

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

Kimmins Report

AUGUST 1998

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Dear Sirs

In accordance with section 26 of the *Criminal Justice Act 1989*, the Commission hereby furnishes to each of you the report of an investigation conducted by Mr J P Kimmins — *Inquiry into Allegations of Misconduct in the Investigation of Paedophilia in Queensland*. The Commission has adopted the report.

Yours faithfully

F J CLAIR
Chairperson

The Chairperson
Criminal Justice Commission
557 Coronation Drive
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Dear Sir

PROJECT TRITON

Pursuant to sections 25(2)(d) and 66 of the *Criminal Justice Act 1989*, on 18 November 1997 the Criminal Justice Commission engaged me:

- to hold such public and/or private hearings as may seem appropriate in respect of allegations of official misconduct or misconduct on the part of police officers and/or official misconduct on the part of other public officials relevant to five specific terms of reference; and
- to report thereon to the Commission.

Attached is a report to the Commission detailing the results of those hearings in respect of the first four terms of reference.

Reference 5 requires me to consider every complaint 'made publicly, or directly or indirectly to the CJC' relating to the alleged failure of public officials to investigate paedophilia. My consideration of those matters is ongoing. I shall in due course provide to you a separate report in respect of Reference 5.

Yours faithfully

J P Kimmins

Brisbane
August 1998

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Abbreviations

ABCI	Australian Bureau of Criminal Intelligence
BCIQ/BCI	Bureau of Criminal Intelligence (Queensland)
CIB	Criminal Investigation Branch
CJC	Criminal Justice Commission
Connolly–Ryan Inquiry	Commission of Inquiry into the Future Role, Structure, Power and Operations of the Criminal Justice Commission
Fitzgerald Inquiry	Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct 1987–89 (Chaired by G E Fitzgerald, QC).
Fitzgerald Report	<i>Report of a Commission of Inquiry Pursuant to Orders in Council</i> , Government Printer, Brisbane, 1989.
FOI	Freedom of Information
JAB	Juvenile Aid Bureau
NCA	National Crime Authority
QPS	Queensland Police Service
SCAN	Suspected Child Abuse Network
SOS	Sexual Offenders Squad
Sturgess Inquiry	Inquiry by Mr D G Sturgess, QC, into Sexual Offences Involving Children and Related Matters

Executive Summary

I share the community's abhorrence of paedophilia. Those who prey upon and defile our young and innocent — and those who harbour such deviates — deserve nothing less than the full wrath of the community's condemnation and the fullest retribution prescribed by law.

One must be careful, however, not to falsely condemn. As a matter of logic, the stigma attaching to such allegations means that the damage inflicted by the wilful or negligent labelling of an innocent person as a paedophile, or as a protector of paedophiles, must surely rank with that suffered by the victims of such acts. Not only does the airing of untested accusations threaten the innocent, but it risks prejudicing the investigation and prosecution of the real offenders.

The public heralding of false accusations can therefore be considered as heinous as paedophilia itself, particularly where the peddler of an accusation knows or ought to know that the accusation is untested, or worse, is unlikely to have substance.

The fact that there exists those within our community who do, or who are minded to, prey upon our children is well recognised. However, it is in the community's interest that those who are in a position — directly or indirectly — to influence the public broadcasting of particular allegations should be vigilant to ensure that innocent people are not falsely condemned, and that investigations are driven by reasonable suspicion and not mere hysteria.

The allegations that gave rise to Project Triton implied cover-ups of paedophilia and impropriety by public officials at all levels and over many years, but principally from the early 1980s to the present. Those allegations received widespread and prominent publicity; yet, upon investigation, not one allegation had substance in fact. Indeed, in many instances, the allegations did not bear the slightest scrutiny.

During that period of Queensland history, there were a number of inquiries that, in part, touched upon the investigation of paedophilia, including the inquiries conducted by Mr Sturgess, QC (1985) and Mr Fitzgerald, QC (1987–89). In addition, there were also a number of police operations, including Operation Cleanup (1985), and the establishment of dedicated police task forces, including the Argos Task Force (1996–).

Surely it is not too much to expect that the unfortunate events exposed by Mr Sturgess and Mr Fitzgerald as having occurred in Queensland in the 1970s and 1980s can finally be assigned to the pages of history — at the very least in so far as the matters pertaining to the present Inquiry are concerned.

The Lewis 'dirt files' (Reference 1)

Specific allegations were made in articles published by the *Courier-Mail* about the former Commissioner of Police, Terence Lewis. It was asserted that Lewis had gathered incriminating material which he used, or proposed to use, to blackmail high-profile figures. It was further suggested that this material was seized from Lewis in the late 1980s by investigators attached to the Fitzgerald Inquiry.

It is a matter of record that a great number of Lewis's documents were seized by the Fitzgerald Inquiry. There is no basis to suspect that any of these documents were 'culled' after they had been seized. There can be little argument (and it is hardly surprising) that in some circumstances the information contained in Lewis's documents might have been capable of supporting attempts at blackmail. However, the Fitzgerald Inquiry had virtually unlimited time, money and resources to explore every document and every aspect of Lewis's life. The Fitzgerald Inquiry subjected Lewis to the closest and most searching of examinations and exposed his corruption. After two years of such

endeavour, there was nothing in the findings of the Fitzgerald Inquiry to suggest that Lewis had blackmailed, or had proposed to blackmail, anyone; nor was there any finding that he had accumulated documents for that purpose.

The particular documents claimed by the *Courier-Mail* to be documents held by Lewis for blackmail purposes were identified during Project Triton, and the creation of those documents has been investigated. It was conceded by Counsel for the *Courier-Mail*, and I find, that there is no evidence that such documents ever came to Lewis's attention, much less that he used the documents for the purpose of blackmail.

Snuff movies (Reference 2)

On the basis of the evidence uncovered during Project Triton, I reject absolutely the notions advanced by Mr Bob Bottom on ABC Radio concerning the existence of a 'snuff' movie depicting scenes at Pinkenba.

Other claims advanced by Mr Bottom concerning the alleged failure of police to investigate paedophilia have been demonstrated to be without foundation.

In addition to Mr Bottom's claims, allegations concerning the possible existence of two further 'snuff' movies have been investigated. In each case, it has been established beyond doubt that the allegation was a concoction.

Apparently, no credible first-hand evidence of the existence of a 'snuff' movie has ever been found anywhere in the world. Certainly, no such evidence was discovered by Project Triton.

Allegations made to law enforcement and other agencies in Queensland suggesting the existence of 'snuff' movies have been properly investigated and suggestions that such investigations were aborted or interfered with are baseless.

Past investigations (Reference 3)

Various newspaper articles asserted that from 1989 to 1993 there were systematic and institutionalised impediments to police investigations of paedophilia. My investigations revealed that in every instance such assertions are without foundation.

The evidence adduced during Project Triton provides no reason to suspect that the QPS provided other than all reasonable assistance and support to the pursuit of paedophilia during the relevant period.

The Whitsundays (Reference 4)

The various matters raised by Mrs Bird as the Member for Whitsunday have been fully investigated. There is no basis to suspect that police have protected paedophiles from detection and punishment.

Mrs Bird cooperated fully with my investigation. From the outset of Project Triton, she acknowledged the 'preposterous' nature of some of her information, and the likelihood that some matters would be difficult to substantiate. One cannot criticise her for passing on information given to her by her constituents. This was part of her responsibilities as a Member of Parliament.

Introduction

Project Triton

In mid-August 1997, a number of Queensland newspapers — led principally by the *Courier-Mail* — published articles alleging cover-ups and other impropriety by police officers and others regarding the investigation of paedophilia, or sex crimes against children. The published allegations related to matters both historical and contemporary.

At about the same time, a report by the Queensland Children's Commissioner was tabled in the Queensland Parliament. The report touched upon the incidence of paedophilia within the State, and a perceived ineffectiveness by law enforcement agencies in the investigation and prosecution of offenders.

Not surprisingly, there followed a degree of public debate and disquiet. On 21 August 1997, the Chairperson of the Criminal Justice Commission (CJC) informed the Commissioner of the Queensland Police Service (QPS) that the CJC intended to commence an investigation into various allegations of misconduct by current and former members of the QPS and its predecessor, the Queensland Police Department. The Commissioner of Police agreed to provide two experienced investigators to assist the CJC with that investigation.

On 22 August 1997, the CJC announced the establishment of a special task force investigation, which became known as Project Triton. From 1 September 1997, a small team of investigators — which included, at times, three detective inspectors, two senior detectives, and a former senior detective — were engaged in formulating and pursuing lines of inquiry. Those investigators had the support of one of the CJC's Executive Legal Officers, and were supervised on a day-to-day basis by Mr R P Devlin, a member of the private bar.

Mr R A Mulholland of Queen's Counsel was later engaged by the CJC to conduct the investigation and to preside at hearings to be convened pursuant to Part 3 of the *Criminal Justice Act 1989*. Mr Devlin was appointed as Counsel Assisting Mr Mulholland, QC. Together with Mr Mulholland and Mr Devlin, the CJC then defined the scope of the investigation by identifying a number of terms of reference. At a hearing held on 3 November 1997, Mr Mulholland stated the terms of reference as follows:

Five broad references have been formulated, some being more complex than others, to address the matters raised. The investigation into these matters is not yet complete. Three of the references deal with the following.

1. Media reports suggesting that the former Commission of Police, Mr Lewis, allegedly kept secret files on possible criminal sexual behaviour by senior public officials for blackmail purposes and that they were seized by the Fitzgerald Commission of Inquiry from safes which were controlled by Lewis. It has been alleged that matters arising from certain of the files have not been investigated either during the Fitzgerald Inquiry or since.
2. This concerns allegations that there has been police inactivity or cover up of investigations into allegations that children have been sexually abused and murdered during the filming of so called "snuff" movies in Queensland.
3. This relates to public statements reportedly made by a Member of Parliament that in recent years there was a paedophile group operating in the Whitsunday area and that it was being protected from prosecution by unnamed police officers.

The remaining two references relate to allegations of a more general kind that for a lengthy period of time there has been police inaction or cover-up in relation to allegations of paedophile activities.

I wish to make it perfectly clear at the outset that the matters comprising the five references in the Project Triton investigation are not concerned with the question whether there is or was substance in

the particular allegations of paedophilia. The Project Triton investigation is concerned with whether police officers have failed to investigate certain allegations of such activities or covered them up — matters plainly within the jurisdiction of the Commission.

... The Commission has resolved to engage me as an independent qualified person pursuant to section 25(2)(d) of the *Criminal Justice Act* to hold such hearings as may seem appropriate so as to enable it, the Commissioners and officers of the Commission, to discharge the functions and responsibilities imposed upon them by the Act.

Two days later, on 5 November 1997, the *Courier-Mail* published an article that referred to legal proceedings still current in which Mr Mulholland had been engaged to act as Senior Counsel on behalf of the CJC. The article claimed that a conflict of interest existed between Mr Mulholland's role as Senior Counsel for the CJC on the one hand, and his engagement by the CJC to act as an independent qualified person for Project Triton on the other. The article suggested that Mr Mulholland should resign from Project Triton.

Mr Mulholland obtained independent legal advice confirming that there was no legitimate reason for him to decline the Project Triton appointment. Notwithstanding this, on the afternoon of 5 November 1997, Mr Mulholland reconvened the public hearing he had commenced two days earlier, and read a letter he had just sent to the CJC. The contents of that letter, as read by Mr Mulholland, are set forth below:

Concerns have been expressed in the media today commencing with reports in the *Courier-Mail* that my role in the investigation I am conducting would be publicly viewed as incompatible with my having acted for the Commission in a contempt action against Channel Seven and a former Commission Officer.

When you first requested me to be involved in the present investigation I carefully considered whether there was any actual or potential conflict of interest difficulty for me by reason of past matters in which I had been involved. Among the matters I considered was the Channel Seven action. After satisfying myself that there was no information that I had acquired in the course of those matters which would cause me the slightest difficulty, I accepted the appointment.

Today's concerns have caused me to revisit the question in my own mind and obtain independent advice, both of which have confirmed my original view that there was no legitimate reason for me to decline the appointment.

The independent advice I have received is quite unequivocal to the effect that any suggestion of conflict of interest or bias in my present role is entirely misconceived.

There is, however, a further concern raised in today's reports which I have been unable to resolve in the same way. That concern relates to the somewhat tenuous suggestion that there may be some unnamed police officers who will not cooperate with this investigation because of my involvement in it and what appears to me to be a connected claim that there may be a lack of public confidence in the investigation and its outcome as a result.

The assertion of a lack of public confidence is probably not capable of proof one way or the other and, contrary to the assertion about a lack of police co-operation, there have been some positive signs flowing from my association with the investigation. For example, since my opening statement on Monday a number of people have indicated their co-operation.

However misconceived the basis for publicly expressed concerns may be, the co-operation of police officers and public confidence are vital if the investigation is to succeed and the report accepted. I am not prepared to see these outcomes jeopardised. Reluctant though I am to take a course which I know will give comfort to those who wish to further destabilise the Commission and to others who have an interest in frustrating the success of the present investigation, I feel that I have no alternative. Please accept my resignation effective immediately.

Upon Mr Mulholland's resignation, I was approached by Mr Devlin, who sought to know whether I would be prepared to replace Mr Mulholland. After some hesitation, on 10 November 1997, I decided to accept the engagement and continue the investigation. I then suggested to Mr Devlin that the terms of reference (as previously identified by Mr Mulholland) would be more appropriately

drawn as an annexure to the document authorising my appointment, rather than being contained within or as part of that document (as had been the case with the appointment of Mr Mulholland). I also suggested that certain refinements be made to the terms of reference. My suggested alterations did not change the effect of what had previously been drawn for Mr Mulholland. The changes I suggested were duly made.

Accordingly, pursuant to section 25(2)(d) of the *Criminal Justice Act*, on 18 November 1997, the Chairperson of the CJC authorised me to conduct a hearing to investigate allegations of official misconduct or misconduct on the part of police officers and/or official misconduct on the part of other public officials relevant to five specific terms of reference, namely:

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.

I have taken the trouble to set out the history of my engagement and the drawing of the terms of reference to reinforce what I said publicly on 20 November 1997. After tendering my authorisation and terms of reference as a public exhibit, I said:

My attention has been drawn to a report in the press which suggested that the previous terms of reference were altered at my request. In case this excites interest in some sections of the community I'll state quite frankly that the changes that I have caused to be made are as follows:

1. The references have been removed from my appointment document.
2. I have caused a list of references to be annexed to my appointment document.
3. The references themselves are not new. They are refined versions of what was in the previous appointment.

A cursory glance at the final terms of reference reveals that the content is the same as that referred to by Mr Mulholland, QC.

Jurisdiction

The terms of reference are not concerned with the question of whether or not there is substance in any particular allegation concerning paedophilia.

As a statutory body, the CJC has only those powers bestowed on it by statute — in this case, the *Criminal Justice Act 1989*. The CJC has never had power to investigate paedophilia, burglary, murder, or any other criminal activity per se. The CJC's powers can be exercised in respect of criminal matters only where such matters involve an investigation of organised or major crime that cannot appropriately or effectively be discharged by the QPS or other agencies of the State. As a matter of logic, allegations of paedophilia are normally able to be investigated by the QPS.

However, the CJC does have power to investigate allegations of official misconduct and misconduct on the part of police officers, and of official misconduct on the part of other public officials. A definition of what constitutes 'official misconduct' is contained in section 32 of the *Criminal Justice Act*. For these purposes, however, the action of a police officer or other public official in attempting to thwart the proper investigation of a criminal offence would constitute official misconduct, and allegations of that type will attract the jurisdiction of the CJC.

Project Triton has been concerned with the question of whether persons holding appointments in units of public administration, which includes, *but is not restricted to* (and I emphasise that point) members of the Police Service, failed to investigate certain allegations of paedophilia, or covered them up. Therefore, I have been concerned only with the proper subject of my investigation — whether there had been inaction or cover-ups by police or other public officials that might amount to misconduct or official misconduct.

My role

Next, given the level of what passes for public debate in some quarters in Queensland, and in light of suggestions made concerning Mr Mulholland, QC, I should make the following known:

1. I had no contact of any description whatsoever with anyone from the CJC itself concerning my appointment — either before I was approached to act by Mr Devlin, or since.
2. I have deliberately refrained from any contact at all with Mr Clair, Chairperson of the CJC. My knowledge of and contact with Mr Clair is limited to his appearance before me as a prosecutor in trials in which I have presided. In such, we have had our differences of opinion.
3. So far as the CJC is concerned, my sole contact has been with Mr Russell Pearce, a qualified barrister and an Executive Legal Officer of the CJC. This contact has been for entirely proper purposes affecting the administration of my investigation, and has been at the general direction of Mr Devlin.
4. As I previously announced publicly, on 20 November 1997, I was shown by Mr Devlin a copy of a letter which the *Courier-Mail* had forwarded to the CJC and which had at the bottom, ‘c/c Mr Kimmins’. I said at the time:

I would like to record that a copy of a letter addressed to Mr Clair concerning my inquiry was addressed to me. I have simply handed it to Mr Devlin. I will do the same with any other document which is addressed to me. I do not intend to enter into correspondence with parties or make any further acknowledgement of attempted correspondence. Any future correspondence can be addressed to counsel assisting.

I have followed that stated course during my investigation.

5. Further, as I have said publicly, I commenced practice as a barrister in November 1952, and practised as such until sworn as a District Court Judge in February 1976. I retired from such office on 9 September 1995. During the above periods, I followed the rule never to get involved in public controversy and I saw no reason to change. Hence, I have refrained from comment or reply during the proceedings, despite temptation. This restraint will explain why I did not issue public statements concerning my investigation and/or particular aspects of it, or reply to what might be construed as an attack or a reflection thereon.

Conduct of the investigation and hearings

I have referred to the limitation on the powers of the CJC. Since my powers are derivative, I can have no greater power than that of the CJC. The CJC is empowered by the *Criminal Justice Act* to conduct investigative hearings, to which witnesses may be compelled by summons to appear and answer questions. Accordingly, I was able to make use of this power.

For each term of reference, persons (or parties) with an interest in (i.e. ‘concerned in’) the subject matter of the investigation were granted leave to appear at and participate in the hearings and were provided with information relevant to the investigation.

Generally, at Mr Devlin’s direction, investigators interviewed potential witnesses. Transcripts or summaries of those interviews were provided to each of the parties with leave to appear. The process employed, thereafter, was that an investigator gave evidence of the investigative steps taken, and summarised the evidence gathered. An assessment of the relevance of each potential witness was then able to be made, and with the assistance of Counsel Assisting and the parties, a determination was reached as to whether it was necessary to hear direct evidence from a particular witness. In the overwhelming majority of instances, witnesses appearing before me did so voluntarily.

Section 90 of the *Criminal Justice Act* provides that a hearing is to be conducted in public unless it is unfair to a person or contrary to the public interest. In large part, it was appropriate that the issues be investigated publicly and it would have been contrary to the public interest to have proceeded otherwise. However, where necessary, and in accordance with the Act, proceedings were also conducted in camera and the transcript of such proceedings was, where appropriate, subsequently tendered into evidence so as to enable parties with leave to appear the opportunity to access such evidence.

Elsewhere, when it would have been unfair to the person concerned or to others and where the occasion demanded it, orders were made pursuant to section 88 of the Act, prohibiting the publication of aspects of the investigation, and code numbers were applied to protect the identity of persons. Those orders do not prevent the CJC from furnishing a report on this investigation pursuant to its statutory obligations.

The code numbers applied during the hearings identify the relevant term of reference (i.e. 'R1', 'R2', 'R3' or 'R4') and identify the person concerned in an alphabetical sequence (i.e. 'R1-A', 'R1-B' and so on). For each Reference, a list of the identities and code numbers was tendered as a restricted exhibit. That information is reproduced in a confidential compendium to this report.

I have been at pains to ensure that the conduct of Project Triton has been open and transparent. Whenever appropriate, the proceedings have been conducted in the public gaze. When it was inappropriate to conduct public hearings, those parties with leave to appear had full access to the evidence.

The proceedings before me were purely investigative. They were in no sense adversarial, judicial or quasi-judicial. Parties with leave to appear were routinely asked to identify any lines of inquiry they thought necessary. In many instances, further investigations were carried out in response to submissions from the parties.

Standard of proof

My conclusions and my comments upon the evidence are based upon the principles established in *Briginshaw v. Briginshaw* (1938) 60 CLR 336, that is, to the 'reasonable satisfaction of the tribunal' — conscious of the gravity of the consequences flowing from a particular finding.

The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal. (per Dixon J, p. 362)

I am also mindful of the provisions of section 93(1) of the *Criminal Justice Act*, which require that each report of the CJC includes an objective summary of all matters of which it is aware that support, oppose or are otherwise relevant to any recommendation. Section 93(2) also authorises the Commission to include in its report any relevant comments it may have.

The terms of reference and newspaper articles

Some of the terms of reference were drawn up, in part, on the basis of matters raised in newspaper articles.

I publicly invited all members of the community to come forward with evidence in relation to the terms of reference. When such evidence was produced, it was investigated under the relevant term of reference.

Neither the newspaper articles per se, nor the information passed to the CJC by the Children's Commissioner, constitute the terms of reference. However, the terms of reference are based mainly upon the allegations reported by the newspaper articles. The proper investigation of each term of

reference required, among other things, that the allegations contained in the newspaper articles (and the context in which those articles were published) be investigated.

At the beginning of the written submissions received on behalf of Michael Ware and the *Courier-Mail* in respect of Reference 3, the following matters were raised:

In a number of instances, the submission of Counsel Assisting the inquiry ('the submission') levels criticism at the journalistic methods employed by and the content of the articles published by the *Courier-Mail* and prepared by Michael Ware ('the journalistic issues'). It is regrettable that this is so.

As Exhibit 1 demonstrates, the Commissioner's relevant task is to address the issues raised by the terms of reference. While the newspaper articles may be seen as the immediate catalyst for the commencement of the inquiry, the journalistic issues are not referred to in the terms of reference. Nor is it necessary to examine them in order to elucidate the issues which are raised by the terms of reference. Indeed, quite apart from the publication of the articles, there were substantial grounds for an inquiry such as this. The persistent nature of the rumours within the police service and associated circles concerning a number of serious allegations investigated is one example of this.

Since such a submission could be said to apply to any of the terms of reference that has its genesis in newspaper articles, I deal with it here at the outset of my report.

Let us examine the above in some detail. There are two separate strands said to comprise 'journalistic issues':

- 'the journalistic methods employed'; and
- 'the content of the articles'.

I say immediately that I have not sought to investigate, or discuss in any way, 'the journalistic methods employed' by those responsible for writing and publishing the various newspaper articles. The knowledge and insight gained as a young and single barrister during drinking sessions with newspaper reporters alerts me to the futility of such a task.

However, the submission also contends that it is not necessary for me to examine the 'content of the articles' in order to elucidate the issues raised by the terms of reference.

As journalist and publisher respectively, Mr Ware and the *Courier-Mail* made public allegations which were widely circulated. The content of such allegations assisted in leading to the formulation of particular terms of reference. What, then, is being contended by the above submission is this:

- When I come to investigate a relevant term of reference, I am not to worry about the contents of such allegations, I am not to examine them, I am not to discover whether they are true or not.
- I am apparently to investigate the term of reference having regard to similar rumour and/or innuendo at large within the community. In other words, I go out and identify the rumour and/or innuendo, investigate it, but leave untouched the published version of the same allegations.
- No finding can thus ever be made about the truth or falsity of the allegations as published in print.

I reject such notions.

The submission proceeds as follows:

The commissioner has chosen to refrain from compelling Ware to give evidence and the submission eschews the purpose of identifying his sources. In such circumstances, the commissioner can have no basis for confidence that the evidence provides a reliable platform for constructing findings on the journalistic issues.

The first part of the quote is both legally and factually incorrect. I cannot compel anyone to appear as a witness. I can only recommend that someone be compelled. Further, a person is liable to be found guilty of contempt of the CJC (section 106 of the Act) if he/she fails to answer a question, but

that person cannot be compelled to answer.

It is the second part of the quote that interests me in that it contends that, in the absence of Mr Ware's sworn evidence, I 'can have no basis for confidence that the evidence provides a reliable platform for constructing findings on the journalistic issues'. One of the 'journalistic issues' as defined, is 'the content of the articles'. This means that unless Mr Ware has spoken from the witness box, all the contemporaneous documentary evidence, all the tape-recorded interviews, and all the sworn and unchallenged evidence, are not enough to justify my making findings on such issues as the content of allegations contained in Mr Ware's articles.

I also completely reject this notion.

Justification for declining to give evidence

When Mr Ware and the *Courier-Mail* originally sought leave to appear (on Reference 1), they did so on the basis, among other things, that if findings of a certain kind were made about the allegations made by Mr Ware and reported in the *Courier-Mail*, that fact 'would directly affect Queensland Newspapers in the conduct of its business and Mr Ware in his profession and both Queensland Newspapers and Mr Ware in their respective reputations'.

By his Counsel, Mr Ware declined to give evidence and addressed arguments to me, resisting Mr Devlin's application that I should recommend that he be compelled so to do.

I pointed out that one of the bases on which Mr Ware was granted leave to appear was to protect his reputation and asked, if Mr Ware was not prepared to come forward and give evidence, why should I be bothered? I got no real reply. I declined to recommend that he be compelled.

As his Counsel pointed out to me, it was no part of my function to investigate Mr Ware and/or the *Courier-Mail*. Indeed, all I can do is make findings on the evidence before me while observing the rules of procedural fairness. If that carries adverse consequences for their reputations, then so be it.

