respond to a complaint of incest, where the offences were alleged to have occurred over a number of years.

In investigating the matter, the CJC obtained a report from the police officer responsible for initially dealing with the complaint. The report revealed that (i) action was taken promptly as soon as the complaint was received by police in September 1996, (ii) many of the alleged offences told to police were said to have been committed in New South Wales, (iii) in January 1997, the complainant was advised by police of the difficulties in bringing criminal proceedings in Queensland, and that a successful prosecution was more likely in New South Wales, and (iv) as a result of this advice, the complainant withdrew the complaint. However, investigations by the NSW Police Service have continued, and it is believed that criminal proceedings will be instituted in New South Wales soon.

Determination: There is no evidence that any officer of the QPS failed to pursue this investigation.

Complaint 10

[see note for complaint 5]

Complaint 11**'Complainant not taken seriously'**

File: 502-04-03-810

On 26.8.97, the CJC received a complaint by telephone from a caller who claimed to have knowledge of a police officer's involvement in paedophilia, including that officer's appearance in a video featuring sex with young boys. The caller complained that when he took his information to police he 'was not taken seriously'.

The caller's information was based upon hearsay, although he did name two people with direct knowledge of the police officer's conduct. These people were interviewed, but were unable to identify any police officer, and denied any knowledge of the matters alleged. Both presented well and there is no reason to disbelieve them.

Determination: There is no evidence to substantiate the hearsay allegations.

Complaint 12

'Failure to act on complaints of molestation'

File: 502-14-09-080

This matter, in which a mother alleged that police failed to act in response to allegations that her sons had been sexually molested by their father (her estranged husband), paternal grandfather and another, was referred to Project Triton by the Children's Commissioner.

The same matter had previously been considered by the CJC in January 1997 when the mother had made a complaint directly to the CJC.

A report obtained from the QPS revealed that the woman's sons had at different times named four different men as the perpetrators of assaults upon them. All those nominated were interviewed and denied any wrongdoing. While there is some medical evidence that may corroborate the boys' claims, it provides no assistance in distinguishing which of the nominated accused might be guilty. The police investigation remains open.

Determination: In light of the unsatisfactory state of the evidence, the reluctance of police to charge any person on this matter is understandable. There is no evidence of inaction or police misconduct.

Complaint 13

'Refusal to prosecute'

File: 502-04-03-813

On 28.8.97, the CJC received a complaint by telephone alleging that police officers had refused to prosecute a known paedophile on information received from the caller's son.

Project Triton obtained a detailed report of the police investigation and conducted a review. It found that the determination not to prosecute the alleged offender was one properly made on the basis that the evidence was insufficient to substantiate a criminal prosecution.

Determination: There is no evidence that any QPS officer failed to pursue this investigation, nor is there any evidence of police inaction or a cover-up.

Complaint 14

Re Theo Watts Brown

File: 502-04-50-069

This matter involved a complaint received by the CJC in 1993. It concerned information relating to the alleged activities of the late Theo Watts Brown and included information provided by the then Member for Whitsunday, Mrs Lorraine Bird MLA.

Determination: The matter was the subject of detailed investigation as part of reference 4 of Project Triton. For the results of that investigation, see references 1 to 4 of the Kimmins Report, August 1998.

Complaint 15

'Protected from prosecution'

File: 502-04-16-437

In September 1997, the QPS advised the CJC of information received by police during Operation Paradox. The information, which came from an anonymous caller on 1 September 1997, related to events said to have occurred in the early 1990s. It suggested that a 15-year-old girl had been forced into prostitution by her mother, who was herself protected from prosecution by a corrupt police officer. The information contained the identities of the people said to have been involved.

QPS records revealed that the named police officer had previously investigated a complaint made by the mother of a teenage boy, who had alleged to police that her son had been in a sexual relationship with the girl named in the anonymous complaint to Operation Paradox. As the boy was some years younger than the girl, at issue was whether the girl should face a criminal charge.

The police file on the matter revealed that the complaint was properly investigated and, after legal consideration, a determination was made that it would not be in the public interest for the girl to be prosecuted.

Determination: The facts do not support the anonymous information passed to police during Operation Paradox. There is no evidence to substantiate the claim that a police officer improperly protected the mother of the girl.

Complaint 16

'Close-down of task force'

File: 502-25-60-553

This matter related to allegations contained in an article by journalist Michael Ware, published by the *Herald Sun* on 20 August 1997. The article referred to the alleged close-down of a paedophile task force and contained quotations attributed to Victorian Chief Commissioner (former Queensland Assistant Commissioner) Neil Comrie.