In argument before me, one explanation advanced as to why Mr Ware declined to give evidence was that if he was forced to reveal a source it could be more difficult for him to obtain sources in the future. (It was not suggested that the source was unwilling to be named.) Such an approach has the result that allegations of an unidentified source reflecting upon, say, the integrity of now very senior police officers, may be published by a newspaper but should not be tested by naming an alleged source, because to expose the allegations to such scrutiny might affect the journalist's ability to cultivate future sources.

I do not accept this as a legitimate explanation, and the public has a right to be cynical.

In the end, the possibilities are numerous, including:

- that Mr Ware did have a source or sources for his allegations, and the allegations made by his source/s may or may not be reliable
- that Mr Ware had no source at all and simply published suspicion as assertion
- that the information giving rise to Mr Ware's allegations was so obviously unreliable that he could not identify the source
- that Mr Ware wished to be compelled to give evidence so that he might publicly decline to reveal the identity of his source, thus achieving enhanced stature and notoriety as a reporter.

As part of my investigation, it falls to me to determine whether there is any truth in the allegations as published. Other than ensuring procedural fairness, it is of no interest to me whether, as a result of his unwillingness to be examined on the matters, Mr Ware's credibility is left open to question.

What credence the community chooses to give to the reporting of allegations attributed to anonymous sources is a matter over which I have little control.

The right to be heard

Before the publication of this report, some persons were served with notice of possible adverse findings and others were not. The basis of distinction is this.

If a person has:

- been granted leave to appear and/or to be legally represented;
- taken an active part in the investigation of a particular term of reference;
- cross-examined witnesses;
- had the opportunity to call oral evidence and also tender documents;
- received copies of evidence given and investigations conducted in his/her absence;
- been invited to identify witnesses he/she wishes interviewed and has received advice of the result of such interviews; and
- been invited to make submissions upon issues concerning him/herself

then that person has not been given notice of possible adverse findings.

However, it seems to me that natural justice demands that if a person has not otherwise participated in the proceedings in the above manner, then that person should receive notice of possible adverse findings and an opportunity to comment and argue and make submission thereon.

The report

This is a report to the Criminal Justice Commission detailing the results of an investigation codenamed Project Triton, in accordance with a resolution of the CJC pursuant to which I was engaged to hold such public and/or private hearings as may seem appropriate in respect of the five terms of reference and to report thereon to the CJC.

This report details the investigation conducted in respect of the first four terms of reference. It does not address the fifth term of reference.

The work of Project Triton in respect of Reference 5 is not yet concluded. Reference 5 requires me to consider every complaint ‘made publicly, or directly or indirectly to the CJC’ relating to the alleged failure of public officials to investigate paedophilia. My consideration of those matters remains, for the moment, subject to continuing inquiries. I shall in due course, and upon the completion of those inquiries, provide to the CJC a separate report on the results of my investigation concerning Reference 5.

Against that general background, I now move to the evidence on the first four terms of reference. I have endeavoured to have the evidence on each term of reference treated separately. This was not always strictly possible, but it worked well in the main.

Chapter 1: The Lewis ‘Dirt Files’ (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.

Preliminary

It must be remembered that when I took over this investigation on 10 November 1997, its course and direction were to some extent already set. When I made my opening statement on 20 November 1997, Mr Devlin, as Counsel Assisting, said that he expected two witnesses would be called concerning Reference 1, and that the evidence would last approximately two days.

However, Mr Devlin performed his role in a most cooperative way and remained receptive to suggestions regarding further investigations. In the end, 20 witnesses were called and examined in relation to Reference 1, and the hearings lasted nine days.

The witnesses called for Reference 1 are listed at the end of this chapter. I list them deliberately because if this investigation is ever revisited and picked over in the way in which aspects of the Sturgess Report, the Fitzgerald Inquiry and the Connolly–Ryan Inquiry were sought to be revisited before me, it can then be seen that a proper and serious attempt was made to inquire into these allegations. I say ‘were sought to’ because I had no intention of questioning the conduct of inquiries conducted by others without good reason. I was concerned with the evidence before me, and the issues relevant to the terms of reference.

I also add that before closing the hearing on Reference 1, those parties who had been granted leave to appear were invited to indicate if they wanted any further witnesses called.

Submissions were thereupon made by the legal representatives of the *Courier-Mail* and Mr Ware (who had been granted leave to appear), and as a result some additional witnesses (such as Assistant Commissioners Early and Freestone of the QPS) gave evidence.

Later, on 13 March 1998, after the evidence had closed and submissions had been received, the legal representatives of the *Courier-Mail* and Mr Ware wrote to Mr Devlin suggesting that some further lines of inquiry — not previously referred to — ought to have been pursued regarding Reference 1. Those lines of inquiry were then pursued (substantially without result) and details of the outcome of those inquiries were conveyed to the relevant parties.

Allegations in newspaper reports

Between 14 and 20 August 1997, a series of articles appeared in the *Courier-Mail*, and other newspapers published in Queensland.

The articles referred to 'dirt files' said to have been maintained by former Commissioner of Police Terence Murray Lewis, and promoted the allegation that former Commissioner Lewis had 'kept secret files on possible criminal sexual behaviour involving top state and federal government advisers and senior Queensland public servants.'

The articles further alleged that Lewis's purpose in maintaining such material was to blackmail those compromised by the said 'dirt files'.

The articles were subjected to analysis by Mr Pearce, who deduced the following allegations:

- Former Police Commissioner Lewis kept secret files on possible criminal sexual behaviour involving top state and federal government advisers and senior Queensland public servants. Such files were kept to facilitate the blackmail of these persons.
- The secret files were part of a collection of documents seized by Fitzgerald Inquiry investigators from private safes at Police Headquarters and Lewis's residence.
- Matters arising from certain of the files have not been investigated, either during the Fitzgerald Inquiry or since.
- The *Courier-Mail* sighted copies of the secret files and verified the authenticity of the documents with Queensland and interstate police services and officers involved in their compilation.
- One of the secret files contained documents from a national paedophile task force which had investigated a senior ministerial adviser to successive National Party state governments. The man later served in the public service under the Goss government. This investigation was quashed. (Given the details published in the later articles, by implication, this person was Russell John Grenning.)
- One of the secret files comprised 20 pages and contained police reports and surveillance running sheets on an undercover operation targeting a senior public servant. This operation is said to have been launched upon the complaint of a family whose 15-year-old son had received a 'suggestive' approach from the senior public servant.
- One of the secret files contained correspondence from a known paedophile to an academic. (Given the detail contained in an article of 17 August 1997, by implication, this was correspondence between Clarence Osborne and Professor Paul Wilson.)
- One of the secret files contained a statement concerning a convicted paedophile outlining allegations of involvement in drug trafficking and gun-running.
- The secret files contain handwritten notes by former Commissioner Lewis which suggest he was gathering intelligence on senior public servants within the police department.

Relevant extracts of the various articles were tendered before me, and a copy of the entire collection of articles was admitted as Exhibit 4A–F.

The above allegations are such as to constitute official misconduct, the general nature of which is defined by section 32(1) of the *Criminal Justice Act*. Since the allegations touched on, or concerned, possible official misconduct by police officers or other public officials, the CJC has power to investigate them.

Further allegations

To identify the documents (i.e. 'dirt files') said to have been secreted in former Commissioner Lewis's safes, and to define the allegations relating to those documents more accurately, the CJC sought the assistance of journalist Michael Ware, who had been the author of some of the newspaper articles.

In subsequent interviews with CJC officers and with Mr Devlin, Mr Ware made further specific

allegations, some of which raised suggestions of possible misconduct by police officers attached to the Fitzgerald Inquiry.

The information provided by Mr Ware on these occasions was detailed and specific. It included the following allegations:

- That former Commissioner Lewis had access to safes in his office and at his home. Fitzgerald Inquiry officers — led by then Detective Inspector, now Commissioner of Police James O’Sullivan — raided the safes. The files were removed to the Inquiry offices and handed to Senior Counsel Assisting the Fitzgerald Inquiry, Mr Gary Crooke, QC.
- That the files were later forwarded to the CJC.
- That an officer within the Fitzgerald Inquiry police contingent held ‘some concern about the fate’ of files removed from Lewis’s safes. The officer accessed the files, copied some of them, and gave the copies to ‘Mr X’.
- That Ware had been shown copies of the files.
- That Lewis’s handwriting appears on particular documents.

Mr Ware claimed that the particular ‘dirt files’ pertained to the following individuals:

- a senior public servant (code-numbered ‘R1-A’)
- Russell John Grenning
- Professor Paul Wilson
- a person former Commissioner Lewis believed was a research officer to a then federal political figure (code-numbered ‘R1-D’ and ‘R1-E’ respectively)
- a public servant employed at Police Headquarters (code-numbered ‘R1-B’)
- Paul Breslin.

Mr Ware’s allegation that an unnamed police officer may have copied files, or indeed culled files, raised further questions of possible misconduct. Many of the officers who served on the Fitzgerald Inquiry are now senior officers in the QPS.

A senior public servant (‘R1-A’)

Mr Ware alleged:

- That one of the files seized by the Fitzgerald Inquiry from former Commissioner Lewis’s safes related to a Juvenile Aid Bureau (JAB) investigation into allegations against a then senior public servant (‘R1-A’).
- That the investigation had been thwarted by Lewis, who had taken possession of the original running file, including logs, reports, statements and other official forms.
- That R1-A had been attempting to entice a 15-year-old boy to his residence. The boy was fitted with a listening device and attended R1-A’s residence, where R1-A immediately put his hand on the boy’s back and detected the listening device.
- That officers of the Bureau of Criminal Investigation (BCI), who were monitoring the meeting from a van parked a short distance away, threw their ear phones off and started complaining that R1-A had been ‘tipped-off’.
- That he had spoken to the boy and his family, who had told him of the circumstances that had indicated to them at the time that R1-A had been warned of the investigation.
- That the complainant boy and his family had been called into police headquarters where inves-

investigating officers spoke in hushed tones and said, 'The shit's hit the fan, there's been a tip-off'. The investigating officers told them that they believed the tip-off had come 'from above' and suggested that the family never mention the matter again.

Russell Grenning

Mr Ware alleged:

- That a file seized by the Fitzgerald Inquiry from former Commissioner Lewis's safes related to a thwarted investigation of information pertaining to Mr Russell Grenning.
- That Delta Task Force of Victoria Police raided and searched a Melbourne paedophile who had been distributing pornographic material. During the search, police officers found a letter indicating that Grenning had been purchasing photographs of boys.
- That Delta Task Force sent a letter to Queensland Police attaching a copy of Grenning's letter and asking that Grenning be raided and questioned.
- That the file was marked 'no action to be taken, political reasons' and was signed by the Detective Sergeant in charge of the JAB.
- That Commissioner of Police O'Sullivan admitted in an interview with Ware that he was aware of the Grenning file and its contents.

Professor Paul Wilson

Mr Ware alleged:

- That a file seized by the Fitzgerald Inquiry from former Commissioner Lewis's safes related to Professor Paul Wilson.
- That the file contained shorthand notes and entries in Lewis's hand detailing conversations he had about Wilson.
- That the file also contained copies of correspondence between Wilson and paedophile Clarence Osborne, who committed suicide in 1979.
- That the file on Wilson was of about a dozen pages, including copies of Osborne's correspondence with Wilson, handwritten notes by Lewis, and other materials including property and vehicle searches.

A research officer ('R1-D')

Mr Ware alleged:

- That a file seized by the Fitzgerald Inquiry from former Commissioner Lewis's safes related to a person who Lewis suspected was employed by a then federal political figure.
- That the file contained two or three pages on the person, who had been caught in a public toilet in Brisbane.
- That the file contained entries in Lewis's hand.

A public servant employed at Police Headquarters ('R1-B')

Mr Ware alleged:

- That a file seized by the Fitzgerald Inquiry from former Commissioner Lewis's safes related to a public servant employed within the Queensland Police Department.
- That the documents contained Lewis's handwriting.
- That the file contained a photocopy of the public servant's security pass and handwritten nota-

tions by Lewis detailing the public servant's attendance at the 1984 paedophile conference at the University of Queensland.

Paul Breslin

Mr Ware alleged:

- That a file seized by the Fitzgerald Inquiry from former Commissioner Lewis's safes was a statement of one 'R1-C', which contained detailed allegations against one Paul Breslin. The statement referred to drug trafficking and gun-running.

Reference 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.

Seizure of Lewis's files

It is well known and accepted that police officers attached to the Fitzgerald Inquiry conducted a number of 'searches' in which files then in the possession or control of former Commissioner Lewis were seized.

The records of the Fitzgerald Inquiry indicate:

- On 22 September 1987, Lewis's safe at Police Headquarters was cleared by then Detective Inspector (now Commissioner of Police) James O'Sullivan in the presence of then Acting Commissioner Redmond and then Superintendent Early. At that time, Mr Early was the personal assistant of Commissioner Lewis, a post he had held for some years.

Mr Early made a list of the 16 documents removed from the safe by O'Sullivan.

There were other locked cabinets or safes in the general area of the Commissioner's office. Mr Early made a list of 40 items contained in such cabinets or safes, all of which were locked. (Lewis and Early were prohibited access to this area because Early was transferred and Lewis was suspended.) These documents were removed on 14 April 1988 and 21 April 1988 and taken to the Fitzgerald Inquiry offices.

- Commissioner Lewis had a private safe at his home. On 1 July 1988, this safe was cleared by Fitzgerald Inquiry staff, including Mr R M Needham of Counsel, and Detective Inspector O'Sullivan. The documents were taken to the Fitzgerald Inquiry premises.

All material seized, with the exception of those documents tendered as exhibits during the Fitzgerald Inquiry, were passed on to the CJC after the presentation of the Fitzgerald Report.

What I wish to record is that during Project Triton, all this material was made available for the inspection of the legal representatives of Mr Lewis, the *Courier-Mail* and Mr Ware, and the Queensland Police Union of Employees. These parties were able to have produced before me any of the said material to which they wished to refer. Two files were produced, and were referred to by Counsel for the *Courier-Mail* and Mr Ware during the evidence of Assistant Commissioner Early.

For the purposes of this report, the documents seized from former Commissioner Lewis by the Fitzgerald Inquiry (and now held by the CJC) shall be referred to collectively as 'Document 10'.

With the exception of two official reports pertaining to the investigation of 'R1-A', no document fitting the description of any of those mentioned by Mr Ware is within Document 10.

CJC holdings

A search of the CJC's holdings found a single file — unrelated to the documents seized from Commissioner Lewis — containing documents of the type described by Mr Ware. That single file is one on Russell Grenning, and bears the CJC's file number 104/01/07/004. The file became Restricted Exhibit 3 in the hearing.

Evidence before me established that documents on this file had been produced to then Detective Superintendent O'Sullivan (in charge of the CJC police contingent) by then Detective Senior Constable Tony Wright (of the CJC police contingent) on 10 November 1989. Detective Wright produced a total of five separate documents, each comprising a number of pages. The documents became Exhibit 6 before me. For the purposes of this report, the documents produced by Wright on 10 November 1989 are referred to as 'Document 1' through to 'Document 5'.

Document 1 Consists of one photocopy of an empty envelope postmarked Denmark and addressed to a person believed to be a senior sergeant of police who retired medically unfit some years ago. The document plays no further part in this investigation.

Document 2 Consists of three pages:

- copy of a letter dated 5 January 1981 signed 'Russell G.'
- a letter from Delta Task Force, Victoria Police, to Detective Kerry Kelly dated 29 March 1983
- a page bearing a handwritten notation by Detective Sergeant McCoy ('7/1/81 No action to be taken. Political reasons.') 'Russell G.' is taken to be Russell Grenning.

This is the only document which, on its face, is suggestive of any inaction or interference, so I shall leave its discussion until last.

Document 3 Consists of three pages:

- a copy of a computer-generated vehicle registration search
- a page bearing handwritten notes identifying a person, 'R1-D', as a research officer then employed by a federal politician ('R1-E')
- a page bearing handwritten notes dated 12 October 1983, detailing certain unrelated inquiries.

(The final — unrelated — page is, itself, a complete and separate file, but apparently has been mistakenly bundled together as part of Document 3.)

The handwriting evident on these pages has been identified as McCoy's. Former Commissioner Lewis's handwriting does not appear. This material contains information which is of intelligence value only. It cannot reasonably be said, nor has it been alleged by any member of the Child Exploitation Squad, that any investigation of this material was frustrated by any public official.

Document 4 Consists of 11 pages and relates to the late Clarence Osborne. The pages contain handwritten entries in cursive script and shorthand, together with typewritten pages in the form of questionnaires. With some exceptions, all of the handwritten entries — longhand, printed and shorthand — have been identified as having been made by Osborne himself. In this regard, two of Osborne's former work colleagues have been shown the relevant pages and have identified Osborne's handwriting. Entries on the first page have been made either by members of the Child Exploitation Squad, or on their behalf. Entries in longhand on the tenth, or penultimate page, have not been identified, but clearly relate to the same subject

matter as the typewritten pages. The tenth page also bears Osborne's shorthand writing. None of the writing on the document is that of former Police Commissioner Lewis.

Clarence Osborne was a notorious paedophile who maintained extensive records on children he had dealt with — in fact, one witness said the JAB had a room full of his papers. He committed suicide when finally arrested in 1979.

Osborne had had contact with Professor Paul Wilson about a book (or at least research for a book) Osborne was apparently considering getting published. In 1981, after Osborne's death, Professor Wilson in fact wrote and published a book about Osborne entitled *The Man They Called a Monster*.

There is no basis in fact for claims that this documentation contains any handwritten entries by Lewis; nor is there any basis to imagine the documents contain notes of conversation between Lewis and Professor Wilson. There is no suggestion in the material of any investigation, let alone any suggestion that an investigation was frustrated by any public official.

Document 5 Consists of three pages. Two pages contain handwritten entries (apparently in McCoy's hand) detailing suspicions held of a public servant, 'R1-B', employed within the Queensland Police Department. The third page is a photocopy of the public servant's Police Department security pass. It is obvious that this material is purely intelligence.

Documents 2, 3, 4 and 5 are a precise match for documents described by Mr Ware as 'dirt files' in the possession of former Commissioner Lewis.

The creation of Documents 1 to 5

The documents produced to the CJC by Detective Senior Constable Wright on 10 November 1989 were copies of 'intelligence' documents belonging to the Child Exploitation Squad (otherwise referred to as the Child Exploitation *Unit*), which was a component of the Juvenile Aid Bureau of the then Queensland Police Department. Wright had been a member of the Squad in the early 1980s.

According to Wright (now a Detective Inspector), members of the Child Exploitation Squad had been involved in the investigation of matters which ultimately led to the charging of William John Hurrey and David Warren Moore with offences relating to the sexual assault of adolescent boys. Members of the Squad harboured concerns that their investigation of Moore (a police officer) was being frustrated by lack of recognition for the significance of the matter, as well as possible active interference from within the office of former Commissioner Lewis.

Towards the end of 1984, a special police task force was established to investigate allegations of child-sex abuse. This task force was under the command of Detective Superintendent Gordon Duncan, then the Officer in Charge of the Metropolitan CIB, and culminated with an operation codenamed 'Clean Up' in February/March the following year. To assist with its work, Superintendent Duncan's task force was to be provided with all files held by the Child Exploitation Squad.

Wright claims that as a guard against interference in future investigations, and to ensure that the documents did not 'disappear', members of the Child Exploitation Squad decided that they should each keep a copy of the Squad's intelligence files relating to potentially sensitive or delicate matters. To that end, photocopies were made of certain documents and members of the Squad each took away a set of the photocopied documents. The 'original' documents were then placed into a safe located in the office of the Inspector in Charge of the Squad.

In 1989, when Wright was serving with the CJC, he became aware of an investigation in which

Russell Grenning was a person of interest. Wright recalled that one of the documents copied by members of the Child Exploitation Squad in 1984 related to Grenning. Wright then went about recovering a set of the photocopied documents, which was what he then produced to Superintendent O'Sullivan on 10 November 1989.

I have no doubt that in the early and mid-1980s, and indeed up to when the Fitzgerald Inquiry commenced in 1987, there flourished in the minds of police officers in this State a belief that investigations concerning those with political influence could encounter some difficulty. This was a general belief and not restricted to matters touching or concerning paedophilia.

In the early 1980s, the investigation into Hurrey and Moore for suspected paedophilia and homosexual activities did encounter distraction and discouragement. However, the police officers involved in that investigation did their duty and the offenders were ultimately prosecuted and convicted.

The Hurrey and Moore affair was a matter on which former Commissioner Lewis was questioned at length during the Fitzgerald Inquiry. If anyone is interested, I refer them to the transcript of proceedings before the Fitzgerald Inquiry — particularly on 20, 24 and 25 October 1988. I do not intend to rehash the matter. The important feature is that the transcript shows that the question of Lewis's actions concerning the Hurrey and Moore investigation was brought to the attention of Mr Fitzgerald and those assisting him. I have no reason to presume that the matter was not properly handled at that time.

No doubt by now, Hurrey and Moore have served their sentences and are attempting to rebuild their lives. I have no desire to add to their predicament and I mention the affair involving them only because it helps to make explicable the then conduct of some members of the JAB.

For it was in this climate that, in late 1984, four members of the Child Exploitation Squad decided to photocopy records described as 'low-grade intelligence' in which persons of some prominence and/or suspected political influence were named. From that simple fact much mischief has flowed.

The said four members of the Child Exploitation Squad were Detectives Kelly, Elsdon, McCoy and Wright.¹ The first three of them no longer serve in the QPS and two of them have not done so for many years. I mention this because it means they should have less interest in protecting their respective positions than if they were still serving members of the QPS.

Where there is any clash between these witnesses, I prefer the evidence of Wright and Kelly. As to the circumstances in which the alleged 'files' were photocopied I prefer the evidence of Wright, Kelly and Elsdon over that given by McCoy. Kelly, Wright and Elsdon say the 'files' were simply removed, either from the Inspector's safe or elsewhere in the office, and copied. McCoy tells a long, involved story in which he alleges:

- that there was a meeting between the four of them regarding the documents
- that at McCoy's suggestion, when the Inspector went out for a tea break, Wright got the number of the lock on a Namco filing cabinet
- that McCoy gave Wright \$5 to go to a locksmith and have a key copied
- that with the key obtained by Wright from the locksmith, McCoy opened the filing cabinet and removed the documents
- that McCoy made one photostat copy of the documents and the copy was given to Elsdon
- that McCoy did not get a copy of the documents
- that this event took place about December 1984, before Detective Superintendent Duncan's special task force commenced its work.

¹ See 'Witnesses/persons with leave to appear' section at end of each chapter for full names and descriptions.

I accept that the documents were copied in about November or December 1984, but I do not accept anything else of McCoy's version.

It is clear that these documents were copied by one or more of the members of the Child Exploitation Squad for the better prosecution of their duties as they then saw it. The copies were not used for other than police purposes and I am satisfied that the conduct of the officers involved no mala fides or improper purpose. Whether the documents should have been photocopied and held privately is a different matter, and one about which I do not propose to proffer an opinion.

However, it must be remembered that back in 1984 detectives routinely copied and otherwise retained for themselves quite considerable amounts of paperwork. The information-storage techniques now available were not then invented or, if invented, not then in use. It was all pen and paper and files.

The Grenning File

I return to **Document 2**, the file pertaining to Mr Grenning.

In November 1989, the CJC — then in transition from the Fitzgerald Inquiry to a permanent statutory body — was investigating a matter involving former Queensland Government Minister Russell Hinze. Mr Grenning, who had formerly been Mr Hinze's press secretary, had been identified as a person of interest to this investigation.

It was with a view to assisting with this investigation that Detective Wright recovered a copy of the file relating to Grenning. The documents produced by Wright were the photocopied pages produced by officers of the Child Exploitation Squad in late 1984.

Those photocopied pages consisted of three pages:

- a copy of a letter dated 5 January 1981 signed 'Russell G.'
- a letter from Victoria's Delta Task Force to Detective Kelly dated 29 March 1983
- a page bearing a handwritten notation by Detective Sergeant McCoy to the effect:

7/1/81. No action to be taken. Political reasons

The documents were irrelevant to the investigation then under way, but CJC records show that concern was immediately expressed at the possible implications attaching to McCoy's handwritten endorsement.

On 11 December 1989, then Sergeant 2/C Mark McCoy was interviewed by CJC officers. In that interview, McCoy explained that his notation was borne of a general frustration caused by his belief that there had been interference in the investigation of Hurrey and Moore. McCoy said he knew that Grenning was well connected and a political adviser to Minister Russell Hinze, and it was likely that interference similar to that experienced with the investigation of Hurrey and Moore would be encountered should an attempt be made to investigate Grenning.

McCoy was interviewed by Project Triton investigators on 1 October 1997. He again affirmed that no actual political or departmental pressure had been brought to bear on any investigation of Grenning by the Child Exploitation Squad. According to McCoy, his handwritten comment reflected his general disillusionment at the investigation of Moore, and a concern or fear that, given Grenning's relationship with Hinze, any investigation of Grenning would be frustrated.

McCoy offered a consistent account when he gave evidence before me on 1 December 1997.

The correspondence from Task Force Delta is dated 29 March 1983. It enclosed a copy of a letter apparently written by Russell Grenning on 5 January 1981 — two years previously. Mr Grenning's letter gave rise to a suspicion in the investigators' minds that he had purchased pornographic material.

The letter was capable of giving rise to such a suspicion, and the fact that it had been discovered in premises in which child pornography had been found no doubted heightened the suspicion. That, however, was the evidence at its highest.

McCoy himself readily conceded that the material constituted no more than 'rough intelligence'.

On the basis of that material, only limited investigation would have been possible, and such investigation was, in fact, attempted. Members of the Child Exploitation Squad travelled to and examined the residence at the address mentioned in the correspondence. Checks of that property showed that the premises were occupied by Russell Grenning.

On its own, the material provided by Task Force Delta would not have supported the issue of a search warrant for Grenning's residence. Further, what little value the information had as intelligence would have been compromised had any attempt been made to approach Grenning.

In reality there was little the Child Exploitation Squad could have done with the information, beyond making limited inquiry and recognising its value as 'rough' intelligence. There was never an intention, much less a plan, to 'raid' Grenning's premises.

It should also be noted that Task Force Delta was an agency of Victoria Police. It was not a 'national' paedophile task force, as described in the newspaper reports.

Establishing the authenticity of the date of McCoy's notation is crucial if the suggestion raised by his entry is to have credibility. Furthermore, the timing of McCoy's handwritten entry may well provide some clue as to his true motivation in making the notation.

To assist, McCoy's handwritten entry is reproduced:

7/1/81 No action to be taken. Political reasons

McCoy
7/1/81

In my opinion, the date '7/1/81' was intended (i.e. it was intended by McCoy) to read 7th January 1981.

There have been other attempts at explanation. Firstly, it was suggested in submissions before me that the '81' really should be '84' — just a mistake.

Secondly, in an interview with Project Triton investigators on 1 October 1997, McCoy suggested that the figures '81' were really '87'. The following is an extract from the transcript of that interview:

Q: There's a notation on one of those pages, in your hand, indicating that no action is to be taken?

A: That is correct. I viewed that uhh ...

Q: ... I think it's the one after the one you just had, there. Here it is.

A: Yes, that handwriting's my own, except the date there appears to be uh, 7th of the first uh, eighty-one, well that's not possible ...

Q: ... No ...

A: ... because I wasn't even attached then, it would be eight seven. 'No action to be taken. Political reasons.' Signed 'M P McCoy Detective Sergeant 2nd Class.'

Q: Mmm, mmm.

A: Now that is my handwriting.

[Underlining mine]

In my opinion, both attempted explanations are quite silly. Let us take the second explanation — that is, that the year really reads '87'. Please go back and have a look at the reproduced notation above. Look at the figure '7' which indicates the day — it looks nothing like the last figure of the year. I am aware that handwriting experts stress the need for multiple samples before drawing conclusions regarding handwriting, but these two figures were written by McCoy at the same moment in time.

Next, let us take the first attempted explanation — that the date should be 1984.

Quite often people write a wrong year in January; that is, in January 1984 people will write 1983, still thinking of the year just past — I have done it myself on cheques. However, there is no way that in January 1984 one would mistakenly write January 1987, or January 1981.

Next, let us take the two explanations together, and look at the tense of the verb in the notation. The tense is future, or as a purist might argue, a present statement of a future intent. The letter from the Victoria Police arrived shortly after 29 March 1983. How, therefore, could one seriously argue that in either January 1984 or January 1987 a police sergeant could note 'no action to be taken'? It is rather late in the day to express such a thought. However, since these alternative explanations were apparently put forward seriously, let me discuss them further in light of other facts which I have ascertained.

I had such serious doubts about McCoy and his notation that I caused Mr Devlin to obtain a record of Grenning's movements when in the QPS. I wanted to see when Grenning had commenced work with Hinze. With that information, the following chronology is able to be drawn:

May 79	Grenning appointed to the Main Roads Department as an Information Officer after three weeks as Hinze's press secretary.
10.3.80–3.4.80	Grenning relieved as Hinze's press secretary.
1981	Kelly transferred into the JAB.
29.11.82–17.12.82	Grenning relieved as Hinze's press secretary.
6.12.82	Hinze ceased to be Minister for Police (but retained other portfolios).
1983	Kelly placed in the Child Exploitation Unit.
29.3.83	Letter from Victoria Police enclosing a copy of 1981 letter from Grenning.
Oct. 1983	McCoy transferred to the JAB and placed in the Child Exploitation Unit.
Mar. 1984	Elsden transferred to the JAB.
21.5.84	Grenning seconded to Hinze's staff as Hinze's press secretary.
16.7.84	Grenning joined Hinze's staff as a permanent on probation.
7.10.84	<i>Sunday Mail</i> article mentions Grenning as Hinze's press secretary.
Oct. 1984	Elsden placed in the Child Exploitation Unit — the others, Kelly, Wright and McCoy were already there.
Late 1984	The documents were photostated. All of them, Wright, Kelly, Elsdén and McCoy say the documents were photocopied before Operation Clean Up was commenced by Detective Superintendent Duncan's special task force. McCoy's handwritten notation appears on the photocopy.

27.12.84	Minutes of the first meeting of Superintendent Duncan's special task force.
15.4.85	Grenning confirmed as Hinze's press secretary.
6.12.85	McCoy transferred from the JAB.

Although Grenning's letter bears the date 5 January 1981, it was not provided to the Child Exploitation Squad until it arrived under cover of a letter from Victoria Police, dated 29 March 1983. Therefore, the earliest month of January in which McCoy could have made the handwritten notation was January 1984.

Police records confirm that McCoy commenced duty with the JAB on 10 October 1983, and ceased duty with the JAB on 6 December 1985. Therefore, McCoy was in the Child Exploitation Squad during only two January months — in 1984 and 1985.

The public record shows that Grenning did not take up his permanent position as Ministerial Press Secretary to Minister Hinze until 21 May 1984 (although he had acted in that position for two relatively short periods, in 1980 and 1982). He was not formally appointed to the position until 16 July 1984.

Logically, the notation about political influence had to have been made after Grenning had formed a working relationship with Hinze — presumably after 21 May 1984.

The photocopying was undertaken after Elsdon joined the Child Exploitation Unit in October 1984 but before Detective Superintendent Duncan's task force commenced Operation Clean Up on 27 December 1984. Since the notation was already on the photocopy, it had to have been made after 21 May 1984, but before 27 December 1984.

Of course, McCoy suggested that the notation was made on 7 January 1987, nearly four years after the letter had been received from Victoria Police, and over a year after McCoy had been transferred out of the JAB. How casual and unthinking was McCoy? How could a notation allegedly made on 7 January 1987 get on a document photocopied in late 1984? Having left the JAB in December 1985, how could he make a notation on a JAB file in January 1987? Surely he was either lying or seriously mistaken.

If I wanted to, I could narrow down the date even further. Operation Clean Up was first proposed around October or November 1984. The notation was most likely made between that date and 27 December 1984. However, it is not necessary to find this.

Kelly was the only one of the four police officers in the Child Exploitation Squad who could legitimately have written 'no action to be taken' after the letter (dated 29.3.83) had been received from Victoria Police, as he was the only one of them in the JAB at the time. Kelly says the matter was investigated so far as was possible after the JAB received the letter from Victoria Police.

The reality is that the matter had been investigated before McCoy ever reached the JAB and, apart from the suspicion raised by his letter, there was no evidence that Grenning was guilty of anything.

I have come to the following express conclusions about McCoy's notation. Firstly, if the date on the notation is '7/1/81', then the '81' is false because:

- the letter from Victoria Police enclosing Grenning's letter did not arrive at the JAB until after 29 March 1983;
- McCoy did not arrive at the JAB until October 1983.

Alternatively, if the date on the notation is '7/1/87', then the '87' is false because:

- the photocopy containing the date was produced in late 1984;
- McCoy left the JAB on or about 6 December 1985.

I am satisfied that the notation had to have been made between May 1984 (when Grenning joined Hinze's staff) and November/December 1984 (when the JAB documents were copied). Therefore, the date '7 January' is false. It follows from the above that the entire date is false.

Why, then, did McCoy make a false notation?

When interviewed about the matter by the CJC on 11 December 1989, he said that the notation had been made so that if the documentation turned up later and he was questioned about it, he would be able to give an account of his actions. The following is an extract from McCoy's 1989 interview:

Q: Well can you give us some explanation on that particular statement please?

A: Yes I can. Um, it's not and I claim now that it is not a move by me, or was a move by me, to neglect my duty as a police officer ... I might add that tremendous and unusual pressure was brought to bear on say [Detective] Kelly and myself especially in relation to the activities of Hurrey and Moore. And was one of the worst investigations that I've ever had to take part in as a police officer and I cannot remember at the time as to whether or not Russell Hinze was still the Police Minister but I did know he was part of the Cabinet situation. And with the disillusionment that had occurred from that uncovered with Hurrey and Moore, I felt that at the time we would just not get anywhere in relation to that investigation. Hence the writing — on every file that we had I made the habit of putting notations. There's a notation on that one and the express purpose was that later on, if that documentation turned up, and I was questioned in relation to it, I'd be able to give an account for my actions. Which is hence the reason why what is happening today. [*Underlining mine*] (Interview : McCoy, 11 Dec. 89)

The alleged reason is, of course, incorrect. McCoy had never attempted to investigate the Grenning matter and there is no evidence that there was in fact any political interference in the investigation that was conducted by Kelly and others. The best he can hope for is a vague sort of explanation along the lines, 'There was interference in the Hurrey–Moore investigation and, given Grenning's political connections, I anticipated that, if an attempt was made to investigate Grenning, there would have been political interference.' Of course, even that explanation would be nonsense if Grenning's political connections were non-existent, or at least unknown, when Kelly conducted his investigation after the arrival of the Delta Task Force letter in early 1983.

McCoy offered a similar explanation when interviewed by Project Triton investigators:

Q: Can you just confirm for me that at the time you made the notation, there was no, if you like, actual interference with that investigation? Because it was in fact an ongoing investigation?

A: That's correct.

Q: But the reality, as you saw it, was that the matter couldn't be productively investigated given Grenning's connection to Russ Hinze?

A: Not only to uh, Russ Hinze, but also the fact that uh, Lewis was still Commissioner at that time and uh, it was a totally different world to this day. There was no CJC at that time.

Q: Mm, well alright, well...

A: (Unintelligible)

Q: ... at that time you had experienced difficulties investigating Moore?

A: Moore was the, that was the absolute (UI) anathema for all of us ...

Q: ... Mmm.

A: ... uhhm, the fact is that we knew, the whole of us, the lot of us collectively as to what would probably transpire if we took Grenning on ...

Q: ... Mmm.

A: ... and uhm, I suppose it was a bit of an act of defiance to put that on there but uh, it was behave

me, that at a later time someone would uh, come in touch with this and they would say, fair enough, 'what's going on here?' And number two is that I was concerned if Grenning, if he was a ped, would continue in his activities and someone later on would get this documentation say, 'hey, Mark McCoy did nothing about this whatsoever, what's the go?' and so at least if they saw that on the back there, it would start their minds thinking ...

Q: ... Well, in respect ...

A: ... Make it all happen.

Q: ... In effect it was designed to operate for a clearance, as a clearance for you if there were any perceived inaction later on?

A: Not only for myself but also for the others on the team.

Q: Yeah, of course. Yes.

A: Yes, that is correct.

[Underlining mine]

(Interview : McCoy, 1 October 97)

So these are the alleged reasons out of McCoy's own mouth. We can disregard the alleged act of defiance. An act of defiance nearly four years after the event would be childish silly.

On McCoy's account, nearly four years after the letter had arrived from Victoria Police, he made a notation in an attempt to clear himself and 'the others on the team' of perceived inaction, in case a question arose about the matter.

By the time McCoy gave evidence before me on 1 December 1997, the reasons for the notation had become more elaborate. I quote from the transcript [T.252]:

Under what circumstances did you make that notation?--It's not so much I -- I saw the press comment and they said -- oh, possibly an act of defiance but not necessarily. That's not what was going through my head. As I've said I was concerned about the state and the whereabouts of where these documents were going and I thought later on down -- because there's no indication at that time that there was going to be an end to corruption at all -- no indication at all and I've thought well maybe further down the track if the notation goes on it and there is an inquiry of some description, okay it's going to cause people to think and that's precisely what's happened and that is why I wrote that on the back there and also the other point of looking at it is this way: is that we're only a four-man unit and we were completely inundated with work. We were absolutely bogged down. Apart from Hurrey-Moore, which was a horrific investigation to complete for the trial purposes, we had other offenders as well which I think two or three of them were almost -- almost as lengthy as far as compiling an investigation to bring before the court. So I had to look at the aspect that we just couldn't even if we wanted to, sort of, give Grenning any attention. Another point to be looked at is that the documentation that was sent up was not treated as a crime scene at all. In other words -- all right, fair enough the inference is that the Grenning was the author, but it was not treated as a crime scene in that there's no, sort of, evidence except surmising to say that it was tied up to him. Also I looked at the aspect that it's an offence -- well, there was no offence of possession of child pornography at that particular time and then it's the other point of offences partially being committed in Queensland and elsewhere and I thought you wouldn't get past first base and also his position in life with Russ Hinze. I said, 'We're not going to get past first base here.'

Well-----?--So we didn't even try to take it any further.

In essence, a number of reasons were given by McCoy for his notation, namely:

- It was an act of defiance.
- There was concern about where the documents were going (i.e. to Duncan's special task force).

- The fact that there was no indication at that time there was going to be an end to corruption.
- The notation might cause people to think in the future.
- The Grenning papers did not contain evidence of a crime being committed

In addition, McCoy said that the squad was overworked and, thus, could not have investigated the Grenning matter even if it wanted to, and that, given Grenning's position with Hinze, an investigation would get nowhere. Both of these explanations are patently untrue.

The simple truth is that at the time the matter was referred to the Child Exploitation Squad, Grenning was not working for Hinze, and the matter was duly investigated by the Squad.

McCoy's explanation that the notation was created to explain perceived inaction on his part is false for this reason: the letter from Victoria Police arrived after 29 March 1983, but McCoy did not arrive at the JAB until October 1983. There was no inaction on his part that required explanation.

Significantly, nowhere in the explanations given by McCoy does he contend that the investigation faced interference, political or otherwise. The more likely explanation for McCoy's actions suggests itself when one looks at things historically.

In late 1984 it was proposed that a task force be set up to 'inquire into the ramifications of child exploitation and take all possible action to eliminate such practices'. This was the task force established under the command of Detective Superintendent Duncan.

The four officers in the Child Exploitation Squad — Kelly, Wright, Elsdon and McCoy (who was the most senior officer) — knew that Duncan's task force would have access to their files.

I believe that McCoy inspected the Squad's documents, saw the letter from Victoria's Task Force Delta and could find no record of any activity in respect thereof. He therefore conceived the idea of an explanation, in the event that the new task force questioned the Child Exploitation Squad's apparent inaction on the matter.

In the *Sunday Mail* of 7 October 1984, a prominent article identified Russell Grenning as Hinze's press secretary. If McCoy had been scratching around for a reason for the apparent inaction of his Squad, he was presented in print with Grenning's close relationship with Hinze.

I am satisfied that the intended date of the notation was 7 January 1981, which is exactly how the date appears. In the end, what matters so far as my investigation is concerned are the following:

- By the time McCoy arrived in October 1983, the letter of 29 March 1983 from Victoria Police had already been dealt with by the JAB — without political interference.
- Despite his handwritten protestation, McCoy has never at any time said in interviews or evidence that he was in fact prevented from investigating the Grenning matter. In fact, McCoy does not claim to have even tried to investigate the matter.
- McCoy's handwritten notation is untrue.
- The matters raised by the letter from Victoria's Task Force Delta were investigated as thoroughly as possible.
- The clear conclusion is that there was no political or other interference in the JAB's investigation of this matter.

I also note that the notation appears on a separate piece of paper. One might wonder if it was originally placed on the back of one of the letters — perhaps the one dated 5 January 1981? If it was on the back of the letter of 5 January 1981 that would be interesting.

McCoy's notation may have originally been on the back of the letter of 5 January 1981. Certainly

the photocopy was attached to it.

Once again, how casual and unthinking was McCoy? The letter dated 5 January 1981 did not come into the possession of the Queensland Police until after 29 March 1983. How could it bear a January 1981 Queensland Police notation, particularly if made by a police sergeant who did not arrive at the JAB until October 1983?

What the CJC did with Documents 1 to 5

I now move to consider what the CJC did after it came into possession of the Grenning material in November 1989. As stated above, McCoy was interviewed about his handwritten entry on 11 December 1989.

Grenning was ultimately interviewed about this matter by the CJC on 13 January 1990.

During the course of that interview, investigators asked Grenning about his knowledge of the person who had been of interest to Task Force Delta (and to whom Grenning's letter of January 1981 had apparently been addressed). He made no admissions in this interview. That interview and the material on Grenning's suspected possession of pornography were then considered by Mr Peter Kelly, a barrister then employed by the CJC. Mr Kelly came to the view (as expressed in a memorandum of 19 January 1990) that:

[Grenning] was aware that [the man] was homosexual and denied, at first, having received any material from him. He was aware of [the man's] address in Melbourne and said that he was friendly and still kept in contact with [the man]. He later accepted the proposition that he had received photographic material from [the man], however, denied it was pornographic material. In answer to the question 'is he still sending you material up?' Grenning replied 'no, I'm not that stupid'.

To say the least, Grenning's answers to questions concerning [the man] are unconvincing, however, no useful inculpatory statements were made and in view of the limited material we have in this regard, no further action by this Commission would be justified.

The view taken of this matter by Mr Kelly was eminently sensible. There was no evidence that Grenning was guilty of anything.

Of the Documents 1 to 5 produced by Wright on 10 November 1989, the only document capable of giving rise to a suspicion of misconduct is that relating to Grenning, containing as it does the entry indicating that no action was to be taken for 'political reasons'.

As has been shown, the JAB did investigate the Grenning matter so far as it was able.

As has also been shown, that document was adequately addressed by the CJC in 1989–90, in terms of both the handwritten entry, and Grenning's possible involvement in child pornography. No other document, on its face, is demonstrative of any inaction on the part of the Child Exploitation Squad. Furthermore, no member of the Child Exploitation Squad complains, or has previously complained, of any interference in any investigation conducted in respect of these documents, the purpose of which was primarily, a recording of intelligence.

The Grenning issue having been addressed, the various documents were archived by the CJC. In October 1996, a copy of the documents was disseminated to the BCI's Project Argos by CJC Principal Intelligence Analyst Lytton Wellings. Therefore, as recently as October 1996, the documents in question were being treated as historical intelligence on possible paedophile activity.

There is no evidence that Documents 1 to 5, or any copy thereof, ever came into the possession of the then Commissioner of Police, Mr Lewis, although I shall discuss this aspect more fully when dealing with Reference 1.2.

Finally, I cannot help wondering how much time, effort, trouble and money McCoy's ridiculous notation has cost the community.

The senior public servant ('R1-A')

It is recalled that one of the allegations raised in Mr Ware's articles suggested that former Commissioner Lewis had possession of a 'dirt file' on the senior public servant, R1-A.

Mr Ware's articles suggested:

- That the 'dirt file' comprised 20 pages and contained police reports and surveillance running sheets of an undercover operation targeting R1-A.
- That the operation was launched upon the complaint of a family whose 15-year-old son had received a 'suggestive' approach from R1-A.

During his subsequent interviews, Mr Ware alleged in relation to this matter that:

- The investigation of R1-A had been thwarted by former Commissioner Lewis, who had taken possession of the original running file, including logs, reports, statements and other official forms.
- R1-A had been enticing the 15-year-old complainant boy to his residence. The boy was fitted with a listening device and attended upon R1-A's residence, where R1-A immediately put his hand on the boy's back and detected the listening device.
- Members of BCI who were monitoring the meeting from a van a short distance away, threw their ear phones off and started complaining that R1-A had been 'tipped-off'.
- Ware had spoken to the complainant and his family, who had told him of the circumstances which had indicated to them at the time that R1-A had been warned of the investigation.
- The complainant and his family were called into police headquarters where investigating officers spoke in hushed tones and said, 'The shit's hit the fan, there's been a tip-off'. The investigating officers told them that they believed the tip-off had come from above and suggested that the family never mention the matter again.

Reports in Lewis's possession — Documents 6 and 7

Included in **Document 10** — that is, those documents known to have been seized by the Fitzgerald Inquiry from Commissioner Lewis (and otherwise referred to as 'former Commissioner Lewis's files') are five pages relating to an investigation conducted by the JAB of a complaint of possible child molestation concerning the senior public servant, R1-A. This investigation had been conducted in November 1984.

The five pages comprise two reports: one three-pages long (**Document 6**) and the other two pages (**Document 7**). The two documents form part of Exhibit 9.

The three-page report is dated 13 November 1984 and was created by then Detective Sergeant 2/c Ray Platz (of the JAB). It details the investigation. Platz's report is directed to the Detective Inspector of the JAB.

The two-page report was created by then Detective Inspector Neville Taylor. It is dated 14 December 1984 and covers the same subject matter as the report of Detective Sergeant Platz. The report also contains marginal notes indicating that on 17 December 1984 the document was referred by the Assistant Commissioner Crime and Services (W J McArthur) to the then Commissioner (Lewis) for his information. It was noted and returned by Lewis on the same day.

These documents pertain to an investigation conducted by the JAB of what might be possibly construed as an approach by the senior public servant, R1-A, to a 15-year-old boy code-numbered 'R1-F'. The documents report that the investigation, which included the use of surveillance and of listening devices, failed to produce any evidence to warrant further continuance, and that the investigation was concluded.

These documents obviously relate to the investigation to which Ware has referred; however, the documents are not consistent with the description of the ‘file’ said to have been sighted by Ware and alleged by him to have been a ‘dirt’ file possessed by Lewis for the purpose of blackmail. Ware described a file with 20 pages, including surveillance logs and the like. Documents 6 and 7 comprise five pages, and constitute official reports prepared after the investigation.

Ware complained that this investigation was compromised when R1-A discovered a listening device on the youth, and that the investigating officers believed that R1-A had been warned of the investigation. Ware further asserted that the complainant boy and his family had been called into Police Headquarters where investigating officers spoke in hushed tones saying, ‘the shit’s hit the fan, there’s been a tip-off’. According to Ware, the investigating officers told the family that they believed the tip-off had come from above, and suggested that the family never mention the matter again.

There is nothing in either of the reports seized as part of former Commissioner Lewis’s files that would reasonably give rise to a suspicion that the investigation had been compromised or conducted other than with normal propriety. Equally, there is nothing within those documents capable of being used by Lewis to blackmail R1-A — the documents disclose that the lines of investigation had failed to reveal any evidence to support the complaint.

Platz was the principal investigator. He was assisted by then Detective Senior Constable Wright. These two officers had primary responsibility for this investigation. They were interviewed and gave evidence before me about the matter. Whilst they acknowledge that R1-A may have been ‘tipped-off’ about the investigation, neither harbours any strong suspicion as to how or when it may have occurred.

According to Inspector Platz, as the principal investigator his only question about the investigation had been a concern that the file might have been retained within the Inspector’s safe at the JAB, when it should properly have been forwarded to the Commissioner’s office to be recorded and archived. Platz described how he had seen the file in the Inspector’s safe some considerable time after the investigation had closed. His fear was that, because the file had apparently been retained within the JAB, the investigation would not be officially recorded. In fact, Platz was relieved to learn, when told by Project Triton personnel, that his and Inspector Taylor’s memoranda had actually reached former Commissioner Lewis.

Significantly, neither Platz nor Wright discounts the possibility that R1-A had been ‘tipped-off’ about the investigation. However, such concern arose after a controlled meeting between R1-A and the boy, and not as a result of anything said or done by R1-A during the meeting. In any event, that concern was not one formally voiced or promoted by the investigators — it was no more than a possible explanation for R1-A’s otherwise innocent conduct.

Inspector Platz does not recall the listening device being ‘discovered’ by R1-A in the manner suggested by Ware — that is, with R1-A immediately putting his hand on the boy’s back and detecting the listening device, causing those monitoring the conversation to throw off their headphones and complain that R1-A had been tipped-off. Platz is confident he would have remembered such an event if it had occurred, or if such suggestion had been made at the time.

Inspector Platz was able to produce to Project Triton a copy of the tape recording of the meeting between R1-A and R1-F (the boy). (This is another example of an investigator accumulating and keeping items pertaining to his work.) The tape recording has been played and considered. There is nothing in anything R1-A said during that meeting that would raise concern that he had been ‘tipped-off’ about the investigation.

According to Inspector Platz, very few people knew of this investigation — which was planned and executed within 24 hours of the complaint being made to the JAB. Platz believes that such knowledge

was limited to himself, Wright, his Senior Sergeant (now Assistant Commissioner David Jefferies), Inspector Taylor, and those members of the BCI directly involved in the investigation. Platz cannot think of any reason that former Commissioner Lewis would have been told of the investigation until after its conclusion, although he concedes it is possible that Inspector Taylor may have had a 'fairly direct line to the Commissioner'.

For his part, former Inspector Taylor was interviewed and subsequently gave evidence before me. Mr Taylor recalls this investigation but harbours no suspicion as to a 'tip-off'. He believes that he kept Assistant Commissioner McArthur briefed on the matter. He did not brief the Commissioner.

Inspector Platz rejects the suggestion (made by Ware) that, as the principal investigating officer, he had suggested to either the complainant or his family that the investigation had been compromised, or that the family should never mention the matter again. To the contrary, Platz claims he provided the boy's parents with his business card and home telephone number, and invited them to make contact at any time of the day should R1-A make any further approach.

The complainant boy, R1-F, is now a 28-year-old man. He was interviewed by telephone on 24 October 1997. He has little recollection of the events in question. He recalls that during the visit to R1-A's residence, R1-A patted him on the back, but does not know whether he discovered the transmitter.