Determination: The matters raised by the newspaper article were investigated as part of reference 3 of Project Triton. The findings of that investigation are detailed in references 1 to 4 of the Kimmins Report, August 1998.

Complaint 17

Re allegation from journalist

File: 502-25-60-556

This complaint prompted a second, unrelated complaint.

First complaint: By letter of 28.8.97, the Children's Commissioner passed on to the CJC an allegation he said had been made to him by a journalist, whom he named. He said the journalist had alleged that police had failed to act upon a confession from a paedophile in the absence of a formal complaint by the victim.

When interviewed, the journalist indicated that he had not raised the matter with the Children's Commissioner in a formal way, but had merely mentioned it during a casual conversation. Further, the journalist denied that he had complained of police inaction; on the contrary, he understood and defended the actions of the police officers concerned and expressed displeasure that his remarks had become the subject of a complaint or report to the CJC.

The alleged offender has since been charged, convicted and sentenced.

Determination: In the circumstances, there is no basis to suspect any inaction on the part of any police officer.

Second complaint: During the investigation of the previous matter, the journalist referred to the 1984 investigation of David Warren Moore and

William John Hurrey, and alleged that search warrants issued to police for two other high-profile public figures had not been executed.

Determination: The matter of the investigation and prosecution of Hurrey and Moore was detailed in the Kimmins Report in references 1 to 4. Project Triton interviewed a number of police officers concerned in the investigation of this matter, as well as the Justice of the Peace responsible for issuing the relevant search warrants. The two high-profile persons named by the informant were never the subject of investigation, and no such search warrants were ever issued.

Complaint 18

'Police officer allowed to resign'

File: 502-25-60-555

By letter of 28.8.97, the Children's Commissioner advised the CJC of information that 'within the past couple of years a police officer was allowed to resign in the face of imminent disciplinary action'. Further, the Children's Commissioner alleged that the officer 'abducted a child at gunpoint and transported him from Brisbane to the Sunshine Coast where he was joined by some associates (also police officers) and other boys where sexual activities were undertaken'.

The Children's Commissioner later gave the source of this information as a serving police officer. That officer, who has extensive experience in the Juvenile Aid area, was interviewed by Project Triton. He said he had no knowledge of the matters alleged, and denied bringing such allegations to the Children's Commissioner. The officer gave a detailed account of his dealings with the Children's Commissioner.

The above is troubling. Inquiries were made of the Children's Commissioner to confirm the identity of the informant. The Children's Commissioner responded that he had no written notes or records on the matter.

Project Triton studied the circumstances surrounding the resignations of police officers from the QPS in the four years prior to 28 August 1997. No evidence was found of any resignation that might be consistent with the allegation.

Every proposed resignation from the QPS is routinely assessed by the CJC. Senior officers of the CJC were interviewed but could not recall any incident consistent with the matter.

Determination: The allegation has no basis in fact.

Complaint 19

Re vague allegations against officer

File: 502-25-60-568

On 29 September 1997, the CJC received an anonymous letter, purportedly from a serving police officer. The letter referred to a police officer and advanced a number of vague allegations dating back to 1988, including a reference to paedophilia and misconduct by the police officer.

The letter referred to one police officer, not by name, but by his place of work. Inquiries identified an officer whose personal circumstances fitted those described. Further inquiries revealed that the officer had recently received similar correspondence to that received by the CJC.

The allegations raised by the anonymous letter were investigated as far as was possible. There was no allegation that the particular police officer was in any way involved in paedophilia, or had failed to investigate paedophilia. In some instances, the allegations were too vague to permit an investigation. In other respects, investigation revealed evidence to show that the allegation was without foundation.

Determination: Investigation failed to substantiate any of the allegations made.

Complaint 20

Re allegations of paedophile ring

Files: 502-04-50-187, 502-04-50-070

On a number of occasions since the early 1990s, the complainant alleged that her former husband was sexually abusing the children of the marriage. These allegations have coincided with proceedings in the Family Court of Australia over custody of the children.

In April 1993, the complainant wrote to the CJC alleging that police officers had failed to perform their duty in declining to act on complaints made

by the children, and that a Stipendiary Magistrate who determined an interim custody application had failed to do his duty by ignoring certain evidence.