The parents of the complainant boy were interviewed by Project Triton personnel. According to the boy's father, the transmitting device attached to his son was large and obvious, such that the boy was forced to wear a bulky jacket in an attempt to hide the device. This, in itself, might have aroused suspicions in the mind of R1-A, given that the meeting took place on a warm night in November.

The boy's father also told Project Triton that he was asked to visit the JAB about two days after the operation involving his son. While there, he spoke to the investigating officer.

The description given by the boy's father of this officer is consistent with the person being Inspector Platz.

Although the boy's father claims that a conversation of the type described by Mr Ware was had, he was adamant nonetheless that the conversation had less sinister connotations than those placed upon it by Michael Ware. Significantly, the boy's father rejects Mr Ware's contention that officers of the BCI became frustrated and said, 'Oh, it's turned to shit, something must have happened. There must have been a tip-off'.

Q: Did you, witness, for instance, the people listening on ear phones tear them off and swear, and say, 'Oh, there's been a tip-off', or anything like that?

A: No way in the world. I didn't even, because you couldn't look into the van, only when they opened the door and showed me. You could not see into the van ...

(Interview 23 October 1997)

I consider it more likely than not that the investigating police officers did suspect that R1-A's apparent sudden lack of interest in the boy may have been the result of a tip-off. However, I accept what Inspector Platz says about this, namely, that this suspicion was aroused not as a result of anything said or done during the boy's visit to R1-A, but as a result of R1-A's conduct in the days that followed that meeting.

I also think that Platz voiced that suspicion to the complainant boy's father, although whether Platz nominated the source as someone within the police hierarchy is not established and is denied by Platz.

Taking the matter at its highest, and accepting that R1-A was indeed 'tipped-off' as to the investigation

— either before or after the visit — it would have been difficult then, and it is impossible now, to investigate the matter productively. The suspect is now long deceased and former Commissioner Lewis would be unlikely to admit wrongdoing even if it were he who alerted R1-A.

There is no evidence that would satisfy me that former Commissioner Lewis had any knowledge of the operation before its conclusion — that is, until he received a briefing on 27 November 1984 from Assistant Commissioner McArthur. On the same day, Mr McArthur also briefed the then Police Minister, Mr Glasson. A copy of the tape recording of the boy's meeting with R1-A was given to Mr Glasson who, according to McArthur, said he intended to give a copy of the tape to the Premier.

The briefing of former Commissioner Lewis and Minister Glasson by Assistant Commissioner McArthur took place after the complainant boy had been in contact with R1-A. The next day, R1-A sent a letter to the complainant boy severing all contact.

If there was a leak it could have come from anywhere.

No-one was able to discover back in 1984 whether there had in fact been a leak, let alone who might have been responsible for it.

In order to investigate, firstly, whether there had been a leak, and secondly, who was responsible for it, I would be faced with the task of:

- ascertaining the names and present whereabouts of every person who might then have been on the staff of, or otherwise associated with, R1-A, former Commissioner Lewis, former Police Minister Glasson, former Premier Bjelke-Petersen, and officers of the JAB and BCI
- calling each one of these persons to ask if he or she knew anything of the investigation and/or leaked news of the matter to R1-A, directly or indirectly, and/or deliberately or inadvertently.

Considering that R1-A, and no doubt others, have now been dead for quite a number of years, I decided that the chances of success were nil. Of those living and located, who would admit it now if responsible for something untoward?

The issue has been explored with former Commissioner Lewis and those police officers and witnesses who were closely associated with the operation. The witnesses before me, who included those with direct responsibility for the investigation, could not even be sure that there had been a leak, let alone identify anyone thought to be responsible for it. There is no reasonable basis to assume that there ever was a leak. The further expenditure of time and public monies on such a speculative exercise is not warranted.

The JAB File — Document 8

During the course of hearings, Counsel for the *Courier-Mail* and Mr Ware produced a photocopy of the records and running sheets pertaining to the investigation of R1-A. These documents became Exhibit 12 in the hearing before me. (For the purposes of this report, I shall refer to these documents collectively as **Document 8**.)

Document 8, which comprises 23 pages, is clearly a copy of the official police file of the investigation. No explanation was offered by either the *Courier-Mail* or Mr Ware as to the source of Document 8.

No copy of Document 8 appears in the CJC holdings and/or records such as would suggest that it was part of former Commissioner Lewis's files — that is, the material seized from Lewis during the Fitzgerald Inquiry.

Document 8 includes copies of Documents 6 and 7 (the post-operational reports) — albeit, in the case of the document corresponding with Document 7, without the handwritten notation by former Commissioner Lewis. This is significant because we know that the copy of Document 7 which was seized from Lewis by the Fitzgerald Inquiry does bear his handwriting. Not only, therefore, is there

no evidence that the collective Document 8 was ever in former Commissioner Lewis's possession, but there is good reason to conclude that it never was.

There is confused evidence as to whether Document 8 was kept in the JAB safe, from which documents were removed and copied by the four members of the Child Exploitation Squad in late 1984. If it was, then it was not photocopied, because I accept that Elsdon kept his copy of the photocopied documents until he gave them to Wright in 1989. Elsdon had no reason to destroy a copy of Document 8, yet keep the other documents.

The reality is that Document 8 adds nothing extra to Documents 6 and 7. This is scarcely surprising since Documents 6 and 7 are reports dealing with that investigation. I have already noted that the source of Document 8 was not identified by the *Courier-Mail* or Mr Ware. There is nothing upon the pages of Document 8 to suggest the failure of any public official or police officer to perform his duty, or any hint of interference with the proper performance of such duty — indeed, it demonstrates the contrary.

There is little doubt that Mr Ware was referring to Document 8 when he alleged that former Commissioner Lewis held a 'dirt file' containing 20 pages of police reports and surveillance running sheets on an undercover operation targetting a senior public servant.

Evidence that Document 8 had been in former Commissioner Lewis's possession would lend considerable credence to the allegations made by Mr Ware, which form the basis of References 1.1 and 1.2.

Both Mr Ware and the *Courier-Mail* had leave to appear before me, and took an active role in the proceedings. One of the reasons a party is given leave to appear is to protect his or her interests. If some basis exists to suspect that Document 8, or a copy of it, had ever been in former Commissioner Lewis's possession, I would have expected either Mr Ware or the *Courier-Mail* to have informed me of it. They chose neither to call or give evidence, nor to offer any information to that end. Subject to the observations I make concerning this document under the next subheading, I have no intention of indulging in speculation as to the history of the document in the absence of any evidence.

I add finally that a search of the CJC's holdings revealed that documents said to pertain to the investigation of R1-A were at one point in the possession of the BCI. According to the CJC's records, those documents were inspected by Principal Intelligence Analyst Vicki McCrohan (CJC) between 20 and 24 July 1992. That material was determined to be suitable for purging and approval was given for its destruction.

What happened to the 'original' Documents 1 to 5?

There is no reason to presume that the 'originals' of Documents 1 to 5 were actually 'original' in the sense that they were the first creations or the authentic pages, and not mere reproductions of an earlier creation. Given that the documents had been gathered together as a 'collection' of documents (as part of an exercise of recording intelligence), it is probable that the documents included in that 'collection' were not, in fact, the authentic documents but a later generation.

Little turns on this issue, except to the extent that submissions put before me on behalf of the *Courier-Mail* and Mr Ware would have required that I should now endeavour to account for the 'originals' — notwithstanding that it is now some 14 years since they were copied.

I have no reason to doubt that the initial 'collection' of documents remained in the Inspector's safe at the JAB (probably with the file on R1-A, which Platz said he saw in the safe some time after that investigation) and was taken over by the task force conducting Operation Clean Up in about December 1984.

The task force concluded its work and was disbanded in about February or March 1985. There is no

evidence as to what happened to files then in its possession. Thereafter, it appears to have been simply assumed that the 'collection' of documents would have been returned to the JAB, and that is where the Fitzgerald Inquiry caused a search to be conducted for Documents 1 to 5 in late 1988.

Wright provided a statutory declaration to the Fitzgerald Inquiry on 24 October 1988 giving his then recollection of Documents 1 to 5. The statutory declaration was made after consultation with McCoy. There is an exhibit before me [Exhibit 7], a report dated 3 November 1989 by Counsel Assisting the Fitzgerald Inquiry, recording that a search in late 1988 had failed to locate the 'original' documents — that is, the initial 'collection' of documents. Thus, the 'collection' had apparently gone missing between February 1985 and October 1988. How, and exactly when, no-one can now say.

So far as the copies of that 'collection' are concerned, their known history is as follows.

Each of the four police officers who received a copy — Wright, Kelly, Elsdén and McCoy (I don't accept that McCoy did not receive a copy) — stated that they simply regarded the documents as containing low-grade intelligence. None of the documents alleged a specific criminal offence against any person, none would ground a search warrant, and none called for further investigation. It was simply information held in case the person named came up again in the future in connection with the possible commission of an offence.

Each of the four police officers left the JAB over a period and all except Wright have now left the Police Service. With the exception of Elsdén (and perhaps McCoy), they destroyed their copies of the documents.

Other than Wright's handling of Elsdén's set of the documents in 1989, it seems the only other evidence of the existence of a set of the copied Documents 1 to 5 comes from one Garnet Dickson. Mr Dickson was and still is a serving police officer. He told Project Triton that he received a copy of Documents 1 to 5 sometime between February 1988 and the end of 1990, at which time he was working in the Sexual Offenders Squad. The documents came anonymously, in an envelope addressed to him, and were accompanied by a note indicating that they had come from former Commissioner Lewis's safe. (Dickson said he cannot recall whether the note was handwritten or typed.)

I find it very difficult to accept Dickson's version of how he obtained such documents.

Dickson said further that he made his set of the documents available to the Connolly–Ryan Inquiry, where they were copied and returned. What action, if any, was taken by the Connolly–Ryan Inquiry in relation to the documents is not known as no report was ever handed down by that body.

Other than Wright's statutory declaration to the Fitzgerald Inquiry on 24 October 1988, the next time there was mention of any of Documents 1 to 5 was in November 1989, when Wright produced a set to the CJC. Wright had by that time destroyed his own set of the copied documents. The set he produced belonged to Elsdén.

Upon production of the documents in 1989, it might have been possible to identify them as copies of those Wright had referred to in the earlier statutory declaration. Had that connection been made, the issues raised in the statutory declaration might have then been investigated, and the whereabouts of the original documents determined.

However, both Wright's statutory declaration to the Fitzgerald Inquiry and his memorandum of 10 November 1989 to Detective Superintendent O'Sullivan are silent as to the process by which the Child Exploitation Squad's files had been copied. The memorandum is also silent as to the source of the documents, including the fact that they had emanated from the Child Exploitation Squad. Wright made no mention of his earlier statutory declaration, or the issues raised therein.

The connection might have been made had Wright been interviewed at the time and directed to identify his source (as CJC legal officers suggested), but such a process proved unnecessary when Wright spoke directly and informally with O'Sullivan, confirming Elsdén as his source.

On the information available to the CJC at the time, one cannot be critical of the failure to connect the documents to Wright's earlier statutory declaration. Indeed, such a connection was made only late in the work of Project Triton, and then indirectly, upon an exhaustive search of the CJC's archives. Wright himself has no recollection of the events leading to the execution of the statutory declaration.

I now set out a chronological history of Documents 1 to 5:

Late 1984	Photocopies made of documents forming part of a 'collection' of documents which had some time previously been gathered together as an intelligence file. A set of the photocopied documents was taken by each of McCoy, Elsdon, Kelly and Wright.
Dec. 1984 to Jan./Feb. 1985	Operation Clean Up conducted. The task force worked closely with an investigation conducted by Mr D G Sturgess, QC into sexual offences against children. There is no evidence of the documents being produced either to the task force or to Mr Sturgess.
Nov. 1985	Sturgess Report presented. (Documents not produced to Sturgess.)
1987	Fitzgerald Inquiry commenced. (Documents were not brought to the attention of Mr Fitzgerald, QC.)
Feb. 1988 to end 1990	Dickson says he received copies of documents. All officers in the Sexual Offenders Squad looked at, or could look at them [T.408]. They were low-grade intelligence [T.408].
24 October 1988	Wright's statutory declaration to the Inquiry. A search is made for the documents, without success.
July 1989	Fitzgerald Report presented.
3–10 November 1989	Wright produced documents to CJC. He had obtained them from Elsdon.

Neither the 'originals' nor copies of Documents 1 to 5 were produced to either Mr Sturgess, QC (who was, at that time, conducting his inquiry into sexual offences against children) or the Fitzgerald Inquiry. This could only have been because those who had knowledge of the documents and/or had possession of them, appreciated exactly what they were — low-grade intelligence. They only became 'dirt files' and ammunition for blackmail when placed into the hands of Mr Ware some 13 years after they had been copied.

Apart from Ware (who has published the claim) and Dickson (who claims he received the information anonymously), the only other person who can be identified as having positively stated that copies of the Child Exploitation Squad's 'collection' of documents found their way into the possession of former Commissioner Lewis is McCoy.

McCoy was interviewed by Project Triton investigators on 1 October 1997. At the time of the interview he provided investigators with a copy of a report prepared by him on 6 August 1997, shortly after he claimed to have been contacted by Ware. The report backgrounds McCoy's involvement in the Child Exploitation Squad and related matters.

Paragraph 1.25 of the document, which addresses the issue of the Child Exploitation Squad files, reads, in part, as follows:

In the interim, Commission investigators had made a visitation to the private office of Commissioner Lewis at Police Headquarters then located in Makerston Street. Amongst documentation located there was Grenning's file which had somehow relocated itself from the security of Inspector Taylor's office.

It would appear that McCoy was speaking of the Grenning file in isolation — not as if it was contained as part of the 'collection' of documents.

McCoy was then interviewed about his claim. He stated that he thought he had been given this information by CJC investigators (Inspector O'Donnell or Detective Senior Sergeant Praske), who had interviewed him in December 1989 in relation to his handwritten notation on the Grenning file.

He claimed to have been given this scenario during an informal chat before the interview.

There are two very good reasons to doubt what McCoy says about this issue. First, the scenario is contrary to the facts — neither the initial ‘collection’ of documents, nor any reproduced set of that ‘collection’ had been relocated to the private office of Commissioner Lewis at Police Headquarters. Wright had produced the documents to the CJC, but what he produced was Elden’s photocopied set of the ‘collection’ of documents.

Second, McCoy’s account has been rejected by Inspector O’Donnell, who conducted the December 1989 interview. O’Donnell swore before me that at the time of the interview neither he nor Praske had any knowledge of the circumstances in which the documents had been produced to the CJC.

In respect of this issue, O’Donnell and Praske were interviewing Grenning about unrelated matters, and had been tasked only to ask McCoy why he had made his handwritten entry. Their primary interests lay with Grenning’s knowledge of a totally unrelated matter which was the real subject of the CJC’s investigation. I accept that, as a matter of logic, there was no reason for O’Donnell and Praske to have been told of the circumstances in which the document had been produced to the CJC. That being the case, there would be no reason for either of them to invent a claim that the documents had come from former Commissioner Lewis’s private office.

In any event, the crucial matter is McCoy’s claim that the Grenning file had ‘somehow relocated itself’ to the Commissioner’s office. This claim has no substance in fact.

Counsel for the *Courier-Mail* and Mr Ware ultimately accepted that none of the Documents 1 to 5, either original or copy, came into the possession of former Commissioner Lewis. However, it was submitted that I should be concerned at the apparent inability to now account for the original ‘collection’ of documents. As I understand the proposition, it was contended that unless the original — as in the initial — ‘collection’ of documents (which was the source for the photocopied sets retained by McCoy, Elsdon, Kelly and Wright) could be accounted for, a suspicion would remain that the original ‘collection’ had either been put to an improper use, or had been destroyed or hidden in order to prevent investigation of the matters therein referred to.

In other words, the allegation that the documents had been ‘dirt files’ in former Commissioner Lewis’s possession having been put to rest, it was contended that unless the original ‘collection’ could be accounted for, suspicion would always continue to reign.

I think that there is little merit in this contention. The documents concerned were not accountable. They formed part of an informal and very basic intelligence holding. There is no suggestion that the original ‘collection’ of documents was registered or recorded as part of any formal or central filing system that might now be the subject of audit. They could be anywhere.

Furthermore, the difficulty in finding the original ‘collection’ of documents is heightened by Mr Ware’s determination not to reveal his source. In the absence of an opportunity to examine that person (or those persons) as to the possible whereabouts of the original ‘collection’ of documents, any further inquiry to locate that ‘collection’ would be fruitless. In any event, because of a matter that came to light very late in the investigation, I make the following observations.

I have already mentioned that Dickson told Project Triton that he had received a copy of Documents 1 to 5 in circumstances where the copy arrived anonymously in the mail, with a note saying that they had come from Lewis’s safe. He could not recall when it was that he received the documents, nor where he was at the time, although he thought that the documents arrived during the Fitzgerald Inquiry (which concluded in December 1988).

Dickson said that he retained this set of documents until he gave them to the Connolly–Ryan Inquiry. The documents were then apparently photocopied and the set that Dickson had handed over was returned to him. Dickson denied showing his set of the documents to Ware, but said that Ware ‘has seen me with the documents’ — whatever that means.

Dickson said that sometime in 1997, he took his set of the documents to a former colleague, Kym Goldup (now a retired police officer and known as Kym Graham since her marriage), and told her 'to get rid of them.' He said he believed that Goldup gave the documents to her solicitor, Mr Potts, and that Mr Ware may have viewed the documents at Potts' office.

On 9 February 1998, Goldup was interviewed by Project Triton about matters pertaining to Reference 3. During that interview, she said that she had received from Dickson a ring-binder full of documents which Dickson suggested she should show to Michael Ware. Goldup said the documents were duly shown to Ware in her solicitor's office. According to Goldup, upon viewing the documents, Ware said that he had seen them previously and that 'there was nothing new in them'.

The ring-binder of documents to which Goldup referred was produced to Project Triton (via Detective Inspector Christopher Reeves) on 11 February 1998. The ring-binder was placed in the CJC's secure registry area, where it remained until retrieved by Inspector Reeves and Mr Pearce on 1 June 1998. On that date, arrangements were made for the documents in the ring-binder to be forensically examined and compared with the set known as Elsdon's set (i.e. the documents that had been produced to the CJC by Wright in 1989) and Exhibit 12 (those documents that had been tendered by Senior Counsel for the *Courier-Mail* and Mr Ware and said to be a photocopy of the records and running sheets pertaining to the JAB's investigation of the senior public servant, R1-A).

The documents in Dickson's ring-binder are a much clearer reproduction than the documents comprising Elsdon's set, giving the impression that Dickson's documents are an earlier 'generation' of the documents that are Elsdon's set. Furthermore, the documents in Dickson's ring-binder are foolscap-sized pages, which indicate that they may be older documents than those comprising Elsdon's set and Exhibit 12, both of which are of the more modern A4 size.

It should also be noted that Elsdon's set of documents does not include any of the pages that make up Exhibit 12, nor vice versa. In other words, there is nothing within Elsdon's set of documents that relates to the investigation of R1-A, and there is nothing in Exhibit 12 that correlates to any of Documents 1 to 5. However, Dickson's ring-binder contains photocopies of everything that is contained in Elsdon's set of documents, as well as everything that comprises Exhibit 12. In other words, it is a complete set of both.

Upon forensic examination, it was discovered that the documents contained in Dickson's green ring-binder are, in fact, an earlier 'generation' of both the documents in Elsdon's set, and the documents comprising Exhibit 12. In other words, Elsdon's set and Exhibit 12 have a common origin — they are copies of the documents contained in Dickson's ring-binder.

In a report dated 12 June 1998, the document examiner, Dr Steven J Strach, concluded that the pages in Elsdon's set 'very probably had their origins either in the corresponding [Dickson] document or in a 'sister' copy of [Dickson's] document.' By 'sister copy', Dr Strach means another photocopied set produced in identical condition to Dickson's set (i.e. as multiple copies created at the same time on the same photocopy machine).

In my opinion, in light of the results of the forensic examination, it is more likely than not that the documents contained in Dickson's ring-binder are the original 'collection' of documents cobbled together by the Child Exploitation Squad as an intelligence file. The documents in Dickson's ring-binder are the very pages that McCoy, Elsdon, Kelly and Wright had photocopied in 1984.

On balance, I am satisfied that the documents now contained in the green ring-binder made their way from the JAB safe to the newly created Sexual Offenders Squad (perhaps via Operation Clean Up) and ultimately into the hands of Detective Sergeant Dickson. This occurred not in any clandestine way, but in the ordinary course of business. The matters of speculation suggested by Mr Ware's articles, and which gave rise to Reference 1, have therefore been further diminished by the recovery from Goldup of Dickson's ring-binder.

The statement about Breslin — Document 9

According to Michael Ware's article in the *Courier-Mail* of 14 August 1997:

Another of the files kept by Lewis contained a statement concerning a convicted paedophile outlining allegations of involvement in drug trafficking and gun-running.

During his interview with Mr Roger on 22 August 1997, Mr Ware provided the following further particulars concerning the alleged document:

... another file included a police statement from a then 16-year-old boy by the name of (R1-C) who, as a matter of record, was involved as an alleged victim of Hurrey and Moore who also had an association with Paul Breslin ... The statement in the Lewis files from (R1-C) was not in relation to Hurrey and Moore but was in relation to Paul Breslin and (R1-C)'s involvement with Paul Breslin in gun-running and drug trafficking.

This document does not form part of former Commissioner Lewis's files (i.e. Document 10) and there is no evidence that it was ever in the possession of Lewis. However, attempts were made to ascertain if such a document did in fact exist. I quote from the evidence of Mr Paul Roger, the Director of the Intelligence Division of the CJC, given before me:

Now can you just assist us then on a discovery of another file as a result of evidence that was heard yesterday?-- Yes, during Russell Pearce's evidence yesterday I – I became aware that he had a belief that one of the files that had been referred to in the *Courier-Mail* articles concerned information from a – from a person by the name of [R1-C] concerning drug running and gun-running and mentioning Breslin.

Yes?-- I believe initially in his evidence, Mr Pearce indicated that that file had not been located within the Commission records. I had some recollection on hearing that yesterday morning that I had seen something to do with (R1-C) during my perusal of material, and I might add that I've looked at a lot of other material as well as Lewis material during this process to satisfy myself that I've captured all the Lewis material. So I had a further search conducted, and as a result of that search we located a police file that is in the Commission's holdings. It's an old police file which had been forwarded to the Commission of Inquiry on 2 November 1987. An examination of that file reveals that it's an actual file on Breslin, that it's a [Fitzgerald Inquiry] file on Breslin but within that [Fitzgerald Inquiry] file is a small police file which – which deals with the allegations made by [R1-C] against a number of persons, one of whom was Breslin-----

Just for the record, the name [R1-C] is the subject of a non-publication order. Yes, go on?-- Those allegations were made on 18 March 1984 at the Fortitude Valley Police Station. The report concerning those allegations is written by a Detective Sergeant Paddon-Jones. It's a three-page document and it would appear to have relevance to what Mr Pearce was talking about yesterday morning.

Okay. It appears to be similar to a document referred to in the published articles, or referred to in the allegations?-- Well, that's the conclusion that Russell Pearce drew yesterday morning. I haven't actually done a comparison of the articles with that document.

All right. But can we just recover this? The file itself on which the document exists indicates that the file was requested from police headquarters on 2 November '87?-- Well, the – looking at the file the Commissioner Fitzgerald received a letter-----

On the 1st?-- -----on 1 November from Breslin.

Yes?-- On 2 November Police Headquarters forwarded that particular file to the [Fitzgerald Inquiry].

I shall refer to the document uncovered by Mr Roger as **Document 9**.

According to CJC records and Mr Roger's evidence, Document 9 was apparently properly and adequately investigated by police and was also dealt with by the Fitzgerald Inquiry. There is no basis to suspect that Document 9, or a copy of it, was ever in the possession of former Commissioner Lewis.

Conclusion for Reference 1.1

Legal representatives of the parties who appeared before me in relation to Reference 1 were permitted unrestricted access to all of former Commissioner Lewis's files — that is, all of the documentation seized from him by the Fitzgerald Inquiry (otherwise referred to collectively as Document 10) and held by the CJC since the creation of that body. Furthermore, they were invited to nominate any documents thought to be relevant to my investigation. Two documents were nominated, but these were relevant to a later term of reference.

A great number of documents were seized by the Fitzgerald Inquiry from former Commissioner Lewis. (For more details, see Reference 1.2.)

There can be little argument that, in some circumstances, information contained in some of those documents would be capable of supporting attempts at blackmail. However, the Fitzgerald Inquiry had access to every such piece of paper. The Fitzgerald Inquiry had virtually unlimited time, money and trained staff to go through them. The Fitzgerald Inquiry had unlimited access to corrupt police officers and unlimited time and money to interview honest ones. The Inquiry submitted former Commissioner Lewis and his files to the closest and most thorough of examinations. After two years of such effort, there was nothing in the Fitzgerald Report to suggest that former Commissioner Lewis was engaged in the blackmail of anyone and/or had pursued the accumulation of records for that purpose.

Yet some 13 years or more after their creation, the 'original' or copies of Documents 1 to 5 (and probably Document 8) fell into the hands of Mr Ware. Suddenly, he found what he contends the Fitzgerald Inquiry could not — that former Commissioner Lewis had gathered material relating to the sexual activity of public figures so that he might blackmail them and/or others.