The CJC investigated the matters at that time, discovering that investigations had been conducted by police in relation to the complaints of sexual assault made by the complainant's child. Juvenile Aid Bureau officers responsible for the investigations had concluded that the child had been coached by her mother and that the allegations of abuse were false. These views were supported by subsequent findings by a Stipendiary Magistrate who was critical of the complainant's credibility.

In June 1993, the CJC wrote to the complainant advising that the information did not support the allegations she had made and that her allegations did not reasonably raise any misconduct on the part of police officers or the Stipendiary Magistrate.

In August 1997, the complainant wrote to the Children's Commissioner, outlining her version of events, and adding allegations that her former husband had been part of a paedophile ring protected by the police officers who had been concerned in the investigation of her complaints. She also included further allegations against the Stipendiary Magistrate, including an allegation that he had a major involvement in corruption and paedophiles.

The Children's Commissioner duly referred the complainant's allegations to the CJC for investigation by Project Triton. A comprehensive review of her complaints was conducted, including interviews with the relevant police officers.

The evidence is very clear that there was no police inaction or cover-up of the complaints of sexual abuse involving the complainant's children. The decision by police not to prosecute the complainant's ex-husband was due to lack of evidence and a strong suspicion that the complaints had been fabricated by the complainant. The allegations of alleged sexual abuse had been aired before the Family Court, with findings adverse to the complainant.

Determination: The allegations of misconduct raised against the police officers and the Stipendiary Magistrate are without substance.

Complaint 21

'Paedophile networks protected'

File: 502-25-60-581

On Friday, 15 August 1997, the *Courier-Mail* reported allegations from former Deputy Premier, The Honourable Bill Gunn, and the then Minister for Police, The Honourable Russell Cooper, suggesting that police had protected members of paedophile networks from investigation.

In the same edition of the newspaper, former Premier Sir Joh Bjelke-Petersen was reported as having 'no doubt that sexual political blackmail was the oil that had greased the wheels of corruption in Queensland'.

Counsel Assisting (Mr Devlin) wrote to Mr Gunn on 17 October 1997 and again on 28 March 1998 (by registered mail) requesting Mr Gunn to identify information upon which he had based his public comments and requesting an opportunity to interview Mr Gunn formally.

Mr Gunn did not respond to either letter.

On 17 October 1997, Counsel Assisting wrote to Sir Joh Bjelke-Petersen in similar terms. Sir Joh did not respond.

There is nothing to prevent people from making generalised remarks to the media concerning paedophilia. However, when such remarks are not supported by any material, it is difficult to afford them credibility.

On 17 October 1997, Mr Devlin also wrote to Mr Cooper, again in similar terms. Mr Cooper responded by letter of 5 December 1997 wherein he offered answers to questions posed by Mr Devlin's letter. Mr Cooper made it clear that he had no information to suggest that police had failed to investigate paedophilia, but that he had been concerned by continuing public comment and debate (in the late 1980s) and 'all I could ever do was *guess* that it was people in high places who had enormous influence and could cut these things down and that's all I could ever think of'.

There was nothing in Mr Cooper's response capable of productive investigation.

Determination: Allegations of this type were addressed within references 1–4 of Project Triton: see the Kimmins Report, August 1998.

Complaint 22

'MP concerned about police inaction'

File: 502-04-24-450

This complaint was brought to the CJC by a Member of Parliament, who raised concerns of possible police inaction over allegations of paedophilia made by a constituent.

After a lengthy interview by a CJC complaints officer, the complainant's allegations disclosed no reasonable suspicion of sexual abuse, although there were suggestions of minor neglect, such as severe nappy rash.

Police records of the matter confirmed that the allegations received appropriate attention — including inspections of the children and their home environment.

Determination: There is no basis to suggest that police officers have been inactive or have covered-up any complaint.

Complaint 23

Re *Weekend Independent* article

File: 502-25-60-591

This complaint addressed allegations contained in an article published by the *Weekend Independent* in October 1997. The allegations were essentially the same as those investigated by Project Triton as part of reference 3, although they include some specific allegations not otherwise investigated.

The investigation conducted as part of reference 3 revealed that the allegations stemmed from beliefs held by former police officer Kym Goldup, and presently serving police officer Garnett Dickson. The allegations were found to be without substance: see the Kimmins Report, August 1998.

Approaches were made to the editorial staff of the *Weekend Independent*, who were invited to provide Project Triton with any information that might assist in the investigation of the matters. No such information was offered.

Determination: It is likely that the matters published by the *Weekend Independent* were predicated upon the beliefs of Dickson and Goldup. Those matters having been fully explored

as part of reference 3, no further investigation is warranted. In respect of the further allegations, as the source of such information has not been identified, the claims cannot be productively investigated. They remain unsourced allegations which, without supporting evidence, cannot be given any substance.

Complaint 24

'Father escaped criminal charges'

File: 502-25-60-606

In November 1997, Project Triton received a complaint on behalf of the parent of a child. The child was said to have been sexually abused by the natural father. It was further alleged that various police officers had failed to properly investigate complaints made by and on behalf of the child and that, accordingly, the father of the child had escaped criminal charges.

Project Triton examined the matter (which had progressed over some years and had involved proceedings in the Family Court of Australia) to find out whether there had been any failure to act or a cover-up by any police officer.

All issues pertaining to the custody of and access to the child, including allegations (which are disputed) that the child had been the victim of sexual assaults, are matters for the Family Court. The Court has previously made express findings in the matters complained of, including orders affording the child separate legal representation and orders restraining the parents from having the child professionally examined.

Determination: There is no evidence of police inaction or cover-up.

Complaint 25

'Officer in possession of pornography'

File: 502-04-03-832

On 4 November 1997, Project Triton received information from an anonymous telephone caller suggesting that a particular police officer possessed pornographic photographs and videotapes depicting the police officer and other adult males in various sexual poses with young girls (aged 12–13 years).

Project Triton conducted extensive inquiries in

an attempt to identify the anonymous caller. Interviews were also conducted with a number of people known to associate with the police officer.

Determination: The information held by Project Triton is insufficient to support any further investigation of the matter (such as the execution of a search warrant). It will be recorded by the CJC for intelligence purposes.

Complaint 26

Re vague rumours

File: 502-04-14-383

On 3 November 1997, Project Triton received a letter from a former police officer, who conveyed various allegations concerning the investigation of paedophilia. The officer provided no evidence, but merely repeated rumours.

The matters referred to touched upon the work of the Sturgess Inquiry, Operation Cleanup, and the possible existence of 'snuff' movies, which were the subject of investigation during Project Triton. It also contained some specific allegations not addressed during Project Triton.

Determination: For the results of the investigations conducted during Project Triton, see the Kimmins Report, August 1998. As for the other matter, there was insufficient information to enable a productive investigation.

Complaint 27

'Complaint ignored'

File: 502-25-60-609

On 12 November 1997, the complainant contacted Project Triton by telephone, alleging that in 1989 or 1990 she had told particular police officers of her concerns regarding persons she suspected as paedophiles. The complainant also said she was told by one of the police officers to 'go away and not gossip'.

The investigation by Project Triton included interviews with the police officers named by the complainant. It was found that police had investigated the complainant's information, and had interviewed the persons named by her as victims of the suspected offender. Only one of those persons was found to have direct knowledge

sufficient to substantiate a criminal charge, but that person did not wish to bring a complaint.

Determination: There is no basis to the complainant's concern that no action was taken by police as a result of her information.

Complaint 28

Re alleged sexual practices of politician

File: 502-10-00-187

This complaint concerned information passed to the CJC by an anonymous telephone caller about alleged sexual practices of a politician.

Determination: The allegations identified by the caller were already known to Project Triton and were explored as part of the investigation of reference 3: see Kimmins Report, August 1998.

Complaint 29

'Police cover-up'

File: 502-04-16-451

The complainant in this matter alleged that her son had been the victim of sexual assault in the early 1970s when he was in his early teens. She also claimed that other boys had made similar complaints against the alleged offender, but that police failed to take any action. The alleged offender has convictions for child sexual offences. The complainant's son is now deceased.

Investigation identified the police officer thought to have been responsible for receiving the relevant complaints. He is now long retired. QPS records indicated that no formal complaint was ever made about this matter. Further, the information available to Project Triton indicated that the investigating officer had discussed the matter of not proceeding with a parent of the child.

Determination: In light of those facts, there can be no basis to the suggestion of a cover-up.

Complaint 30

'Failure to investigate a sexual assault'

Files: 502-25-60-620, 502-04-17-233

According to this complainant, police and other public officers had failed to investigate properly an incident of sexual assault upon a child.

Determination: In reviewing the steps taken to investigate the original complaints, which included a previous review of the matter by the CJC, Project Triton found no evidence of inaction or cover-up by any police officer or other public official.