In summary, so far as Reference 1.1 is concerned, I am satisfied:

1. The relevant documents are those that I have identified herein as Documents 1 to 9.
2. There is no evidence and no basis to suspect that former Commissioner of Police Terrence Lewis had possession of any of Documents 1 to 5. There is no evidence that he ever saw them, much less secreted them away.
3. Copies of Documents 1 to 5 were made by members of the JAB's Child Exploitation Squad in late 1984. In each case, the matters referred to in Documents 1 to 5 constituted low-grade intelligence; none reveals the commission of any offence; none would ground a search warrant; and none was ever in Lewis's possession. Document 2 (the Grenning file) was properly and adequately dealt with by officers of the JAB.
4. Only Documents 6 and 7 can be shown to have ever been in the possession of Lewis — but in circumstances in which his possession of them would be entirely proper.
5. Documents 6 and 7 detail the results of a completed investigation in respect of R1-A. The investigation was unsuccessful in the sense that the complaint was not substantiated. Documents 6 and 7 came to Lewis's attention in the ordinary course of events, and he retained a copy of them.
6. Document 8 is a copy of the police report and running sheets dealing with the actual investigation referred to in Documents 6 and 7. There is no evidence and no basis to suspect that Document 8 was ever seen by Lewis, much less that it was secreted away by him. Indeed, it is unlikely that a Commissioner of Police would ever need to deal with documents of this nature.
7. It is possible that R1-A was tipped-off as to the investigation detailed in Documents 6, 7 and 8, but such a suspicion is far from compelling. For the reasons given earlier, no good purpose would be served in attempting to investigate this possibility.

8. Document 9 was the subject of investigation and report and there is no evidence it came to Lewis's attention. There is no basis to suspect that the document, or any copy of it, formed part of former Commissioner Lewis's files.
9. Former Commissioner Lewis's handwriting appears only on Document 7.
10. It is probable that a copy of some or all of Documents 1 to 9 (but with the exception of Documents 6 and 7) recently came into the possession of Mr Ware — over a decade (and in most instances, 15 years) after their creation.
11. Whatever suspicion might exist about Documents 6 and 7, there is, in fact, no evidence that any of the nine documents were kept by former Commissioner Lewis for the purpose of blackmail. Therefore, the elaborate theory of 'dirt files' being kept by him for the purpose of blackmail has no basis at all.
12. The documents that recently came into the possession of Mr Ware may well have been copies of documents contained in a ring-binder belonging to Senior Sergeant Garnet Dickson. The documents that were tendered by Mr Ware's Counsel (and became Exhibit 12) are copies of documents in Dickson's ring-binder.
13. The documents tendered by Mr Ware's Counsel (Exhibit 12) and the documents produced by Wright to the CJC in November 1989 (Elsden's set) share a common origin — they are copies of documents contained in Dickson's ring-binder.
14. It is likely that the documents contained in Dickson's ring-binder are the original or authentic 'collection' of documents gathered together by the Child Exploitation Squad and photocopied by McCoy, Elsdén, Kelly and Wright in late 1984.
15. The documents contained in Dickson's ring-binder most likely came to him in the ordinary course of business, when he was involved in the investigation of paedophilia.

Facts accepted by the *Courier-Mail* and Michael Ware

The *Courier-Mail* and Mr Ware had leave to appear in respect of Reference 1 and through their Counsel, participated fully in the examination of the evidence led before me. Furthermore, I received written and oral submissions on their behalf.

From the manner in which their Counsel cross-examined the various witnesses, and the written and oral submissions advanced on their behalf, it is apparent to me that the *Courier-Mail* and Mr Ware, having heard the evidence, 'accepted' the following propositions (at least regarding Documents 1 to 5):

- That such documents were copied by police officers in the JAB's Child Exploitation Squad.
- That such documents did not come from any of Lewis's 'safes' or secure areas.
- That a copy of such documents was produced to the CJC in November 1989 by Wright.
- That Lewis's handwriting does not appear on the documents.

Coupled with their 'acceptance' of those matters are the following incontrovertible facts:

- That there is no evidence that the documents ever came to Lewis's attention (although it was contended on behalf of the *Courier-Mail* and Mr Ware that such a possibility might nonetheless have been the subject of 'widespread belief').
- That there is no evidence Lewis ever used the documents for any purpose.

The 'dirt files' theory would, therefore, seem to have expired at least in relation to Documents

1 to 5. Furthermore, in addition to these admissions by the *Courier-Mail* and Mr Ware, it must be noted that:

- Documents 6 and 7 had not been in the possession of Mr Ware and/or the *Courier-Mail* before the publication of Mr Ware's articles, because former Commissioner Lewis's files were not accessed by Mr Ware and/or the *Courier-Mail* until they were permitted to do so during the hearing.
- There is no basis to suspect that Document 8 was ever in Lewis's possession and no explanation was offered as to when or how it came into the possession of Mr Ware and/or the *Courier-Mail*. (Of course, I have noted that it is a copy of pages contained in Dickson's ring-binder.)
- There is no basis to suspect that Document 9 was ever in Lewis's possession

Thus, the 'dirt file' theory seems to have expired all round.

Comment

Notwithstanding the above, an article by Mr Ware, published on the front page of the *Courier-Mail* as recently as 18 June 1998, reported:

Kimmins inquiry hearings finished in January but submissions from counsel assisting the inquiry have indicated the CJC's investigations **have produced no result at this stage.** [*Emphasis added*]

Mr Ware's statement flies in the face of the conduct of his own Counsel before me, and misrepresents Counsel Assisting's submissions, which canvassed the bulk of the evidence upon which this report is drawn. By 18 June 1998, not only was it well and truly apparent to Mr Ware that the 'dirt file' theory was without any basis in fact, but he had, through his Counsel, as much as acknowledged that this was so.

Mr Ware had also been a party to proceedings in Reference 3, and had access to public submissions made in References 2 and 4. He was (or ought to have been) familiar with much of the evidence before me, which had confirmed the falsity of many of the allegations which were the subject of References 1 to 4.

I therefore considered it astonishing that Mr Ware should make the above comment in his article of 18 June 1998. Accordingly, I had Mr Devlin write to Mr Ware's legal representatives indicating that I proposed to pass comment upon Mr Ware's article. By letter of 6 August 1998, Messrs Thynne & Macartney responded:

The specific criticism made of the article published on June 18, 1998 appears to be based on a misinterpretation of it. The article focussed on the proposals of the Queensland Crime Commission to target paedophile behaviour and distinguishes between these and the object of Mr Kimmins' inquiry. Seen in this context, the passage which appears to have troubled Mr Kimmins can be seen to do no more than assert (as was the case) that the submissions of Counsel Assisting indicated that the inquiry has turned up nothing in the nature of hard evidence of paedophilia activity. We note that the article also explains the reason for this, namely the narrower focus of Mr Kimmins' inquiry.

I have considered this response. I remain of the view that Mr Ware's article sought to convey to uninformed readers that one of my tasks was to discover evidence of paedophilia and that I had failed in that task.

The day after the publication of Mr Ware's article (19 June 1998), the editorial of the *Courier-Mail* contended:

The inquiry, headed by former judge Jack Kimmins, was intended to be of the short, sharp variety. As it turned out, that was not really possible, even though **it relied primarily on investigating what the relevant investigators had done or said or recorded.**

The Kimmins inquiry did not, however, aspire to being a fully-fledged investigation into paedophilia,

past or present. **It was concerned primarily with investigating particular instances of paedophilia-related corruption, about which there had been allegations in the media or parliament. It did not appear to have a mandate to seek out victims, to get their stories and to investigate them to the point of seeking to bring prosecutions.** [*Emphasis added*]

The suggestion put by the editorial of 19 June 1998 that this investigation relied primarily upon ‘investigating what the relevant investigators had done or said or recorded’ is not only factually incorrect, but ought to have been recognised as such by the *Courier-Mail*.

Project Triton investigators were called to give evidence of the results of their investigations on each of the terms of reference. This was an efficient and appropriate method of placing before the parties the results of the investigations to that date. The parties were in fact supplied with the full investigation report before it was presented publicly. This process gave the parties the opportunity to conduct informed cross-examination of the investigators, to call for the examination on oath of persons who had been interviewed by the investigators, and/or to call for a relevant fresh line of inquiry. All parties before me, including the *Courier-Mail* and Mr Ware used this efficient process without objection.

It lies ill in the mouth of those who have repeatedly declined to give evidence and declined to reveal sources/informants to suggest that the investigation was in some way devalued by the methodology employed.

I am entirely satisfied that the Project Triton investigation has been thorough and professional.

Like Mr Ware, the *Courier-Mail* had been a party to proceedings in respect of References 1 and 3, and had published articles reporting the evidence and submissions in respect of References 2 and 4.

From the very outset of my Inquiry, I made it clear that I was not setting out to investigate whether paedophilia has or has not existed in Queensland. However, the very serious allegations set forth so confidently and assertively in certain newspapers and by the Children’s Commissioner have, upon investigation, been demonstrated to be baseless.

I have no doubt that there are police officers, officials of the CJC, and others (including the disgraced former Commissioner of Police) who would think it only just that the demise of the ‘dirt file’ theory (and other allegations) might receive the same level of publicity as the assertions that promoted it. However, that is not something over which I have any power or control, and if the above statements are any indication, I suspect it shall remain wishful thinking on the part of these persons.

Indeed, my concerns in this regard were magnified when I was later informed of the contents of a letter written to the Chairperson of the CJC by Mr Chris Mitchell, Editor-in-Chief of the *Courier-Mail*, on 18 May 1998. The letter, marked ‘private and confidential’, was addressed to Mr Clair as ‘CJC Chairman’ and, in view of Mr Mitchell’s comments about Project Triton, was quite properly passed to Mr Devlin in his capacity of Counsel Assisting. Mr Mitchell wrote, among other things:

... I believe the *Courier-Mail*’s paedophile reports since the middle of last year have been far more honest than the loaded, biased, spin-doctored nonsense that I regularly get on my desk from you.

... My motivation — the paper’s motivation — in pursuing our present line of investigation is to get to the heart of concerns about the well-being of children in this state going back to the Bischoff era.

We have a vast amount of information in this context on players who were involved in the 1960s, ‘70s and ‘80s and who continue to be operational today.

Frankly, I don’t actually care what the CJC’s views on this are. **I don’t care what the Kimmins Report finds** and I really don’t care what you say on 4QR, where you will always be given free reign for political reasons ... [*Emphasis added*]

On 23 June 1998, Mr Devlin wrote to Mr Mitchell. Mr Devlin’s letter stated, in part:

If you continue to hold ‘a vast amount of information’ concerning paedophilia, I again invite you to

refer it to me, if it involves official misconduct, or to Inspector Ralph Knust of the Argos Task Force, or to the newly established Crime Commission.

In response, by letter of 26 June 1998, Messrs Thynne & Macartney, solicitors for the *Courier-Mail*, wrote to Mr Devlin advising, among other things:

We wish to make it clear that we are instructed that there is no relevant information concerning paedophilia 'on players who were involved in the 1960s, '70s and '80s and who continue to be operational today' (to use Mr Mitchell's words) that are relevant to the specific Terms of Reference of the Kimmins Inquiry.

As to Mr Mitchell's stated intention to disregard this report, I pass no observation. I merely report his comments so that any later analysis by the *Courier-Mail* of the work of Project Triton might be viewed in the context of those comments by the Editor-in-Chief.

Reference 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.

Specific allegations

It is recalled that in interviews with Project Triton personnel, Mr Ware made the following specific allegations:

- Commissioner Lewis had access to safes in his office and at his home. Fitzgerald Inquiry officers (led by then Detective Inspector O'Sullivan) raided the safes. The files were removed to the Inquiry offices and handed to Counsel Assisting, Gary Croke, QC.
- The files were subsequently forwarded to the CJC.
- An officer within the Fitzgerald Inquiry police contingent held 'some concern about the fate' of files removed from Lewis's safes. The officer accessed the files, copied some of them, and gave the copies to 'Mr X'.

Mr Ware's allegation that an unnamed police officer copied and/or culled files raises the suggestion of misconduct, and thus attracts the jurisdiction of the CJC. It is a serious accusation — not least because many of the police officers who served on the Fitzgerald Inquiry are now senior officers within the QPS.

The clearing of Commissioner Lewis's safes

The material seized

It is absolutely necessary that some appreciation be had of the volume and type of material seized by the Fitzgerald Inquiry from then Commissioner Lewis.

In August 1997, after publication of the Ware articles, Mr Paul Roger, the Director of the CJC's Intelligence Division, personally examined all Fitzgerald Inquiry material (which has been held by the CJC since the organisation's creation). Mr Roger's examination included all of former Commissioner Lewis's files, or 'Document 10' — that is, the material seized by the Fitzgerald Inquiry from various safes and cabinets controlled by former Commissioner Lewis.

According to Mr Roger's evidence, there were over 1,000 documents taken. For the purposes of his exercise, Mr Roger counted each folder as a 'document', regardless of the number of pages the

folder contained. Therefore, not only are there single sheets of paper, but also numerous folders — some containing up to 30 sheets of paper. In fact, thousands upon thousands of single sheets of paper were taken away.

Next, I want to refer to the type of material seized. I quote here from the evidence Mr Roger gave before me. I make no apology for the length of the quote. It is necessary to dispel the idea that Lewis only collected items concerning prominent people which he might use for blackmail:

... Well, first of all there was a large amount of what I'd describe as administrative documents, and to give you an understanding of what I mean by that, I would suggest there were documents on staffing issues within the Queensland Police Service, appointments to the Service, promotions, transfers, personal lists, personnel lists, statistical data about the Service, how many officers, etc., documents on training and education, conferences and course notes. It appeared that Mr Lewis kept nearly every conference course notes that he personally attended or some of his senior officers had attended. Lists of attendees at those courses. He had copies of official reports from other agencies, commissions of inquiry, for example, the Royal Commission into Drugs in 1978; the Stewart Report; documents relating to the creation of the National Crime Authority in the early '80s. Reports from the FBI, New Scotland Yard on various activities of policing and crime and organised crime. He had documents relating to the suitability of officers for the CIB, documents relating to the Police Service in general, the building of a new police headquarters, the financing of the project, where the furniture was going to come from and how it was going to be acquired. Documents concerning the acquisition of vehicles. He had briefing notes on meetings he had attended, or spoken at. Documents on budget matters. Numerous letters of appreciation which – or copies of letters that he had written to people thanking them for something that they had done for the Service, or for him personally, or for a lunch that he had been to etc. They're the administration types of documents.

He then had a large volume of media-type material, which would be best described as tapes of interviews that either he or his senior staff had participated in with radio or TV; copies of newspaper articles or TV programs that were obviously in some way relevant to his interest. A number of the folders within his safe contained scores of newspaper articles on certain topical subjects.

Moving on, there were personal diaries and notebooks of his own. He also had the work books of a number of his assistants that he had over the years. He had a number of documents that would best be described as handwritten notes from his assistant, Mr Early. These covered many diverse matters going back over several years. They included phone calls, messages that had been passed on from one person to another, appointments that he was to attend; the sort of document that most people would normally discard in the bin, but the Commissioner seemed to keep just about everything that he had ever possessed, by the looks of things.

He had copies of investigation reports and information reports, some dating back to the early 1970s, even prior to his appointment as Commissioner of Police.

Copies of correspondence with the then Premier and with a number of different ministers on matters relating to the Police Service. There were Cabinet submissions, responses to questions in the House etc.

He had documents relating to police that had been charged with disciplinary breaches. He also had a number of transcripts of Court evidence of particular trials. He had copies of documents and notes about allegations of criminal activities — these would concern drugs, gambling, SP betting, prostitution. A number of these documents actually named persons allegedly involved in these activities, and geographical areas as well. He had a number of documents which dealt with complaints and allegations about police officers. Some of these documents were memorandums produced by other police officers about their colleagues. Some were letters addressed to Lewis complaining about activity by police officers, and usually of a criminal nature, and some were notes of information passed to Lewis, either by somebody personally to Lewis or generated by his assistants and passed to him. In the last category, which is more of a minor one, he had a number of documents relating to traffic accidents, car accidents, speeding and drink-driving, and most of those were where people had corresponded with the Commissioner seeking assistance in respect of a friend or a member of the family having been charged for an offence. [T:148, from line 26]

History of the material seized

Sixteen documents taken on 22 September 1987. All 16 items of material seized from Lewis's safe on 22 September 1987 remain intact and in the CJC's possession.

There is nothing in this material that touches or concerns my investigation in any way. It should be recalled that I arranged for legal representatives of the parties appearing before me (including those representing Mr Ware and the *Courier-Mail*) to inspect *all* the seized Lewis material.

Material seized on 14 April 1988 and 21 April 1988. The material seized on 14 April 1988 from Lewis's office area was placed into boxes labelled 2 and 3. Material seized on 21 April 1988 from Lewis's office area was placed into boxes labelled 1 and 4.

All of the above material was catalogued on computer by a Fitzgerald Inquiry employee during May and June 1988. While not required for the purposes of being catalogued, such material was kept in an exhibit room. Cataloguing was completed on 24 June 1988.

All catalogued items from boxes 1, 2, 3 and 4, except for item 102 (a list of female police officers), remain in the possession of the CJC.

Box 2 — Document 110 consisted of five pages comprising two reports, one of two pages and one of three pages. These are the two reports referred to herein as Document 6 and Document 7.

Box 4 — Documents 10 and 11 are described as manilla folders relating to 'homosexual activity/child pornography/prostitution'. Document 10 covers the period November 1984 to January 1985 and Document 11 covers the period November 1984 to July 1986.

The manilla folder described as Document 10 contains copies of several newspaper articles covering the period November–December 1984 and other documents relating to Breslin, Hurrey and Moore. There are also photocopies of documents described as 'further questions for Police Minister Glasson 28 November 1984'; however, the origin and the genuineness of these documents are questionable. The folder also contains material relating to the examination of the law regarding male prostitution and legal advice regarding the charges to be preferred against Moore.

The manilla folder described as Document 11 overlaps with the material in Document 10. In this folder, the documents regarding questions for Glasson have been reviewed by an Inspector B P Webb. There is a suggestion that Breslin may have been the author of this particular document.

These documents do not appear to have any direct relevance or relationship to the alleged 'dirt files' described by Mr Ware.

Material seized from Lewis's home on 1 July 1988. Material seized from Lewis's home on 1 July 1988 was taken to the Fitzgerald Inquiry offices and placed into a box labelled 'Box 5'. The contents of the box were catalogued on computer and such cataloguing was completed on 7 July 1988.

All catalogued items except item 37A remain in the possession of the CJC. (Item 37A is catalogued as a tape of a conversation and two black-and-white photographs dating back to 1978.)

There is nothing in this material (Box 5) that touches or concerns this investigation in any way.

For the sake of completeness, I mention that on 3 September 1988, former Commissioner Lewis's diaries were received from Morris Fletcher & Cross, Solicitors. These diaries remain in the possession of the CJC and were made available to the legal representatives of those with leave to appear in the proceedings conducted before me.

The suggestion material was culled

It is quite obvious that Detective Inspector O'Sullivan, as he then was, had neither the time nor opportunity to sift through the thousands of pages seized, and locate and remove select documents, including, for example, some or all of Documents 1 to 9 (as referred to in respect of Reference 1.1). I am satisfied that he possessed neither the desire nor any motivation to so act.

Documents 1 to 5 were never seized by Fitzgerald Inquiry officers from safes controlled by Lewis because, had they been, they would have been catalogued and would still be recorded within the CJC's computer records.

There is a possibility that after the last of the material was seized on 21 April 1988, but before cataloguing started in May 1988, or at least before the material was finally catalogued on 24 June 1988, someone attached to the Fitzgerald Inquiry may have gone through the thousands and thousands of pages of seized documents held in the exhibit room and extracted those documents. However, that a person could perform such a task without detection is doubtful and the possibility that it occurred is remote.

Although the processes in place at the time of the collection of former Commissioner Lewis's files were not sufficiently rigid as to exclude absolutely the possibility that the documents may have been tampered with, no basis exists to suspect that any of Fitzgerald's staff had either motive or opportunity to sift painstakingly through the Lewis documents, removing some incriminatory documents but not others.

It is fair to say that Royal Commissioner Fitzgerald and his staff left no stone unturned in their examination of the affairs of former Commissioner Lewis. Perusal of the transcript of the public cross-examination of Lewis by Senior Counsel Assisting Mr Fitzgerald reveals that issues such as those now complained of by Ware and other journalists were pursued with great vigour. The notion, unsupported by any evidence, that some of Lewis's files may have been spirited away to protect him and/or others is, I find, extraordinary. It flies in the face of reality and beggers belief.

Commissioner O'Sullivan was interviewed during Project Triton and gave evidence in public session on 3 December 1997. He rejected absolutely the notion that any member of the police contingent attached to the Fitzgerald Inquiry possessed either the opportunity or motive to access, copy or cull the documents removed from Lewis's possession. Mr O'Sullivan confirmed that, apart from cursory inspections during the search processes, no police officer in his presence had any opportunity to inspect documents removed from Lewis's possession. Furthermore, once seized, the documents were immediately delivered into the custody of lawyers assisting the Fitzgerald Inquiry.

Mr O'Sullivan gave the following response to the suggestion that a police officer attached to the task force assisting Mr Fitzgerald had the opportunity to cull and copy files out of a concern that the Inquiry would not properly investigate Lewis as to the content of those files:

In my view that would have been impossible. I supervised the seizure. All of the documents seized were immediately taken to the Fitzgerald Inquiry offices and handed to a senior lawyer assisting the Inquiry ... [T.351-2]

Furthermore, in response to the suggestion that a police officer under his command might have had the opportunity to cull such files, Mr O'Sullivan said:

In my view, that would be impossible. [T.356]

Detective Inspector James O'Donnell was one member of the police contingent seconded to the Fitzgerald Inquiry who gave evidence before me during the investigative hearing. For his part, O'Donnell denied removing files in the circumstances alleged by Ware and denied that any police officer within that contingent had ever expressed concerns that Lewis would not be properly examined by the Fitzgerald Inquiry.

Conclusion for Reference 1.2

There is no basis to suspect that any of the documents seized by the Fitzgerald Inquiry from former Commissioner Lewis were ‘culled’ or tampered with in any other way.

By way of comment, I add that in respect of Reference 1, I have gone into considerable detail about what might be called historical matters because it seems to me to be of importance that, after numerous inquiries, the expenditure of enormous time and effort and literally tens of millions of taxpayer dollars, these aspects of the regrettable events that culminated with the Fitzgerald Inquiry should be finally put to rest.

Michael Ware and the *Courier-Mail*

As the matters investigated as Reference 1 arose mainly as a result of articles written by Mr Ware and published in the *Courier-Mail*, I need to refer to these parties particularly, in respect of certain matters relating only to Reference 1.

Lest Mr Ware and the *Courier-Mail* attempt to suggest that they were prevented from properly conducting their case before me, I wish to record what actually happened.

It will be recalled that I allowed legal representatives of the parties before me access to all papers seized by the Fitzgerald Commission from former Commissioner Lewis.

Counsel for the *Courier-Mail* and Mr Ware argued that they should be allowed to enter upon an investigation about any and every matter revealed in such papers concerning any police officer or public official, to then determine if such person had ever been involved in any investigation of paedophilia, and then explore whether former Commissioner Lewis might have used the material in his possession to attempt to influence such investigation.

I refused to allow this. I ruled that if any police officer or public official named in such papers was shown to be involved in any investigation of paedophilia, then Counsel for the *Courier-Mail* and Mr Ware could examine and cross-examine on the material in former Commissioner Lewis’s files to see if he had attempted to interfere or influence such matter.

In a letter to Mr Devlin dated 8 December 1997, the solicitors for the *Courier-Mail* and Michael Ware claimed:

- Because there was or might be a general public perception that something probably happened, they were justified in reporting such thing as fact.
- That as long as Mr Ware had a source for an assertion he published, it was no part of my function to inquire into whether that source was ‘careless, malicious, honest, thorough or genuine’.

The letter was silent as to whether it was any part of Mr Ware’s function to inquire into the reliability of the source, nor did it explain why the reputations and/or careers of possibly innocent people should be placed at risk because of the mere fact that Mr Ware had ‘a source’.

It seems not to have crossed the minds of management at the *Courier-Mail* or Mr Ware in particular, that the publishing of material from a source who was ‘careless or malicious’ could lead to a public perception that ‘something’ had probably happened and that once that climate was established, ‘something’ could then be regarded as a fact.

As I pointed out in the introduction to this report, I am not concerned with an investigation of the ‘journalistic issues’ regarding Mr Ware and/or the *Courier-Mail*. However, I am concerned with certain simple questions of credibility which arose out of the hearing in respect of Reference 1.

For instance, Mr Ware and a colleague, Mr Paul Whittaker, conducted an interview with the Police

Commissioner O'Sullivan on 11 August 1997. The interview was tape-recorded by the journalists. There subsequently arose some uncertainty about what had been said during the interview by Mr O'Sullivan. The legal representatives of Mr Ware and the *Courier-Mail* were requested to produce the tape recording. I quote the letter which was received in reply from their solicitors dated 3 December 1997:

At the conclusion of evidence this morning, you made mention of the fact that our client Queensland Newspapers Pty Ltd had been requested to produce a transcript and tapes of an interview with Commissioner O'Sullivan at which reporters Michael Ware and Paul Whittaker were present on 11 August last.

We are instructed by Mr Ware that Mr Whittaker was essentially the note taker at the interview with Commissioner O'Sullivan and tape-recorded the interview. Mr Whittaker has recently been assigned to News Limited UK and is presently in London. Mr Whittaker may have custody of the relevant tape if it is still in existence.