Complaint 31

'Senior police officer in cover-up'

File: 502-04-03-836

This complaint related to information received by the CJC suggesting that a senior-ranking police officer had been involved in, and had covered up, paedophilia.

Determination: The information was fully explored during Project Triton's investigation of matters pertaining to reference 3: see the Kimmins Report, August 1998.

Complaint 32

Re police oversight

File: 502-04-03-838

The complainant in this case said that the QPS had failed to properly investigate allegations (first made in 1994) of sexual assaults committed upon him as a young boy some decades previously. As the alleged offender at one time enjoyed a high public profile in Brisbane, the implication was that police were protecting him from prosecution.

It is necessary to set out a brief history of the matter.

In 1994, the complainant (residing in New Zealand) complained to NZ Police of having been sexually assaulted as a young boy in both New South Wales and Queensland. NZ Police forwarded the complaint to the QPS for investigation of those allegations pertaining to the State of Queensland.

After a prompt investigation, the investigating officer properly determined that no offences could be established in Queensland, and recommended that the file be forwarded to the NSW Police Service for investigation of matters said to have occurred in that State. The investigating officer so advised the complainant by letter on November 1994.

The investigating officer's recommendation was not heeded — his superiors decided that the file should first be returned to NZ Police. It was the latter recommendation that found its way to the desk of the then Acting Assistant Commissioner, State Crime Operations Command. The recommendation was accompanied by the file, and a letter prepared by a senior staff officer for signature by the Acting Assistant Commissioner (the letter being addressed to NZ Police). The letter was duly signed by the Acting Assistant Commissioner. It was no doubt intended that the file should accompany the letter, but the letter makes no mention of an attached file — it merely advised the result of the investigation.

QPS records confirmed that the letter was dispatched by post; however, there is no evidence that the letter was ever received by NZ Police. The very clear evidence is that the file never left QPS Headquarters. This fact caused lengthy delays to the NSW Police, and ultimately led to the QPS misleading the Police Minister as to the whereabouts of the file.

The reality was that until a search undertaken for Project Triton in 1998 located the original file (and a copy of it) in a secure filing system at QPS Headquarters, the original investigation file could not be accounted for.

Determination: While it is understandable that the complainant thought the QPS had acted to stymie the investigation, the reality is that the failure to forward the file was brought about through oversight. The fact that the original file (and its copy) still exists and was capable of being located, militates against the suggestion of a deliberate cover-up.

Recommendation: It is recommended that the QPS take steps to review the system of filing of 'sensitive' files to ensure that the receipt and dispatch of such files are accurately recorded. It is also recommended that the QPS apologise to the complainant for the delay occasioned to the investigation of his allegations by NSW Police.

Complaint 33

'Woman assaulted as a child'

File: 502-10-00-186

This was a complaint received by the CJC from a

woman who alleged she had been sexually assaulted by a family member as a child.

Determination: As the complainant had never previously complained to law enforcement about the matter, there is no evidence of impropriety on the part of any police officer or other public officer.

Recommendation: The complainant was advised to take her complaint to the QPS.

Complaint 34

[see note for complaint 3]

Complaint 35

'Officer reluctant to act'

File: 502-25-60-631

According to information given to the QPS by an officer of Victoria Police, a Queensland detective had admitted to a Victorian counterpart that he had evidence of child pornography but was reluctant to act upon it.

When interviewed by Project Triton, the Queensland detective said the information he held had been properly investigated. Indeed, the information was thoroughly investigated during 1991 by the CJC.

Determination: The suggestion that the Queensland police officer was hesitant to investigate the matter cannot be substantiated.

Complaint 36

'Schoolteacher not prosecuted'

File: 502-13-00-172

By letter of 8 December 1997, the complainant wrote to Project Triton alleging that a schoolteacher who had had a sexual relationship with a female secondary-school student had not been prosecuted because of 'a lack of funds and a loophole in the law'. The complainant also suggested that the CJC had previously been involved in the matter, but had determined that there was insufficient evidence to investigate the teacher.

A review by Project Triton revealed that, in fact, the Department of Education had investigated the

matter and found that there was substantial evidence that the teacher had sexually harassed female students. The teacher thereupon resigned, with the result that no disciplinary action could be pursued. (The CJC had not been involved in the investigation, having determined that the matter should be investigated by the Department of Education.)

The teacher was later charged with several criminal offences and was committed to stand trial on some of those charges. The Director of Public Prosecutions ultimately determined that there was insufficient evidence to proceed, and the prosecution was discontinued.

Determination: There is no evidence of any failure to investigate the matter, nor is there any basis to criticise the determination made by the Director of Public Prosecutions.

Complaint 37

'Failure to investigate assault of girl'

File: 502-04-50-199

A resident of a small town in Queensland complained to Project Triton that local police had failed to properly investigate a sexual assault upon his 11-year-old daughter. The complainant was concerned that police may have been protecting the suspected offender, who was believed to have acted as a police informant on unrelated matters.

The QPS file on the matter revealed that the girl had failed to disclose (in any satisfactory sense) evidence of an offence when initially interviewed by police. Furthermore, when interviewed about the matter, the suspected offender denied any wrongdoing. Therefore, the evidence was insufficient to support any criminal proceeding.

Investigation by Project Triton revealed that the suspected offender had indeed provided information to police on occasions, but it was apparent nonetheless that he had received no favourable treatment. This much was clear from the manner in which the investigating officer dealt with the complaint.

The investigating officer had left the investigation open. Upon the arrival to town of a female officer (some three months after the complaint had been received), the investigating officer encouraged

that officer (who had experience in such investigations) to re-interview the 11-year-old girl. This action in itself demonstrates that the investigating officer was anxious to pursue the complaint, rather than improperly favour the suspect.

Despite the intervention of the female officer, the quality of the girl's evidence did not improve. Again, however, the investigating officer kept the investigation open, and indicated to the girl's father (who was anxious that a prosecution should be commenced) that legal advice would be obtained on whether the evidence was capable of supporting a criminal charge. The investigating officer gave the same indication in a report to his superior officer, when an inquiry as to the status of the investigation was made by Project Triton.

In the end, the investigating officer did not seek legal advice. Instead, on his own initiative, he determined that the evidence would not support criminal proceedings, and terminated the investigation. (The officer told Project Triton he had suggested obtaining the legal advice because of pressure being put on him by the girl's father. His decision not to obtain the legal advice was prompted by his realisation that the evidence was clearly insufficient.) The officer did not inform the girl's father of the fact that the investigation had been concluded.

It is regrettable that the investigating officer failed to inform the girl's father of his decision to terminate the investigation. It is also regrettable that, having informed the girl's father of his intention to seek legal advice on the matter, he then decided not to. Through these failings, the investigating officer left himself open to suggestions that he was favouring the suspect.

Recommendation: The investigating officer should receive guidance from his superiors.

Determination: In any event, the evidence clearly demonstrates that the investigating officer took all reasonable steps to investigate the original complaint.

Complaint 38

Re rumours about judge

File: 103-76-00-002

On 11.9.7, the Children's Commissioner passed

to the CJC an anonymous letter received by his office. The letter asked whether ‘rumours’ that a particular judge was a paedophile were true. A copy of the letter was also sent anonymously to the then Leader of the Opposition who, by letter of 14 October 1997, passed that document to the CJC.

The anonymous letter contained no specific information and did not raise any issue capable of productive investigation. In other words, there was no information to investigate — it was a straight out unsupported allegation.

Determination: The letter has been referred to the CJC’s Intelligence Division for dissemination to appropriate law enforcement agencies. It is unfortunate that such allegations can be made anonymously about a public officer, with no supporting information; however, the CJC has no charter to simplify such matters.

Complaint 39

Officer’s impartiality questioned

File: 502-15-97-186

The complainant in this instance was the stepfather of a two-year-old girl who had complained of being sexually assaulted by an older family member. Neither the complainant nor the child’s mother made any formal complaint to police; however, a short time after the incident, they were contacted by police and requested to make the child available for interview and examination.

The complainant was concerned that the child had been interviewed by a police officer in the absence of her parents, and suspected that the older family member about whom the child had initially complained may have himself accused the complainant of assaulting the girl. The complainant was also concerned that a police officer who was friendly with the older family member may have been involved in the investigation.

Project Triton reviewed the police file on this matter. The review confirmed that police had been first alerted to the girl’s complaint by the older family member, who claimed to be anxious to clear his name. The girl was interviewed and medically examined. She confirmed her allegations concerning the older family member,

who was clearly the primary suspect throughout the police investigation.

The police officer who the complainant said was a friend of the older family member had no real involvement in the investigation, and was not in any position to influence its outcome.

The police investigation concluded that there was insufficient evidence to substantiate criminal charges against any person.

Determination: No evidence was discovered to question the thoroughness and impartiality of the police investigation.