We are instructed that our client will contact Mr Whittaker to seek to locate and retrieve the tape in question. We will revert to you if that material can be produced.

On 12 January 1998, the solicitors for Mr Ware and the *Courier-Mail* forwarded to Mr Devlin a letter in the following terms:

We refer to previous correspondence, and apologise for our delay in furthering the matter of the transcript of the interview which took place between Mr Ware and Commissioner O'Sullivan on 11 August 1997.

At our request, a statement was obtained from Mr Whittaker in London in early December. He faxed his statement to our client and, unfortunately, the matter was not progressed from there.

We are instructed by Mr Ware and Mr Whittaker that the only transcript prepared of the interview with Mr O'Sullivan was the attached document headed 'Interview with Commissioner Jim O'Sullivan, Police HQ, Roma Street, 11/08/1997'. Mr Whittaker prepared this transcript as a means to provide information and possible quotations for use by Mr Ware in his article.

Also forwarded was a copy of a statement signed by Mr Whittaker, dated 23 December 1997. It contained the following:

After the interviews were completed, and to assist Mr Ware, I personally transcribed relevant parts of the interviews with both Mr O'Sullivan and Mr Williams on a personal computer. This was done at a hotel where I was residing at the time. I did this to provide quotes of relevant parts of the interview for possible use in the stories being written by Mr Ware.

I am not sure what happened to the micro-cassette tapes. I am checking my records in an effort to try and locate them.

The interview with Mr O'Sullivan took place on 11 August 1997, and Mr Ware's article appeared in the *Courier-Mail* of 14 August 1997. On Mr Whittaker's account, the transcript must therefore have been in existence before 14 August 1997.

The letter of 3 December 1997 was silent as to the existence of a transcript, referring only to Mr Whittaker's possible possession of the relevant tape. In my view, in failing to refer to the transcript, the letter conveyed the false impression that there was no transcript. If he had used the transcript in preparing his article of 14 August 1997, Mr Ware would have surely remembered that a transcript existed when he instructed his solicitors in respect of the letter of 3 December 1997.

There is good reason Mr Ware might have been reluctant to produce either the tape recording, or Mr Whittaker's transcript. The issue requiring the production of the O'Sullivan transcript was not insignificant, and the transcript provides cause to question the integrity of Mr Ware's reporting.

An issue arose regarding the allegation that former Commissioner Lewis possessed documents adverse to Mr Grenning (i.e. Document 2, the 'Grenning file'). During an interview with Mr Roger of the CJC on 20 August 1997, Mr Ware said:

... In the course of my interview with Mr O'Sullivan he stated that he hadn't read the materials he seized, he later stated that he'd read some of the materials, he later confirmed that, yes, he was aware of the Grenning file and the contents therein.

This claim, if true, provides some justification for Mr Ware's wider allegations. However, Commissioner O'Sullivan rejects that he told Mr Ware that the Grenning file formed part of the material seized from Commissioner Lewis, and also that he told Mr Ware that he was aware of the contents.

The transcript prepared by Mr Whittaker of the tape-recorded interview with Commissioner O'Sullivan is in the form of a summary of a question put to Mr O'Sullivan followed by a verbatim account of his answer. That is, the question appears in an abbreviated form, but the answer is in full. The transcript reads as follows:

(Question)	Lewis's safes?
(Mr O'Sullivan)	I can't confirm what was in the documents or their nature. See the process was that I seized documents and handed them to a very senior officer from the commission. My honest answer is I don't know what the documents contained.
(Question)	Russell Grenning document?
(Mr O'Sullivan)	I seized that much from Lewis's office that I didn't go through every file. Maybe it was, probably it was. But I had senior legal officers taking possession of them as we seized them. I didn't read everything. I read the critical things like the diaries and a whole host of things. We had boxes of stuff.

Accepting Mr Whittaker's transcript to be accurate, it would be misleading to say that during this interview, Mr O'Sullivan 'confirmed that, yes, he was aware of the Grenning file and the contents therein.'

By letter of 6 November 1997 to Mr Pearce of the CJC, Mr Ware asserted:

I received confirmation about the authenticity and location of the files from Police Commissioner Jim O'Sullivan – who led the raid on Lewis's office safe — both in a taped interview and in telephone conversations.

Commissioner O'Sullivan's evidence before me was that he did not confirm or deny the authenticity and location of the files, contrary to what Mr Ware alleged. Given that Mr Whittaker's transcript is inconsistent with Mr Ware's claims, in the absence of any evidence from Mr Ware to the contrary, I have little hesitation in accepting Mr O'Sullivan's version of events.

In the same letter (i.e. 6 November 1997) Mr Ware also contended:

We have telephone call records which establish telephone contact with Commissioner O'Sullivan on August 13, the night of publication. During this conversation, Commissioner O'Sullivan was again briefed on the content of the files and their attribution as Lewis's. At this point Commissioner O'Sullivan clearly confirmed their authenticity and our need to publish.

O'Sullivan denied that in such telephone conversation he confirmed the authenticity of the files. So far as the 'need to publish' is concerned, his evidence was that he would have said that to publish or not was a matter for the newspaper not for him. I accept his evidence. It certainly accords with common sense.

Furthermore, another aspect of such interview was the Fitzgerald Inquiry's alleged failure to investigate. In this regard, in the article written by Mr Ware and published by the *Courier-Mail* on 14 August 1997, the following passage appeared:

...The Fitzgerald Report, published in 1989, does not contain any reference to the allegations contained

in the Lewis files, or their existence.

It appears that while at least one interview with a serving police officer was conducted in relation to one of the compromising files, the allegations were not investigated by the Fitzgerald Inquiry.

Police Commissioner Jim O'Sullivan, a senior police investigator with the inquiry, said this week that the decision not to investigate would have been made at a 'very senior level'.

'It would have been a decision taken in the context of a corruption inquiry costing a lot of money and [which] had to be focussed,' Mr O'Sullivan said.

In fact, as Mr Whittaker's transcript reveals, Commissioner O'Sullivan was being questioned on the false premise that the Grenning file had been seized from Lewis's safe. He was then asked to explain why McCoy's handwritten notation had not been investigated.

According to Mr Whittaker's transcript, what Commissioner O'Sullivan actually said about the matter was this:

(Question) Why McCoy notation on Grenning stuff not investigated?

(O'Sullivan) That decision would have been made by Gary Crooke or people at a very senior level in the inquiry. It would have been a decision taken in the context of a corruption inquiry costing a lot of money and had to be focussed. There was probably a number of reasons why it wasn't followed through.

Mr O'Sullivan's response to that specific question has been transposed by Mr Ware as a reference to *all* of former Commissioner Lewis's files.

Witnesses/Persons with Leave to Appear

The following witnesses gave sworn evidence before me in respect of Reference 1.

Russell Alfred Pearce	Executive Legal Officer, CJC
Paul Anthony Roger	Director, Intelligence Division, CJC
Lytton John Wellings	Principal Intelligence Analyst, CJC (formerly member of the BCI)
Kerry Bradley Kelly	Civilian Investigator, CJC; Queensland Police – 1976 to 1987; Child Exploitation Unit – 1983 to 1986; JAB – 1981 to 1986
Inspector Donald Anthony (Tony) Wright	Child Exploitation Unit – late 1984 to early 1986; Fitzgerald Inquiry Task Force – March 1988 to 1991
Mark Patrick McCoy	Queensland Police – August 1970 to October 1997; JAB – October 1983 to October 1986 (Detective Sergeant 2/C); Child Exploitation Unit – October 1983 to October 1986
A/Superintendent James William O'Donnell	Fitzgerald COI Task Force – 1987 to 1989
Detective Inspector Raymond Frederick Platz	JAB – 1984
Neville Leslie Graham Taylor	Queensland Police – 1951 to 1986; JAB – 1984 to mid-1986 (Inspector in Charge)
Terence Murray Lewis	Commissioner of Police – November 1976 to September 1987
Commissioner James Patrick O'Sullivan	Fitzgerald COI Taskforce – mid-1987 to 1989
Colin George Elsdon	Queensland Police – December 1971 to October 1988; JAB – March 1984 to mid-1986; Child Exploitation Unit – October 1984 to mid-1986

Senior Sergeant Garnett Alexander Dickson	Sexual Offenders Squad – February 1987 to January 1991
Inspector John Kevin Vincent O’Gorman	Queensland Police Union of Employees – 1980s
Detective Inspector Raymond Lyle Turner	Queensland Police – 1964 to present; JAB Sandgate – 1980 to 1983 (Officer in Charge); JAB Fortitude Valley – 1983 to July 1985; JAB City – July 1985 to 1990 (Senior Sergeant)
William John McArthur	Assistant Commissioner (Crime and Services) – December 1983 to January 1986
Roland Dargusch	Queensland Police – 1959 to 1995; Internal Investigations – November 1984 to August 1986; JAB – August 1986 to August 1988 (Inspector in Charge)
Inspector Peter Michael Guntrip	Police Administration Branch (Records)
Assistant Commissioner Gregory Lance Early	T M Lewis Personal Assistant – 1976 to 1987 (Sergeant to Superintendent)
Chief Superintendent Peter Joseph Freestone	T M Lewis Personal Assistant – 1982 to 1987 (Sergeant 1/C).

The following persons were granted leave to appear in respect of Reference 1:

Mr W Sofronoff, QC and Mr P D T Applegarth (instructed by Messrs Thynne & Macartney, Solicitors) for Queensland Newspapers Ltd (the Courier-Mail) and Mr Michael Ware.

Mr R A Perry (instructed by Messrs Gilshenan & Luton, Solicitors) for the Queensland Police Union of Employees.

Mr R G Whitton (Hillhouse Burrough & McKeown, Solicitors) for Mr Terence Lewis.

Mr A B Johnson (Inquiry Legal Representation Office) for Inspector D A (Tony) Wright.

Mr B Smith (Inquiry Legal Representation Office) for Mr Colin Elsdon.

Chapter 2: ‘Snuff’ Movies (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.

Preliminary

On Monday, 18 August 1997, Mr Robert Godier (Bob) Bottom — then employed as an adviser to the Children’s Commissioner, Mr Norman Alford — was interviewed on ABC Radio by journalist Anna Reynolds.

During the course of that interview, Mr Bottom said that on the previous day — Sunday, 17 August 1997 — Mr Alford had received evidence from a police officer concerning various police operations in Queensland, one of which had involved the seizure of a ‘snuff’ movie. Bottom asserted publicly that:

- the movie depicted a child being sodomised and disembowelled
- the movie was selling in Brisbane for \$500.00
- it was suspected that the movie had been made on the banks of the Brisbane River at Pinkenba
- an investigation of the matter had identified a ring of paedophiles
- no action was taken and the investigation had been aborted.

Mr Bottom also alleged that there was a second group of wealthy paedophiles who brought Filipino boys into Queensland and passed them around. Bottom alleged that the police officer had told Mr Alford that this investigation also had been aborted.

On the day after the radio broadcast (Tuesday, 19 August 1997), the *Courier-Mail* repeated Bottom’s claims in an article written by Michael Ware.

The allegations raised by Mr Bottom, in so far as they suggested inaction on the part of unnamed police officers, raised questions of misconduct and thus attracted the jurisdiction of the CJC. Furthermore, it was open to infer, both from Bottom’s interview on radio, and the subsequent reporting of it, that the allegations related to contemporary matters.

Two specific issues were identified from Mr Bottom’s interview, and the reporting of it by the *Courier-Mail*:

1. That police officers suspected that a snuff movie depicting a child being held between two boxes, sodomised and disembowelled, was produced on the banks of Brisbane River at Pinkenba. The snuff movie was seized by police officers and a police investigation of the alleged snuff movie identified a ring of paedophiles. The investigation was aborted.

2. That a group of wealthy people along the coast of Brisbane arranged for small Filipino boys to visit Australia. An investigation of this matter was aborted.

In addition to the two issues identified during Mr Bottom's radio interview, a letter from the Children's Commissioner to the CJC dated 28 August 1997 identified a third specific and related allegation:

3. That a specially appointed police squad investigated a paedophile network in which schoolteachers recruited schoolboys for the provision of sexual favours. This network was centred on the Moggill premises of a businessman associated with a number of electrical outlets. The investigation of this network was aborted.

Collectively, these allegations form the basis of Reference 2.1. As Project Triton proceeded, allegations were received concerning the purported existence of other snuff movies. These further allegations form the basis of References 2.2 and 2.3.

Reference 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.

The source for Bob Bottom's public disclosures

Mr Bottom was approached by Project Triton personnel and, after consulting his informant, ultimately agreed to introduce Project Triton to that person — that is, the police officer said to have given evidence to Mr Alford on Sunday, 17 August 1997.

By the time Mr Bottom agreed to introduce his informant, that person's identity had already become apparent to Project Triton investigators. It was former police officer James Slade. Slade had been a prominent anti-corruption witness in the Fitzgerald Inquiry, but was later himself criminally charged and left the Police Service.

It must be noted that not only was Mr Bottom's source no longer a serving police officer, but it transpired that Mr Slade's allegations of misconduct related to events said to have occurred in 1978 and 1985 respectively. It is thus immediately obvious that the statements made publicly by Mr Bottom were inaccurate about the current status of his informant (Slade) and silent about the age of the alleged police cover-up.

Mr Bottom gave evidence before me that at the time of his disclosures on ABC Radio he was a consultant employed by the Children's Commissioner. Bottom explained that he is a journalist by profession, and in that field has had a degree of experience in investigating allegations of organised crime. Mr Bottom confirmed that Slade's allegations to Alford had been the sole source for his own public disclosures on ABC Radio. He also confirmed that Slade had alleged that the investigations of the matters to which he had referred the Children's Commissioner had been stopped and aborted.

Mr Bottom said that on Sunday, 17 August 1997, Slade had been interviewed by him, Mr Alford, a research officer (Mr Graham Weeks) and two journalists — Mr Bruce Grundy, editor of the *Weekend Independent* at the University of Queensland and Ms Paula Donemann, a *Courier-Mail* journalist.

Mr Bottom's public disclosures were made during the course of an interview on ABC Radio on Monday, 18 August 1997. The following day, 19 August 1997, Mr Ware's article simply repeated Bottom's publicly made claims. However, the *Weekend Independent*, in its October 1997 edition,

published a series of articles concerning the suggested failure by law enforcement agencies to investigate paedophilia. Included in this series was at least one article promoting the very same allegations that had been made by Slade to Alford in the presence of Mr Grundy.

Mr Bottom's evidence was that the presence of the two journalists during Mr Alford's interview with Slade had been thought necessary to encourage Slade to provide his information under 'journalistic privilege'. Mr Bottom also said that the Children's Commissioner had no capacity to embark upon a process of checking the reliability of the information given by Slade.

As the matter transpired, it has become apparent that Slade's allegations were almost entirely without any basis in fact.

The effect of Bob Bottom's public disclosures

It is extremely regrettable that information was supplied to a public officer in the presence of two journalists and then reported to the public as fact, without the accuracy of the information having been checked in any way whatsoever.

Of equal concern is that, in his public disclosures, Mr Bottom failed to make it clear that the matters were historical. The disclosures had the effect, therefore, of reflecting adversely on the presently serving members of the QPS.

Submissions were made to me on behalf of the Children's Commissioner to the effect that Mr Bottom's public disclosures were made without Mr Alford's authorisation. That might be so, but I point out that the Children's Commissioner had in no way publicly resiled from Bottom's disclosure of the matters, and, indeed, followed them up with his own letter to the CJC, of 28 August 1997, in which the allegations were restated.

Let me now deal with the actual allegations made by Slade to Mr Alford, his staff, and the two journalists.

Slade's allegations

Superintendent Duncan's task force — Operation Clean Up

In chapter 2 of this report, I explored the background to the temporary task force established in late 1984 under the command of Detective Superintendent Gordon Duncan to 'inquire into the ramifications of child exploitation and take all possible action to eliminate such practices'.

During the early stages of Project Triton, CJC Principal Intelligence Analyst Lytton Wellings approached Mr Devlin and informed him of his (Wellings) involvement in Superintendent Duncan's temporary police task force, which had operated during late 1984 and the early months of 1985. At that time, Wellings was a serving police officer with the rank of Sergeant First Class, and was working in the BCI. He and a colleague from the BCI were assigned to the temporary task force.

According to Wellings's advice (later confirmed by evidence from other members of the task force), information and intelligence gathered by the task force was passed on, through a liaison officer who was himself a member of the task force, to Mr D G Sturgess, QC, who at that time, as Director of Prosecutions, was conducting his inquiry into like matters. Superintendent Duncan's task force comprised numerous senior-ranking police officers, as well as a number of junior officers.

Wellings's BCI colleague on the temporary task force was James Slade, the abovementioned informant for Mr Bottom's public disclosures of 18 August 1997.

Mr Wellings gave Mr Devlin a total of 29 pages, consisting of a copy of the minutes of meetings of the temporary task force, and of a complaint to ground the issue of search warrants of premises

identified and raided during the investigations conducted by the task force. (The minutes and other documents were tendered before me as part of Confidential Exhibit 32.)

The minutes detailed meetings on 27 December 1984, 9 January 1985, 28 January 1985, **30 January 1985, 6 February 1985, 13 February 1985, 20 February 1985**, and 19 March 1985. According to the minutes, Slade was present for the meetings held on the dates shown in bold.

Interview with Slade

On Friday, 7 November 1997, Mr Devlin and Mr Pearce conducted a three-hour interview with Mr Slade in the presence of Mr Bottom and Mr Slade's wife.

A copy of the minutes previously produced by Mr Wellings were shown to Mr Slade. They were verified as genuine by Mr Slade.

At the conclusion of the interview, Slade acknowledged that there was no evidence of any corrupt interference in the matters investigated by Superintendent Duncan's task force.

The Filipino network. Although Mr Slade acknowledged that he had been the source for Mr Bottom's allegation concerning the importation of Filipino boys, he rejected the notion that the investigation of that matter had been aborted.

The following extracts are reproduced from the transcript of the interview with Slade:

Q. Right, can I just take you to that then. 'It was alleged the other alleged network--' This is the article: 'the other alleged network under scrutiny involved a criminal syndicate of wealthy Brisbane business identities. It was alleged by police during secret interviews over the weekend that the Filipino boys were briefly imported to Queensland for sexual purposes despite police being aware of the group. Quote there was a group of wealthy people along the coast of Brisbane who brought in small Filipino boys ---

A. Yes.

Q. On one occasion under police notice one of the boys was put back on a plane so damaged that he was wearing tampons. That investigation was aborted.' Is that, is that, are you the source for that?

A. I'm the source for that, but I don't know whether or not the investigation was aborted. Th--

Q. Well, uhm, the o---

A. And also I know nothing about that customs officer that's mentioned there.

Q. Righto. Okay. Well now first of all you're the source for it, however, you do not uh, you do not subscribe to the view that the information you provided was that the investigation was aborted?

A. That's correct and I tend to go the other way and I'll tell you why. Late, er, oh, ahh, a matter of eighteen months, two years later the Federal Government u., using that informa., a oh well, the Federal Government who appeared to be using that information eh changed the rules and changed the laws about uh, people coming in on visas etc. so, I., I know of nothing being done about it let me put it that way.

...

Q. Well if you didn't supply the information that the investigation was aborted, do you know who did?

A. No I do not. And, and I don't know whether it was aborted or whether there was something done about it. Ohh, I, I've got no knowledge of anything being done about it and I would've thought that I would know because I did running sheets, I did logs etc. and I was never called on to give evidence any more.

Q. Yeah, but I mean, BCI is a sort of organisation where you could do a pile a work for twelve

months and never be called as a witness, but things are actioned.

A. Yes that's true.

Q. So you were not in a position to know one way or the other?

A. No I don't know, one way or the other whether anything was done or not (UI)

Q. But what you say is that it is incorrect to say that the investigation was aborted, you do not know that one way or the other?

A. I do not.

...

Q. Uhm, I just, eh, would you agree that you have no evidence whatever that somebody corruptly aborted the investigations?

A. No I have not.

Q. That's not to say it didn't happen---

A. Oh no, I, I was taken off and put on to other duties and uh, I, I don't know what ever happened with that information that we, that we collected.

The snuff movie. During the interview, Mr Slade continued to assert that in January and February 1985, he had personally handled a snuff movie and had watched it on a video player. Mr Slade alleged not only that he had viewed the video, which he determined to have been produced on the banks of the Brisbane River at Pinkenba, but that other members of the task force had also watched that snuff movie, and that the snuff movie had been discussed during meetings of the task force.

Upon inspecting the minutes of those meetings, Mr Slade conceded that there was no mention of the existence of the snuff movie to which he had referred. In fact, the minutes do contain mention of 'unconfirmed reports' of a snuff movie — but, on the basis of the evidence adduced before me, I have no doubt that this was a matter totally unrelated to the snuff movie described by Slade.

Did the task force have possession of a snuff movie?

If Slade's assertion concerning the snuff movie is to be accepted, then it would follow that not one member of the task force reacted in any way at all to the existence of the snuff movie. In other words, the effect of Slade's allegation is that, having viewed direct evidence of the murder of a child — a murder possibly committed in their own police district — members of the task force were so depraved and/or derelict in the performance of their duty that not one single officer did anything but ignore the matter, and that this reaction was followed right through the ranks. Who were these police officers?

Some members of the task force included:

Detective Superintendent Duncan, then in charge of the Metropolitan CIB

Detective Inspector Webb, CIB

Detective Inspector Thompson, BCI

Detective Inspector Taylor, JAB

Detective Inspector Witham, JAB

Detective Sergeant Jefferies, JAB

Sergeant Wellings, BCI

Detective Sergeant Brown, Consorting Squad

Detective Sergeant Ross, Licensing Branch

There were also various constables.

Detective Inspector Webb was assigned to act as the liaison officer between the task force and Mr Sturgess, QC in the inquiry then being undertaken by him.

Mr Slade's account to Project Triton is limited to his interview with Mr Devlin and Mr Pearce. He later declined an invitation to give evidence before me, and did not seek leave to appear as a party to this Reference. His account does not answer the question I posed previously — that is, why every member of the task force (which included senior police officers) was so depraved and/or derelict in the performance of his duty that the murder of a child was simply ignored? Nor does it explain how the task force (as a separate entity) determined to ignore the snuff movie. Was there a meeting in Slade's absence and an agreement to ignore the video, or did the various officers arrive separately at the decision?

Another thing that Slade's account does not explain is why evidence of the snuff movie was not explored in the report produced by Mr Sturgess in November 1985.

Some members of the task force gave evidence before me; others were interviewed.

Gordon Scott Duncan, now retired, was the Detective Superintendent in charge of crime in Queensland when in charge of the task force. He had this to say before me:

Was there ever any interference from senior police officers in the work of the Task Force to try to uncover evidence of activity in paedophilia?----- I was given the role as to the head of it to – to investigate it, to do what I saw fit in it, with some very senior police officers there. I was never ever told I was not to do this or to do that because one thing – I might say this if they had have I would have done it anyway ...

Just the fact – just the fact there's a Task Force there, you're all police officers, they're different departments, senior officers, and someone says, 'I've got a Snuff movie showing a girl being murdered down on the riverbank at Pinkenba,' what would you have done?----- I'd have got him into my office and I would have demanded to see it there and then. I would have invited or instructed the senior members of that Task Force to be present to view it and I would not have let it out of my hands.

And no such incident occurred, I take it?----- Definitely not.

Colin James Thompson, now retired, was the Detective Inspector in charge of the BCI when a member of the task force. This is what he had to say about Slade's claim that the task force had a snuff movie:

Well what do you say to this suggestion, that a junior member of your squad, namely Mr Slade, during the life of this task force had physical possession of a snuff movie alleged to be a murder of a child on the banks of the Brisbane River?----- That would have to be about the most preposterous thing – not only preposterous but absolutely insulting to myself. I was a dedicated policeman for 30 odd years. Now, that sort of garbage put on me that I'd allow something like that to go on without doing something about it sickens me ...

All right. Well, do you recall then any suggestion, whether back in that period or during the life of this task force, in late '84/'85 – that Slade had in possession such a video?----- No. That's absolutely impossible. If he had something like that – that's not a normal video or a movie or a child's movie or something. This is alleged a cold-blooded murder carried out in Brisbane. The first thing I'd have done, at the least suggestion, I would bring in – bring in the senior police and naturally, of course, it would have been a Homicide Squad matter. It would have had to be referred to them straightaway.

Would you have ordered him to deliver up physical possession of it?----- I certainly would. I'd have taken possession of it myself – kept possession of it.

Gerald Malcolm Brown, now an Inspector of Police, was a Detective Sergeant attached to the Consorting Squad when a member of the task force 'Operation Clean Up'. He had this to say before me:

Do you recall whether that information involved any allegation of the deaths of the children being videoed? ----- Oh, yes. Yes. It alleged that they were – after the abuse – they’d been around the paedophile circle – they were then put in these pornographic movies – Snuff movies, they called them – in which they’re allegedly depicted being murdered at the end of the movie.

Would you say that you took all the steps you could to verify this information?----- Yes, I did.

And would you say it remained unsubstantiated?----- Yes.

Did you spend some days or weeks on the task?----- Yes. It was spread over a period of time.

In that time did any other member of the task force tell you that there was a video of the murder of a child on the banks of the Brisbane River in his possession?----- No.

Did you ever hear such a suggestion during your time on this Task Force?----- No, I did not. There were ...

Is it the sort of thing you believe you would remember if it was related to you?----- Oh, most definitely, because there was – there were other pieces of information. It was all unsubstantiated rumour about these snuff movies, so there was a fair bit of effort put in by not only myself, but other members of the task force, and, to the best of my knowledge there was never – there was never a skerrick of evidence that they had occurred ...

CHAIRMAN: What do you say to the suggestion that not only Slade had a Snuff video but he showed it to members of the task force? What do you say to that one?----- Well, I just can’t believe it being true, Your Honour, because I certainly didn’t see it and--

Or heard anything about it?----- No. I haven’t.

What sort of – what sort of effect do you think that would have had on the task force?----- Well, it would have been a big motivator, that’s for sure. We were looking for that evidence and there was just no evidence to that effect.

I have no difficulty in accepting and believing the evidence of these three men. In my opinion, the whole notion that the snuff movie described by Slade actually came before the task force, but was ignored, is just ridiculous.

Did Slade have possession of a snuff movie?

The fact that I reject the notion that the snuff movie described by Slade came before the task force does not, of itself, discount the possibility that Slade himself possessed such an item. For instance, Mr Wellings gave evidence before me that he thought Slade had told him at the relevant time that he (Slade) had a copy of a snuff movie. (I shall deal with Wellings’s evidence about this shortly.)

Let us then return for a moment to the alleged snuff movie itself which, according to Slade, was in his possession while he was a member of the task force. Accepting for the moment that such an item existed, the obvious questions which arise include, ‘Where did it come from?’ and, ‘What happened to it?’.

During his interview with Mr Devlin and Mr Pearce, Slade claimed that it had been his understanding that the snuff movie had been produced to the task force by one Michael Hayes, then a 14-year-old ‘street kid’.

The role of Michael Hayes. On 25 February 1985, Channel 9’s current affairs program, ‘Today Tonight’, broadcast a segment in which various paedophilia-related allegations were aired. The allegations included those relating to the importation of Filipino boys, and the existence of a snuff movie said to feature the murder of a Mexican boy.

This segment featured an interview with a person described as a male teenager. Channel 9 personnel who were closely associated with the production of ‘Today Tonight’ confirmed to Project Triton that the male teenager was Michael Hayes. Furthermore, Project Triton was told that it was Slade who had introduced Hayes to Channel 9.

The suggestion that Slade had introduced Hayes to the television studio was put to Slade when he was interviewed. He effectively denied the suggestion. I set out a portion of the transcript of that interview:

Q. And can I tell you something else. We have been told that you produced Hayes to the television channel.

A. I don't believe that that's correct.

Q. Two people have told us that.

A. Right, well I, I've got no recollection and it's something that I don't believe that I would do.

Project Triton had also discovered that at the time of his appearance on 'Today Tonight', Hayes was working as one of Slade's informants. This suggestion was also put to Slade during the interview on 7 November 1997. Slade denied that Hayes was his informant (and that he was Hayes's 'controller'). In fact, Slade nominated another police officer who he suggested 'controlled' Hayes's activities as an informant.

The police officer nominated by Slade was Des Lacy (now a Detective Inspector), who was subsequently interviewed about the matter. Inspector Lacy confirmed to Project Triton that Hayes did, in fact, initially supply him with information, but Lacy also claimed that as he (Lacy) was not able to 'run' an informant, he introduced Hayes to Slade, who thereafter 'controlled' Hayes. Lacy also told Project Triton that he had seen and spoken briefly to Hayes in the early 1990s. Hayes had told Lacy that he was still providing information to Slade who, at that time, was still a serving police officer. (Hayes was by then an adult.)

Hayes proved very difficult to find, but contact was ultimately made in April 1998. Hayes now resides in another State and uses an assumed name. He has a criminal history, which includes convictions for offences of dishonesty, and is wanted in Queensland for questioning about an offence of dishonesty. Hayes's credibility is therefore suspect.

Hayes was formally interviewed by Mr Pearce on 27 April 1998. In brief, he:

- confirmed that his appearance on 'Today Tonight' on 25 February 1985 had been organised by Slade, for whom he had been working as an informant since the age of 12 or 13 years
- acknowledged that he was paid ('a few grand') for his interview, stating that he regarded this money as payment or reward for the information he was then providing to Slade
- claimed that Slade had coached or rehearsed him in the allegations he made during the television interview, and had provided the photographs which Hayes produced during the interview (i.e. photographs of naked Filipino boys)
- admitted that the allegations concerning an organised trade in Filipino boys were totally fabricated by him and Slade.

Hayes said that sometime prior to his television interview, he had committed a break and enter upon a residence in an inner city suburb. He said that he took away some documents and gave them to Slade, who immediately copied the documents and returned them to Hayes so that they might be returned from where they had been removed.

Hayes also said that, unbeknown to Slade, he stole from the residence a video cassette which had some money tucked into it. He did not immediately view the video, but when he did, he saw that it depicted the apparent rape and murder of a child. According to Hayes, the scenes depicted upon the video appeared to have been produced in Mexico. He was adamant that the video did not appear to have been made in Queensland.

Hayes claimed that he was sickened by the video, and gave it to another of Slade's colleagues, 'Ian'. This is most likely a reference to Slade's partner at the time, Ian Jamieson (now deceased).

The description of the video that Hayes claims to have viewed broadly conforms with the description he gave of it during the television interview on 25 February 1985.

Attempts were made to interview the owner of the premises from which Hayes claims to have stolen the video. This person was ultimately interviewed in the presence of his solicitor on 25 June 1998. He denied ever possessing any snuff movie, and pointed out that he did not own a video cassette recorder nor a library of video cassettes at the time suggested by Hayes.

Even accepting for the moment the reliability of Hayes's account, the most that could be made of his claim regarding the existence of a snuff movie is that such a movie found its way into the hands of a police officer in or about February 1985, but that the movie was clearly not one produced on the banks of the Brisbane River at Pinkenba.

The evidence of Wellings. I return briefly to the evidence given before me by Mr Wellings to the effect that he thought that Slade had told him at the relevant time that he (Slade) possessed a copy of a snuff movie.

Lest it be suggested that Wellings's oral evidence gives some credence to Slade's allegations, I now specifically address it.

Wellings, as I have said, is now on the staff of the CJC but he was a member of Superintendent Duncan's task force with Slade.

On 15 December 1997, Wellings gave a signed statement in relation to, among other things, Slade's suggestion that the task force possessed the snuff movie.

On 16 December 1997, Wellings gave oral evidence before me. This evidence — that Slade had said he had a snuff movie — bore little resemblance to his written statement, at least in so far as the existence of a snuff movie was concerned.

I believe that what occurred during the hearing process was that Wellings confused allegations made by Slade at a later time as having been made at the time of the existence of the task force, and also confused other events that had occurred at the time of the task force, as having some relevance to Slade's allegations. For example, Wellings spoke of searches being conducted along a portion of the Brisbane River as a result of Slade's allegations.

Wellings subsequently sought to clarify his evidence. He wrote to Counsel Assisting:

Whilst my oral evidence indicated that Slade actually had the snuff movie, whereas my written statement indicated that he had heard about it, I stress that at that early stage of the task force, I believed that Slade actually had it or had at least seen it — whether this was as a result of what he said at the meetings or separate discussions within the BCI office, I can no longer recall. As was apparent from the evidence given by others to the Inquiry, Slade was very plausible. I later formed the belief that Slade had only heard about the video, and was elaborating on it to gain credibility. This belief was reinforced by the lack of results from Task Force investigations.

According to the evidence of Inspector Brown, which I prefer, and which is consistent with the minutes, the task force had received unsubstantiated reports from unacknowledged sources that Filipino boys had been murdered, their bodies put in concrete in drums and dumped in the Brisbane River off Brett's Wharf. The water police and divers searched the area without result. This was obviously what Wellings was referring to.

'The Moggill Network'

It is recalled that in his letter to the CJC of 28 August 1997, the Children's Commissioner identified a further specific allegation suggesting:

That a specially appointed police squad investigated a paedophile network in which school teachers recruited boys for the provision of sexual favours. This network was centred on the Moggill premises of a businessman associated with a number of electrical outlets. The investigation of this network was aborted.

During the interview of 7 November 1997, Mr Slade acknowledged that he was the source for this allegation. Mr Bottom confirmed that Slade had been the sole source.

So far as the allegation concerns a paedophile group based at Moggill, there was, in fact, a loose group of people associated with a businessman, one Barry, at Pullenvale, a suburb near Moggill. He was not associated with a number of electrical outlets, but was interested in CB radio and possessed a deal of electrical equipment.

In this group was a schoolteacher named Reeckmann and at least two others, Harper and Baldry. All allegedly had some dealings with children. The businessman and the teacher and, I believe, the two others were charged and some went to trial.

The relevant investigations occurred some 20 years ago, in 1977–78.

Far from investigations into this group being aborted, let me refer to the Sturgess Report, where Mr Sturgess, QC made mention of the Barry–Reeckmann investigations. The following extracts are reproduced:

- 4.58. The first was Michael John Reeckmann who is now serving a sentence of eight years' imprisonment for dealing in heroin. The fact he had been formerly convicted of offences of stealing and breaking, entering and stealing in New South Wales seems to have been no obstacle to his employment as a teacher. His interests were with boys aged 13 and 14 years ...
- 4.60 Reeckmann has good reasons for supporting the present rules — particularly the corroboration rule — that so frequently hamstring the prosecution where sexual offences involving children are alleged. Altogether, he has been charged with 14 offences involving children. He was acquitted of one; as for the balance, the prosecution found it impossible to proceed, mainly because of an absence of corroboration.
- 7.135 Another case that failed because of the application of the similar fact rules was the case of Maxwell Raymond Barry. He was a friend of Reeckmann (paragraph 4.58 et seq.) and, like him, in those days was seen frequently at Rowes Café. He was reported to be very wealthy. In 1978 he was charged as follows:
 - (1) indecently assaulting and committing sodomy on a 15-year-old boy (62) at Surfers Paradise and Ormeau;
 - (2) indecently assaulting and committing sodomy on a 14-year-old boy (63) at Mount Tamborine;
 - (3) indecently assaulting and committing sodomy on a 15-year-old boy (64) at Brisbane.
- 7.136 (62)'s story was that he had met Barry because of a common interest in CB radio. During the May school holidays he went with Barry to the Gold Coast where they stayed at a motel; they had dinner together and he said when he returned to the motel he was slightly drunk from alcohol supplied by Barry. He went to bed, but Barry entered, got into bed with him, masturbated him and then committed sodomy. A month later he went again to the Gold Coast with Barry; on their way home Barry stopped at Ormeau where the other offences were committed in the motor vehicle.
- 7.137 (63) claimed to have met Barry during the same May school holidays and, also, because of an interest in CB radio. He said he went with Barry to Mount Tamborine where Barry indecently assaulted and committed sodomy on him.
- 7.138 (64) was introduced to Barry by Reeckmann later the same year. In his statement he described

Reeckmann as a 'schoolteacher who is supposed to be madly in love with me'. Barry took him to dinner several times and then to stay at his home. On one such occasion he said Barry entered his bedroom, commenced oral sex and then, after the boy was aroused sexually, committed sodomy on him.

- 7.139 An indictment was presented in the District Court charging Barry with the eight offences. However, as things turned out, not one word of evidence was heard. Indeed, a jury was never empanelled. Objection was taken to the joinder of the charges in the one indictment. It was argued, because of the rules of similar fact evidence, the evidence of (63) and (64) could not be put before the jury in support of the complaint made by (62) and, likewise, with respect to the complaints of (63) and (64). After hearing submissions the trial judge upheld the objection whereupon the prosecutor entered a *nolle prosequi* with respect to each charge because each boy's evidence was now uncorroborated and there existed reasons why that would be required.
- 7.140 The argument for Barry was based, principally, upon the decision of the House of Lords in *R. v. Boardman* (1975) A.C. 421 ...
- 7.143 In view of such rules it is not difficult to see how the prosecution in *Barry* failed. After all, if *Boardman* was very much a borderline case, *Barry* was a hopeless case.
- 7.208 Maxwell Raymond Barry already has been referred to. He was born in 1942 and educated at the Geelong Grammar School and the Monash University. He has a diploma in civil engineering. He moved to Brisbane in 1972. He is intelligent, well-educated and wealthy. He first appeared before the courts in Queensland in November, 1977 in committal proceedings when he was charged with indecent dealing with a 15-year-old boy. The boy alleged he went one day to the Gold Coast with Barry where they spent part of the time drinking liquor; that on the way home, near Ormeau, Barry drove his panel van into a side road, stopped, pushed him into the back of the van and indecently dealt with him. The boy said he said 'Don't Max', but otherwise did not resist; 'I just lay there and did what he wanted me to'. The magistrate said the boy was an accomplice and, as there was no corroboration of his evidence, he discharged Barry.
- 7.209 Altogether, between November 1977 and August 1978, Barry faced 22 charges of sexually interfering with nine boys, but never once was a charge submitted to a jury for their verdict. When questioned by the police he would give a general denial and then refuse to answer any questions. In August 1978, he was discovered in a public lavatory having oral sex with another adult. He was convicted and, because he had no other convictions in Queensland, he was regarded as a first offender and fined \$350. Not long afterwards he moved to New South Wales.
- 7.210 Michael John Reeckmann, also, has been referred to. He was born in 1946 and is said to have studied at the University of Hawaii after doing some missionary work in Laos and Samoa. He joined the Queensland Education Department in 1976, was suspended in September 1977 and dismissed in May 1978. He is presently serving eight years' imprisonment for dealing in heroin. He was an associate of Barry and of the nine children involved in the charges brought against Barry, three had been pupils at Reeckmann's school. In February 1978, he appeared in the District Court charged with Barry with indecent assault on a 14-year-old pupil. The facts leading up to the allegation were Reeckmann and Barry had taken the boy to the Brisbane Exhibition and then to Barry's residence where he stayed two days. The case was stopped from being considered by the jury because of the absence of corroboration. As has been mentioned, altogether Reeckmann was charged with 14 sexual offences involving five children over a period of nine months. None was ever considered by a jury. In the same period, police also considered complaints from four other children that Reeckmann had committed sexual offences on them; but they did not lay charges because there was no corroboration.

Just to add to Reeckmann's history, on 21 April 1980, in the District Court at Ipswich, I sentenced him, after conviction, on a charge that he did, on 21 August 1979, unlawfully abduct an unmarried girl under 17 years.

Furthermore, in September 1981, two of the police officers involved in the investigation of Barry et al., then Detective Sergeant (later Detective Inspector) Dugald MacMillan and then Sergeant (presently

Assistant Commissioner) David Jefferies, co-authored a paper delivered at the 2nd Australasian Conference on Child Abuse.

Case Study 'D' of the paper published by MacMillan and Jefferies provides details of the investigation of Barry et al. The same paper was later published in the *Australian Police Journal* (July 1982).

Thus, to claim that the investigation of this group was aborted is simply ludicrous. Even the slightest bit of checking would have revealed that that allegation was a total nonsense.

Conclusion for Reference 2.1

The weight of evidence is solidly against the claims which Slade made, initially to Mr Alford (as retold publicly by Mr Bottom) and later during the interview with Mr Devlin and Mr Pearce on 7 November 1997.

The fact that Mr Wellings was able to produce a copy of the minutes of the meetings of Superintendent Duncan's task force and other documents was fortuitous. The contents of those documents are particularly telling. The minutes are entirely consistent with the evidence given before me by officers who served on the task force.

I find that there is no basis in fact for the suggestion that investigations undertaken by the task force were in any way impeded or aborted — other than any prejudice that may have been occasioned by Hayes's public appearance on television just days before the execution of search warrants.

There is no evidence at all to suggest that an investigation into the possible importation of Filipino boys was closed down prematurely. Indeed, when interviewed by Project Triton, even Slade did not press this claim. Of course, on Hayes's account, the specific allegation was nothing more than an elaborate fabrication perpetrated by him and Slade to add substance to claims made during the television interview.

I have no doubt that the only mention of snuff movies in the work of the task force was the 'unconfirmed reports' recorded in the minutes. These reports were thoroughly investigated. I reject absolutely the notion that a snuff movie depicting scenes at Pinkenba (or anywhere else in Australia) was ever brought to the attention of the task force.

For his part, Hayes claims to have had physical possession of a foreign-made snuff movie, which he passed to Slade's colleague. According to Slade, the snuff movie to which he refers had been produced to the task force by Hayes. As a matter of logic, the video described by Hayes and Slade is one and the same.

It is extraordinary, if Slade has been truthful, that he was unable to recall what he did with either the 'original' or the 'copy' of the video delivered to the task force by Hayes. In this regard, I set out the following portion of the transcript of the interview with Slade:

A. ... I was told that Hayes was the one that uh procured it ... And I, I saw it and I believe that I made a copy of it. I, I, I can't be sure of that but I should imagine that I made a copy of it and I've got some feeling that Hayes had to give it back. Now ---

Q. What did you ---

A. --- in that case ---

Q. What did you do with the copy?

A. Well I believe that I, I, I don't know but eh it would'a' been my duty to take it back to that meeting with the li... liaison officer.

Q. Right. So you believe you produced it?

A. The same as, same as the film that we took at the, the Kangaroo Point motel. That was produced at the meetings.

- Q. So you believed you produced the copy of the film that you took to the liaison officer for Mr Sturgess?
- A. I, I can't say I definitely did that but that, that's, that's the logical thing that I would've done.
- Q. Well apart from doing that, is there anything else you could've done with it, apart from give it to the liaison officer for Sturgess?
- A. No, it would've been.
- Q. Would you agree that the purpose for the task force was to feed intelligence and information back to Sturgess?
- A. That is correct. That's that was my understanding of the whole task force.
- Q. Would you agree that it was the primary purpose?
- A. Definitely.
- Q. Alright. Well then does it follow that the best you can say is that that's what you would've done with it?
- A. That's right.
- Q. Consistent with the aims of the task force?
- A. Yes.
- Q. To give it back. To, sorry, to take a copy, give Hayes the one back to return?
- A. If that was the case, yes.
- Q. Well, you've got no independent recollection of doing that?
- A. I, I just believe that I had to, that I had to take a copy because Hayes had to give the movie back.
- Q. Yes, and then you have no independent re..., recollection of what you did with it?
- A. No.

[Underlining mine]

I must say that I regard it as extraordinary that a police officer who had possession of the direct visual record of the murder of a child cannot remember what he did with that evidence. Surely, evidence of that sort would come into a police officer's possession only once in a lifetime — if at all.

Furthermore, Slade gained some prominence during the Fitzgerald Inquiry, where he gave evidence exposing police corruption. The Fitzgerald Inquiry represented the very best of forums to which Slade might have adduced his claims of inaction in the investigation of paedophilia in general, and the existence of the snuff movie in particular. History records that he made no mention of such matters at that time.

If Hayes's account has substance, then the video had been gathered by means of unlawful acts to which Slade himself had been a party. This would explain why Slade might have demonstrated a reluctance to promote the video (if it ever existed) to the task force.

Slade has been given every opportunity to come forward and give evidence and to play a part in my investigation. He has not responded.

Notwithstanding the difficulties posed by Hayes's credibility, I also harbour serious doubts about the credibility of Slade. He denied that Hayes had worked as his informant, and claimed to have no knowledge of the circumstances in which Hayes appeared on 'Today Tonight'. I find that Hayes was Slade's informant at the time, and that Slade was responsible — either directly or indirectly — for introducing Hayes to the producers of 'Today Tonight'. I reject his denials in that regard, which were deliberately false. I also find that Slade assisted Hayes in fabricating the allegations to which he referred when interviewed on television.

If Slade was still a serving police officer, his conduct both in taking Hayes to the television studios, and in lying during his interview with Mr Devlin and Mr Pearce, would amount to misconduct. He is, however, no longer a serving police officer.

Finally, the allegation that the 1977 investigation centred upon the Moggill businessman was aborted, is, in light of the matters reported above, shown to have been completely without foundation.

The allegations made by Slade, and reported publicly by Mr Bottom, the *Courier-Mail* and the *Weekend Independent* are false in every respect.

Reference 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.

The allegation

A second and distinct allegation concerning the existence of a snuff movie has been investigated.

The allegation emanated from an inmate of a Correctional Centre near Brisbane, who provided information to a member of the Police Service to the effect that a fellow prisoner, Simeon ('Sam') Pandeli, had claimed to have been involved in the making of a number of snuff movies in which children had been murdered.

It is appropriate that code-numbers be substituted for the names of certain persons in respect of this aspect of my investigation.

'R2-E' was one of the detectives who investigated Pandeli's allegations. 'R2-F' was the then partner of R2-E, and R2-G was the then immediate supervisor of R2-E.

Code-numbers have been substituted for R2-F and R2-G so as to protect the identity of R2-E. The reason for this will become self-evident.

QPS records reveal that in 1986, claims emanating from Pandeli, who has a bad criminal history, were investigated by Detectives R2-E and R2-F, then of the Taringa CIB.

In March 1987, Pandeli was also interviewed by Detectives Parsons and Prentice of the Sydney Homicide Squad concerning allegations he had made regarding a young boy who had gone missing in New South Wales and whose remains had been found in a Parramatta Park a year after his disappearance.

In May 1988, Pandeli was also interviewed at length by investigators from the National Crime Authority (NCA).

Murder of a child and related matters

At 6.00 p.m. on 4 March 1984, Eain Gregory Robertson Stoker (then aged 7½ years), of Station Street West Ryde, Sydney, was reported missing by his mother. The child had been last seen in bed at his home at 2.30 a.m. on 3 March 1984.

Stoker's skeletal remains were located one year later, on 3 March 1985, in Lake Parramatta Reserve, after a bush fire had cleared out thick undergrowth. Parramatta Reserve is situated approximately 12 kilometres from Stoker's residence. The New South Wales Coroner later found that Stoker had died on or about 7 March 1984 (i.e. within a few days of his disappearance), but the date of death would appear to be a fairly arbitrary finding.

On or about 27 November 1986, Detective R2-E received information from a prisoner named Williams that Pandeli, a fellow prisoner, claimed to have murdered a missing child named 'Ian' Stoker and that the murder had been videotaped by Pandeli. It was said that Pandeli claimed that at the time of the murder, the child was in the company of a prominent person. Pandeli allegedly told Williams that he had murdered another five children, and had described how he would pick up children from leisure centres in the Brisbane area, inject them with drugs and deliver them to restaurants in the city. Pandeli allegedly described how he picked up Stoker in a black car, took him to an address where the child was garrotted half to death by Pandeli, who also garrotted the boy's testicles off and sliced him with a razor blade. Williams said that Pandeli also claimed to have videotaped a man named Brad Dooley having sex with the child, after which the boy's body was burnt.

The transcript of the interview between Detective R2-E and Williams shows that R2-E also referred to a list written in green ink, which had been found in Pandeli's prison cell. Five names on the list were marked with an asterisk. Pandeli had claimed that they were children who had been killed.

It was ascertained by Project Triton personnel that this document had been forwarded to the Police Scientific Section for fingerprinting and, although the original document could not be found (probably because it had been returned to the detectives) the Scientific Section routinely photograph such documents. A photograph of the green-ink document was ultimately found. This photograph has proven to be a significant aid in revealing the falsity of Pandeli's claims.

QPS records reveal that Detectives R2-E and R2-F interviewed Pandeli on 11 March 1987. Pandeli was formally warned in the traditional manner at the commencement of the interview. The transcript of the interview confirms that, before the interview, the detectives had shown Pandeli a number of photographs of children and that he had named some of the children. He identified children named Stone, Pholi and Atkins. He also identified a photograph of 'Ian' Stokes. Pandeli claimed to have seen other photos of these children taken when they were naked.

Although Pandeli referred to the child Stoker as 'Stokes', Detective R2-F referred to the child as 'Stoker'. Pandeli first told the police a story about the sexual abuse and subsequent murder of a teenage boy called 'Scotty'. Pandeli was then asked about 'Ian' Stoker.

Pandeli told the detectives that he had been released from jail on 25 November 1983, and that a couple of days later he and a person named 'Bubbles' drove a white Ford to just outside Tweed Heads where they picked up Stoker. Pandeli said he was paid \$550 to do this. He said he found out the boy's name was 'Ian', but learnt the child's full name later. Pandeli said they drove to a number of addresses in Brisbane with the child. 'Bubbles' and another man disappeared with the child into a New Farm address. Pandeli said he next saw 'Bubbles' on 7 December 1983 in the company of Stoker. He picked them up from the address at New Farm and then drove to Tweed Heads where the child was placed in a van. Pandeli said that on the first journey to Tweed Heads, when the child had been first picked up, 'Bubbles' had asked him (Pandeli) to make a 'snuff movie' with other people and involving Stoker. 'Bubbles' had wanted Pandeli to have intercourse with Stoker and to strangle him at the same time. Pandeli said he refused to do this. Pandeli said he had no other dealings with Stoker other than picking him up at Tweed Heads and returning him there. He was later told by another person that a child was found 'barbequed' and a person had been arrested for it.

The detectives R2-E and R2-F then showed Pandeli a list of names on the piece of paper with green-coloured writing. The detectives asked how Pandeli had acquired Stoker's name and other details such as the child's full description, and details of where and when Stoker had gone missing. Pandeli said that the details had been brought into the jail by another person, who had told Pandeli that Stoker had disappeared.

As a further step in the investigation of Pandeli's claims, detectives attached to the Sydney Homicide Squad interviewed him on 19 March 1987 about the apparent murder of Stoker.