Complaint 40

General allegations of impropriety

File: 502-10-00-115

The complainant contended that in proceedings in the Family Court of Australia over the custody of his granddaughter, a solicitor had falsely suggested that he had sexually abused his granddaughter. It was found that the granddaughter had not been so abused.

The complainant had thereupon taken his grievance to the Queensland Law Society and other agencies (including the CJC) seeking to have the solicitor disciplined. Such representations were unsuccessful.

On 29 November 1997, the complainant wrote to Counsel Assisting (Mr Devlin) advancing general allegations of impropriety against police, the CJC, the Queensland Law Society and the Ombudsman.

Determination: The matters complained of do not fall within Project Triton’s terms of reference.

Complaint 41

‘Production of child pornography’

File: 250-8-01-001

In December 1994, the CJC received information from a person who said he had heard that certain abandoned premises had been used for the making of child pornography. The informant had a history of mental illness, and attempts by the CJC to contact him were unsuccessful. The information was recorded as intelligence.

Project Triton reviewed this matter and attempted to contact the informant, discovering that he is now deceased. The original information is extremely vague and is based upon rumour.

Determination: There is no material capable of investigation.

Complaint 42

'Teacher with prior convictions'

File: 502-03-20-640

In September 1997, Operation Paradox received information from an anonymous source, suggesting that a schoolteacher had prior interstate and overseas criminal convictions for sexual offences involving children.

Investigations undertaken by the CJC revealed that the teacher had been previously convicted overseas of an offence involving an indecent assault upon a boy under 16 years. This matter had not been disclosed by the teacher to the Department of Education.

This information was brought to the attention of the department, which immediately directed the teacher to show cause why his employment should not be terminated. The teacher resigned, and the department's files have been marked that he is unsuitable for employment as a teacher.

Determination: There is no information to suspect that the person has committed any offence in Queensland.

Complaint 43

'Officer assaulted daughter'

File: 502-25-60-554

In August 1997, a man told Task Force Argos that a former female acquaintance (with whom he had associated while at primary school) had been sexually assaulted both by her father, who was a police officer, and her grandfather. He alleged that such sexual assaults had been videotaped by the father.

Determination: Project Triton investigations revealed that the information was totally erroneous. The female named by the informant denied that she had ever been sexually assaulted. Her father has never been a police officer.

Complaint 44

'Drug and child-prostitution racket'

File: 502-25-60-564

In September 1997, Project Triton was given a copy of a typewritten document containing allegations that a drug and child-prostitution racket was being conducted out of a hotel in Brisbane. The document also suggested that the CJC had been conducting a surveillance operation in respect of the matter.

Investigations by Project Triton revealed that the document had been prepared by a journalist for the purpose of briefing a security consultant. The consultant had been engaged by a newspaper to conduct surveillance on the newspaper's behalf in respect of the matter.

Furthermore, the investigations by Project Triton revealed that the suggestion contained in the document that the CJC had been conducting a surveillance operation was without basis.

Determination: The matter provided no evidence of paedophilia or of official misconduct.

Complaint 45

'Failure to investigate allegation'

File: 502-04-19-409

This matter was a review of a complaint that police had failed to investigate adequately an allegation of child molestation. The complaint was first made to the CJC in 1993, at which time it was determined that police had taken all proper action. The matter was then revisited by the CJC in March 1997, with the same result.

The matter was yet again assessed as part of Project Triton. No further material was discovered.

Determination: There is still no basis to suspect that police had failed to investigate the matter adequately.

Complaint 46

'Paedophile protected by police'

File: 502-25-60-765

The Children's Commissioner conveyed to Project Triton the complaint of a person who suspected that a nearby resident was a paedophile

who enjoyed the protection of police officers and officers of the local council. An investigation by Project Triton found that the complainant had no evidence to support the allegation.

Determination: There is no evidence that the person is a paedophile, nor that any police officer or council officer acted improperly.

Complaint 47

'Police ignored complaint'

File: 502-14-07-104

The complainant wrote to Project Triton with an allegation that police had failed to investigate information provided by the complainant concerning sexual activity between a 17-year-old youth and a 13-year-old girl.

Project Triton inquiries revealed that police had investigated the information. The family of the girl had been located by police, but had decided not to make any formal complaint. The complainant had not been informed of the result of the investigation because he had remained anonymous.

Determination: There was no evidence of misconduct on the part of any police officer.

Complaint 48

'Teacher protected by Department'

File: 250-08-01-001

This was an anonymous complaint made to Project Triton alleging that a particular school-teacher was sexually assaulting boys and was being protected by the Department of Education.

Determination: Inquiries revealed that no previous complaint had been made against the teacher concerned. Furthermore, in the absence of any direct complaint, or information sufficient to identify any victim, the matter is unable to be productively identified. The information will be recorded as intelligence.

Complaint 49

'Complaint against priest not investigated'

File: 502-14-86-147

The organisation Adult Survivors of Sexual Child

Abuse gave information to Project Triton suggesting that a particular complaint of child sexual abuse made to the QPS had not been properly investigated because the complaint was against a priest. However, Project Triton was advised by the complainant that he had told police he was unsure about pursuing his complaint, and later decided not to press the matter. This information was confirmed by QPS records.

Determination: There is no basis to suspect that police acted improperly — the decision not to proceed was the complainant's, not the QPS's.

Complaint 50

Suspicious about former colleague

File: 250-08-01-001

Information received by Project Triton from a retired police officer detailed suspicions as to the possible homosexual activities of a former colleague.

Examination of the information revealed that the matters referred to would have occurred in the 1960s, and the subject officer retired at age 60, almost thirty years ago. There was no direct evidence of improper conduct.

Determination: The information is historical and does not admit of productive investigation.

Complaint 51

Re Whitsunday allegations

File: 502-25-60-763

This matter arose after a person wrote to then Member for Whitsunday, Lorraine Bird MLA, alleging that police in the Whitsunday region had used knowledge of paedophilia activities to coerce a paedophile into working with them in the distribution of drugs. Mrs Bird passed the letter to the CJC, which referred the matter for investigation as part of Project Triton.

The author of the letter was located and interviewed. He refused to provide any information unless paid \$50 000. Investigators formed the view that the person was unreliable.

Determination: The information contained in the letter to Mrs Bird was vague and not capable of productive investigation.

Complaint 52

'No response to earlier complaint'

File: 502-25-60-791

Information was received from a person who claimed to have made a complaint to police in 1984 concerning alleged child sexual abuse without ever having received a response.

The complainant was unable to identify the police officer to whom the complaint had been made, nor the precise circumstances in which the complaint was communicated.

It is impossible to investigate this matter productively. The events in question occurred many years ago. The available information is scant and there is no ready way to identify the police officer concerned. Furthermore, there is no basis to conclude that the police failed to act upon the information.

It was not suggested by the complainant that the person against whom the complaint was made enjoyed any public standing, nor that police would have had any reason to protect that person.

Determination: The matter cannot be taken any further.

Complaint 53

Officer's career prejudiced

File: 502-25-60-885

It was alleged that a police officer's career had been prejudiced as a result of the ill-treatment meted to the officer's spouse (also a police officer) because of the spouse's involvement in the investigation of paedophilia. (That allegation was identified during the course of investigating issues relevant to reference 3. It was referred by me for further investigation as part of reference 5.)

Determination: Upon investigation, there was no basis to suspect that the officer's career had been prejudiced.

Complaint 54

'Police took no action on information given'

File: 502-04-11-193

Information was provided to Project Triton from

a former officer of the QPS, who alleged that in 1993 he had given police information regarding paedophilia and other matters but that no action was taken.

Investigation by Project Triton revealed that the investigation the informant referred to was well documented. The QPS file on the matter showed that it received due and careful consideration.

Determination: There is no basis to suspect that any police officer failed to perform his duty.

Complaint 55

'Officer introduced boy to paedophile'

File: 502-04-97-028

Information was received by Counsel Assisting (Mr Devlin) from a man who alleged that he had been sexually molested as a child while assisting a police sergeant to conduct first aid lessons. The incident occurred in 1941 or 1942.

The suggestion was not that the police sergeant had molested the boy, but that he had introduced the boy to the paedophile. The police sergeant is long deceased.

The informant was interviewed by Project Triton. He acknowledged the information was no longer capable of investigation, and confirmed that he had passed the allegation to Project Triton for information only.

Determination: No longer capable of investigation.

Complaint 56

Re vague allegations

File: 502-25-60-885

During the course of Project Triton, various pieces of correspondence were received from this complainant, advancing vague allegations against various public organisations.

The complainant was interviewed by Project Triton on 12 November 1998, but was unable to support his allegations with evidence.

Determination: The allegations made by this person are not capable of meaningful investigation.