Pandeli told the New South Wales detectives that he first met the child Stoker on 27 November 1983, when he went with 'Bubbles' to Tweed Heads, where they met up with another man in a van. Pandeli claimed that Stoker was taken out of the back of the van and placed in his (Pandeli's) car. He then drove the adult and the child to an address in New Farm. Pandeli said he next saw Stoker on 17 December 1983 when he picked up 'Bubbles' and the child at the same New Farm address and drove back over the border to Tweed Heads. Stoker was placed back in the same van and Pandeli claimed that was the last time he had seen Stoker or 'Bubbles'.

Finally, Pandeli was interviewed by the Investigators Finlayson and Dellaca of the NCA on 4 May 1988. Pandeli told the NCA investigators that he picked up Stoker from a block of units at New Farm on 29 March 1984. However, he claimed that two Queensland police officers were with the boy. Pandeli alleged that one of the police officers was called 'Phillip', and the other, 'Artie'. Pandeli purported to give a description of these police officers. Pandeli said that he drove the two officers and Stoker to Tweed Heads. When they got to Tweed Heads, a car that had been following them pulled over and the two police went over to this other vehicle. A dark-coloured Bedford van also arrived and the two officers put Stoker in this vehicle. Pandeli then drove his vehicle back to Brisbane with the two police and parked it in St Pauls Terrace. Pandeli claimed that he got \$2,000 for the job.

Project Triton investigators located and interviewed Detective Sergeant Kelvin Darcy Parsons, formerly of the Sydney Homicide Squad. He said that, in company with Detective Sergeant Prentice, he came to Brisbane on 17 March 1987 to investigate Pandeli's claims relevant to the murder of Stoker. He first spoke to the Officer in Charge of the Brisbane Homicide Squad, and then to Detective R2-F, before interviewing Pandeli.

Detective Parsons said that Pandeli's claim of having seen Stoker in November 1983 in Queensland had been proved by other investigations to have been impossible. At that time, Stoker was residing in Sydney with his parents and was attending West Ryde Public School. He was marked as being present in class on the class roll for the period 23 November 1983 to 14 December 1983 inclusive. Project Triton investigators obtained a copy of the certificate of the Principal of the West Ryde Public School, confirming Stoker's attendance at school during this period. Stoker could not possibly have been on the Gold Coast at the time that Pandeli claimed to have met him.

Detective Sergeant Parsons said that he and his partner formed the view that the information supplied by Pandeli in relation to Stoker was false.

Detective Parsons also told the Project Triton investigators that at no time did any person in authority attempt to prevent him from investigating any matters connected with his inquiries. He said that from his arrival in Brisbane, a concerted effort had been made by all members of the QPS with whom he came into contact, to ensure a speedy resolution to the investigations. Furthermore, Parsons said that neither R2-E nor R2-F had mentioned to him that their investigations had been thwarted in any way.

Project Triton investigators also ascertained that the investigation conducted by New South Wales Police into Stoker's disappearance had failed to discover anything consistent with Pandeli's versions of events.

R2-F was Detective R2-E's partner through much of the investigation of Pandeli's claims. He resigned from the Police Service with the rank of Detective Senior Sergeant in December 1996. R2-F told Project Triton investigators that he recalled that the list written in green writing (which contained the names of five missing children) had been obtained by police from prison authorities. R2-F recalled that he and Detective R2-E had the list with them when they interviewed Pandeli.

Having been alerted by Pandeli's list to the names of the missing children, Detectives R2-E and R2-F obtained photographs of the children from the Missing Persons Bureau in Sydney. These photographs were shown to Pandeli. R2-F recalled that Pandeli said that he picked children up from across the

border and brought them to Brisbane. After establishing that Eain Stoker's body had been found in a park in Sydney, R2-E and R2-F came to the view that there may have been some truth in the things Pandeli was telling them. They raised their suspicions with Detective Senior Sergeant John Youngberry, then Officer in Charge of the Homicide Squad, who was sympathetic to the investigation and arranged for R2-E to be seconded to the Homicide Squad for a short period in order to work solely on the investigation of Pandeli's claims.

Significantly, R2-F also told Project Triton that he recalled that at the time of the investigation, there was a theory that Pandeli might have gleaned his information about the missing children from an article published in a magazine such as *New Idea* or *Women's Weekly*. At the time of the investigation, this theory was neither confirmed nor disproved.

Project Triton investigators followed up this theory and conducted a search of back issues of various magazines published at the time. That search revealed that Pandeli might well have developed his detailed story from information contained in an article published in *People* magazine on 12 November 1984.

A comparison of the article in *People* magazine with the document containing writing in green ink (acknowledged as Pandeli's handwriting) reveals that the details of the missing children transcribed onto Pandeli's list were drawn directly and verbatim from the magazine article.

A cursory examination of the handwritten list and the article in *People* magazine, supports the conclusion that in 1985–86, Pandeli engaged in an elaborate hoax which required R2-E, R2-F, and investigators from other law enforcement agencies to investigate Pandeli's false claims needlessly.

Pandeli was interviewed by Project Triton investigators on 3 October 1997. During that interview, Pandeli was shown the photograph of the list of names written in green ink, which included the names of the missing children, in particular, that of Stoker. Pandeli admitted that he had compiled the list from *People* magazine while in jail in the 1980s.

Pandeli had his attention drawn to the names listed on the document, and was asked who those people were. He replied:

They were just people picked out of a magazine between myself and two other blokes in the prison. They wanted to get out of prison. They wanted to cook up a story and they wanted me to start it and let the police talk to me first.

Pandeli acknowledged that the list he manufactured had ended up in the hands of Detectives R2-E and R2-F, who had interviewed him about the matter. He confirmed that during that interview he told R2-E and R2-F that he had gone down to Tweed Heads and assisted in the kidnapping of Stoker from New South Wales. When asked what the truth was about the matter, Pandeli replied:

It's all shit — it's just a story that was worked up between those blokes in prison.

Pandeli agreed that the story he had given to Detectives R2-E and R2-F was false. He claimed that he had no involvement with the disappearance of Stoker, nor any other missing children. He said that he had not seen and had not been involved in the making of any snuff movies. He also admitted that the information he had supplied to the Sydney detectives and to the NCA was false.

When asked to explain his actions, Pandeli replied:

As I said there was a couple of other blokes involved. They wanted to get out of the system. They thought by using something like this and me starting it and bringing them into it later, they would have been able to make some deals with the cops.

The suicide of Detective R2-E

Detective R2-E committed suicide in January 1989. That event has some relevance to my investigation, because it has been said that his suicide had been prompted, in part, by the frustration caused to him by his inability to investigate the matters claimed by Pandeli.

R2-E was in a severely depressed and alcoholic state in the months before his death. He had told members of his family that sinister forces were at work in attempting to stop him investigating Pandeli's claims. I have ordered that R2-E's identity be suppressed out of deference to his relatives.

Those police officers who served with R2-E at the relevant time have acknowledged to Project Triton that he was afforded every opportunity to investigate Pandeli's allegations. They said that R2-E never complained to them of a 'cover-up'. Those officers interviewed by Project Triton included his former partner (R2-F), his immediate superior (R2-G), former Detective Senior Sergeant Youngberry (Officer in Charge of the Homicide Squad at the time of R2-E's temporary secondment), and the two detectives formerly of the Sydney Homicide Squad who dealt closely with R2-E at the time of their own investigation.

All claimed that R2-E experienced no hindrance in his attempts to investigate Pandeli's claims.

It does seem rather ridiculous to suggest that those officers of the QPS, the NSW Police Service, and the NCA, with knowledge of Pandeli's claims, all determined not to fully investigate the matter.

Conclusion for Reference 2.2

I have set out detailed history of the police investigations and the matters uncovered by Project Triton, so as to show exactly what was done to investigate Pandeli's 'confessions', and to demonstrate the inherent falsity of his claims.

Furthermore, there is no basis in fact to suspect that any police officer was hindered in his attempt to investigate Pandeli's claims. I am content that the statements attributed to R2-E prior to his suicide were no more than an attempt by him to attract sympathy, and bore no truth.

In light of the matters identified during Project Triton, these allegations have now been put to rest.

Reference 2.3

Whether in the period 1996–97, 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.

The allegation

On 8 September 1997, Project Triton personnel attended a briefing at QPS Headquarters on a police investigation codenamed 'Operation Twigg', an investigation of an allegation about the existence of a snuff movie.

During the briefing, the QPS provided Project Triton with a copy of two typed pages signed by a prisoner, R2-B, alleging that a child, Maree or Melissa Johnson, had been abducted at Annerley, and later raped a number of times and killed, also at Annerley. The multiple rapes and the killing were allegedly recorded on video, thus forming a 'snuff movie'.

Operation Twigg had started on 26 August 1997. At the time of the briefing on 8 September 1997, that investigation was well under way and Project Triton was content to await reports as to the outcome of the QPS investigation.

In fact, the allegations made by R2-B had previously been investigated by the QPS in 1996. Accordingly, Project Triton requested that the QPS furnish reports on both the earlier investigation

and Operation Twigg. The reports were duly received.

The purpose, therefore, of Reference 2.3 is to determine whether the initial 1996 investigation was adequate, and to enable a review of the investigation conducted as Operation Twigg in 1997.

I have substituted code-numbers for certain persons.

The 1996 investigation

On 21 May 1996, Detective Senior Sergeant John McCrae of the Homicide Investigation Squad was detailed to take up with journalist Phil Dickie, who had information concerning allegations of a murder committed in 1992. It was said that the murder was of a 10-year-old girl and had been the subject of a snuff movie. McCrae later obtained from Dickie a copy of the two-page document signed by R2-B, who at that time was serving a sentence of five years' imprisonment for the rape in 1992 of a 14-year-old girl. His date of release was 28 April 1997. At about the same time, a copy of R2-B's document was received by the CJC, and referred to the BCI.

McCrae reports that he performed the following investigative tasks in relation to the information supplied to him by Dickie:

- The document by R2-B was delivered to the Police Scientific Section and Fingerprint Section for examination.
- All available police information on the four suspects nominated by the documents was gathered.
- An attempt was made to identify a prisoner described in the documents by nickname.
- Inquiry was made of the Mary Immaculate School at Annerley, from where the alleged victim was said to have been abducted.
- Further inquiries were made with Phil Dickie concerning the alleged perpetrator of the rape and murder of the girl.
- Inquiry was made of the police officer who had previously arrested R2-B.
- Inquiry was made at Chelmer Police College concerning R2-B's mother, who had previously been employed at the Police College for a period.
- Police attended a former residence of R2-B's family, where the snuff movie (a video) was said to have been secreted in a wall. It was ascertained from the person who had purchased the home from R2-B's family that there was no damage to the property's walls upon purchase of the property. Furthermore, the walls were found to be of cavity brick construction, whereas R2-B's document described the relevant wall as being of fibro construction.
- Having obtained particulars of a possible missing child from Mary Immaculate School, the whereabouts of that child were traced, and the child and her mother were found to be alive.
- A full examination was made of the 'murder book' held at the Homicide Squad for any recorded mention of a murder of a child of the age alleged in R2-B's information. R2-B had alleged that three suspects had been questioned at the time of the murder (1992) but had not been charged.

Detective Senior Sergeant McCrae then consulted with Acting Detective Inspector Knust (the officer in charge of Task Force Argos), advising him that the investigative steps taken had failed to substantiate any of R2-B's allegations. McCrae was instructed to retain the file and, if any further substantial evidence came forward, he was to perform further work on the file. Mr Dickie was contacted and advised of the results of the investigation to that point. No formal report was compiled as the file was to be retained for further investigation as required.

At that point in the investigation, it was determined that no approach be made to the three nominated suspects until some further evidence was forthcoming.

The 1997 Task Force Argos investigation

In the wake of the public allegations concerning the existence of snuff movies — which had emanated from the comments made by Mr Bottom, as representative of the Children’s Commissioner — on 18 August 1997, a complete review of all QPS intelligence holdings was ordered.

As a result of this review, Task Force Argos located the details of R2-B’s allegations and launched a detailed re-investigation of the matter.

During the initial investigations in August 1997, R2-B, R2-D and R2-H were interviewed about their knowledge of and any involvement in the making of a snuff movie. All denied any such knowledge or involvement. R2-B and R2-D claimed that they believed that the author of the letter was in fact R2-C. They said that they believed this because R2-C harboured a hatred of R2-B, brought about because R2-B had given evidence against R2-C during his District Court trial in relation to the offences for which he was imprisoned. Investigators re-interviewed R2-B on 28 August 1997. During that interview, R2-B claimed that he had in fact been involved in the making of the snuff movie at Flat 2/95 Waterton Street, Annerley.

R2-B said that R2-D and R2-H had told him to get them a girl and to bring her to R2-H’s flat at 2/95 Waterton Street, Annerley. R2-B stated that this arrangement was made some days before he actually abducted the girl.

According to R2-B, he had stolen a brown XY Falcon Utility from the car park at the Buranda Target Shopping Centre on Ipswich Road in late 1992. He further stated that he had then driven this vehicle to the Chardons Corner Hotel at about 3.00 a.m. on a Saturday morning, picked up a young girl and taken her to R2-H’s flat. He alleged that in the flat the girl was raped and stabbed in the presence of others, namely R2-D and R2-H.

R2-B further stated that he had then left the flat and, as he walked along the driveway, he heard a noise he believed to be the discharge of a shotgun.

According to R2-B, he returned to the flat the following day and then drove the stolen utility to Pinkenba, where he dumped and burnt the vehicle. He was unable to describe the area in any detail. (It is curious that the mention of Pinkenba first arose during the interview of 28 August 1997, just 10 days after Mr Bottom had publicly suggested a connection between Pinkenba and the production of a snuff movie.)

On 28 and 29 August 1997, an extensive scientific examination was carried by Police Scientific Officers at the address of the alleged offences, 2/95 Waterton Street, Annerley. This examination did not uncover any evidence to support R2-B’s claims.

Further, on the evening of 28 August 1997, a door-knock of surrounding residences was conducted by police. During this door-knock, information was sought in relation to the discharging of a firearm or any noises similar which may have been heard in the latter part of 1992. No evidence was obtained of the commission of the alleged offences.

Furthermore, a search was conducted of the address at which it had been suggested that the snuff movie had been hidden behind a wall. The subject wall was dismantled. No video was located.

On 17 September 1997, R2-B accompanied detectives to the Buranda Shopping Centre car park, Chardons Corner Hotel, and 2/95 Waterton Street, where he participated in a re-enactment of the alleged murder. The re-enactment was recorded on videotape.

During his re-enactment, R2-B departed from his original version as supplied on 28 August 1997. At the conclusion of the video recording at 2/95 Waterton Street, R2-B was asked to direct detectives to the area at Pinkenba where he had previously claimed to have burnt the stolen vehicle.

R2-B was unable to direct the detectives to Pinkenba. He ultimately admitted that he did not know where Pinkenba was and that the story of the abduction of the female child and making of the snuff movie was a complete fabrication which he had manufactured with R2-C.

R2-B was then transported to QPS Headquarters and was interviewed in relation to his retraction of the allegations. During this interview, R2-B stated that he and R2-C, whilst inmates at the Moreton Correctional Centre in 1994, had concocted the story of the abduction, rape and murder of a female child and that they had done this in order to have R2-D charged with these offences.

R2-B further stated that at the time that the document was compiled, he had been quite prepared to give false evidence against R2-D in relation to this concocted story.

At the conclusion of this interview, R2-B provided a signed statement confirming the matters he had admitted during the interview.

Conclusions for Reference 2.3

There has been no report of a missing person between the ages of 8 and 20 years which matches the description in this allegation. There has been no report of a stolen vehicle which matches the information in this allegation. No such vehicle was able to be found, at Pinkenba or elsewhere. A scientific examination of the Annerley address produced no evidence to confirm the allegation. A thorough search of the other relevant address failed to confirm the existence of the snuff movie.

In the end, those responsible for the making of the allegation denied that any offence had been committed.

During the final interview with R2-B, he stated that the allegation was the result of a conspiracy between him and R2-C designed to have R2-D charged.

I understand that the QPS is giving consideration to seeking the approval of the Attorney-General for authority to prosecute R2-B and R2-C in respect of offences against section 131 of the *Criminal Code* (i.e. conspiracy to bring false accusation). It is for that reason that I ordered suppression of relevant names. It is also why I make no express findings about the conduct of R2-B and R2-C.

I am satisfied that the entire allegation was a concoction. I am also satisfied that the matter has been properly and thoroughly investigated.

Comment

There is one further comment I wish to add about snuff movies. In January 1997, the Commissioner of Police established a task force subsequently named 'Argos'. It was and is headed by Detective Inspector Ralph Knust and operates with approximately 20 detectives. The task force was aimed at quashing the notion that police were not serious about battling paedophilia. In late December 1997, Inspector Knust gave an interview to a Brisbane newspaper, the *Sunday Mail*, and a report of such interview was printed in that newspaper on 28 December 1997. In such report there appeared:

On snuff movies, Det Insp Knust says he is yet to find a police force in the world that has recovered an actual movie.

He can't say for certain that no evidence of a snuff movie has ever been found but 'none of the law enforcement agencies we've contacted have ever taken possession of a snuff movie'.

He said the task force had 'expended considerable resources' investigating all allegations about the making of snuff movies in Brisbane and 'I can say without any hesitation that there is no evidence of any snuff movie having been made and distributed in Queensland and to the best of my knowledge in Australia'.

On the evidence before me, I can only but agree with the observations contained in the above extract. I am left to wonder what Inspector Knust would say to Slade's contention that in 1984–85 police had possession of, but ignored, a snuff movie depicting the murder of a Mexican boy at Pinkenba. I imagine he would most likely say, 'Rubbish'.

It is not really my function to determine whether snuff movies exist at all, or in what form. I am concerned with the behaviour of public officials in the State of Queensland. In that role I can report that all allegations regarding either the alleged making or alleged existence of so-called snuff movies have been properly investigated and suggestions that such investigations have been aborted or interfered with in any way are baseless.

In view of the detailed investigations I have set out above, perhaps the 'snuff movie' allegations which have now circulated for some years can be finally put to rest — at least until such a movie is actually identified in credible circumstances.

Witnesses/Persons with Leave to Appear

The following witnesses gave sworn evidence before me in respect of Reference 2.

Gavin James Radford	Detective Inspector, CJC Police Group
Gilbert John Trant Aspinall	Detective Inspector, CJC Police Group
Detective Senior Sergeant John Andrew McCrae	Homicide Squad, Crime Operations Branch, QPS
Russell Alfred Pearce	Executive Legal Officer, CJC
Robert Godier Bottom	Journalist
Lytton John Wellings	Principal Intelligence Analyst, CJC (formerly BCI officer)
Colin James Thompson	(formerly Detective Inspector, BCI)
Gordon Scott Duncan	(formerly Detective Superintendent, Metropolitan CIB)
Gerald Malcolm Brown	Inspector, Brisbane City Division, QPS (formerly Consorting Squad officer)

The following persons were granted leave to appear in respect of Reference 2:

Mr P H Godsall for Simeon Pandelis

Mr D J Campbell (instructed by Inquiry Legal Representation Office) for the Children's Commission.

Chapter 3: Past Investigations (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.

Introduction

In the introductory chapter of this report, I stated that I had ‘endeavoured to have the evidence on each term of reference treated separately.’ I also pointed out that this was not always strictly possible. It was not possible for References 3.1 and 3.2.

There exists a clear historical overlap between the two terms of reference — the matters raised by Reference 3.2 being intricately interwoven with Reference 3.1. The facts relative to these terms of reference cannot, for practical purposes, be separated.

Technically, Reference 3.2 might be reduced in its terms to cover only a short space of time and a limited number of events. In its purest form, it could be said to involve only a few conversations. However, such a technical reading of Reference 3.2, divorced from surrounding events, would mean that the report on this aspect of my investigation would, at best, be completely lacking in any historical perspective, and at worst, be rendered unintelligible.

To be meaningful, my report on References 3.1 and 3.2 must be read together. Because of the manner in which the investigation was conducted and evidence was adduced before me and, broadly speaking, because of the march of history, it is convenient to report firstly on Reference 3.2, and then Reference 3.1. Clearly, however, findings for each term of reference are relevant to the other.

Reference 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.

The allegations

Instead of using the technical but rather clumsy expression ‘a unit of public administration’, I shall adopt the phrase ‘government agency’.

This reference arises from allegations referred to the CJC by the Children’s Commissioner on 28 August 1997, as well as various newspaper articles by Michael Ware alluding to the topic, which were published by the *Courier-Mail* during August 1997. The allegations relate to an investigation conducted by a unit of the then Queensland Police Department called the Paedophile Task Force. The investigation had targetted, among others, an employee of a government agency, and a member of the legal profession.

In communicating his concerns to the CJC, the Children's Commissioner referred to *two* investigations. His letter to the CJC read, in part, as follows:

Operation 'Humbug' and 'Firefighter'

It is alleged that investigations by police had proceeded to an advanced stage regarding operations of one or more persons associated with [a government agency] when they were nullified because of a tip-off just prior to a planned visit to the premises.

For the reasons which follow, there is no doubt about the sources of these allegations. The allegations to the Children's Commissioner were made by a serving police officer, Senior Sergeant Garnet Dickson. The information that formed the basis for Mr Ware's articles came from Dickson and/or former police officer Kym Joanne Graham (who is referred to in this report by her maiden name 'Goldup', which was her name at the time of these events). Both Dickson and Goldup were members of the Paedophile Task Force.

For the most part, what the *Courier-Mail* published on these allegations was a fair rendition of the information given to Mr Ware. That information reflected the beliefs, attitudes and perceptions then genuinely held by Dickson and Goldup. A deal of my report will address those beliefs, attitudes and perceptions.

In fairness to both Dickson and Goldup, it must be remembered that the Fitzgerald Inquiry commenced in 1987 and culminated in the presentation of the Fitzgerald Report in July 1989. Within the Police Service, these were times of high drama and suspicion. I have already reported how serving police officers had the notion that then Commissioner Lewis had tried to cover up the Hurrey and Moore matter (see chapter 2).

Commissioner Lewis and various other high-ranking officers were ultimately exposed as corrupt. Furthermore, the Fitzgerald Inquiry took many of the resources of the Police Department. Within the non-commissioned ranks (and, most probably, in commissioned ranks too) suspicion concerning the higher command was rife.

That, then, was the background in which Dickson worked as head of the Paedophile Task Force. There can be no doubt that, as the Officer in Charge, Dickson had considerable influence on the way in which Goldup in particular, and the task force generally, went about the business of investigating complaints of paedophilia. Having made these preliminary points, what then do we know about Operations Humbug and Firefighter?

Operation Humbug

In my opinion, it is doubtful that there was ever an investigation conducted by the Queensland Police codenamed Operation 'Humbug'. The name 'Humbug' was initially discovered in an unsigned draft report produced to Project Triton by Goldup. The draft report is dated 12 February 1990 (a Monday) and, according to Goldup, was prepared by her for signature by then Detective Sergeant Garnet Alexander Dickson, as the Officer in Charge of the Paedophile Task Force. Item 11 (page 3) of the draft report, entitled *Current operations and investigations being conducted into paedophiles by the Paedophile Task Force*, reads:

Operation 'Humbug'

This operation involves a number of legal identities involved in paedophilia. Investigations to date have been hampered due to legislation where particular members of the legal fraternity being protected from investigation by police.

According to Goldup, the draft report was compiled for the information of Detective Superintendent John Huey, then the Officer in Charge of the Metropolitan CIB, as a routine update of the work of the Paedophile Task Force. While Goldup admitted compiling the draft report, she claimed to recall nothing of the specific operation called 'Humbug'.

For his part too, Dickson could recollect nothing of Operation Humbug. In an interview, Dickson told Project Triton:

If I can say now there was never any operation while I was there. There wasn't one operation conducted into any member of the judiciary. Intelligence would come in on various people. There were no operations conducted into any barristers as far as I can recall now. There were no operations aimed at any member of the judiciary.

A signed report detailing *concluded* investigations undertaken by the Paedophile Task Force exists within the records of the QPS. This report, which is also dated 12 February 1990 and is under the hand of Dickson, makes no mention of Operation Humbug.

Furthermore, there exists a report to Huey dated 17 April 1990, headed *Continuing Operations at the Paedophile Task Force since 12 February 1990*. This report is under the hand of Detective Sergeant Warren Webber. Webber's report makes no mention of Operation Humbug, nor of any similar investigation into legal identities said to be involved in paedophilia.

A copy of what appears to be a signed version of Goldup's draft report was belatedly discovered by Project Triton, not within the records relating to the Paedophile Task Force, but among QPS files detailing an investigation conducted by police into a complaint made by Dickson alleging that officers of a government agency (code-numbered 'R3-A') had frustrated an investigation. (The matter of Dickson's complaint is examined more fully later in this report.)

There are good reasons, which I shall detail later, to doubt that there ever existed an investigation codenamed Operation Humbug — much less that it involved allegations of 'particular members of the legal fraternity being protected from investigation by police'.

The sole mention of Operation Humbug is that contained in the single document created by Goldup, no copy of which is held in the records relating to the Paedophile Task Force. No officer of the Paedophile Task Force (including Goldup, the author of the document, and Dickson, the Officer in Charge of the Paedophile Task Force) has any knowledge of Operation Humbug.

Operation Firefighter

The allegations

A number of articles by Michael Ware were published by newspapers in August 1997 (including an article in the *Herald-Sun* on 20 August 1997). Ware's articles revisited much of the controversy that had surrounded the closure of Operation Firefighter in 1989. The most specific allegations are contained in an article published by the *Courier-Mail* on Saturday, 23 August 1997.

Ware's articles do not name any of the actors or events, but clearly draw upon references to Operation 'Firefighter' and related matters to support a claim of systemic obstruction of police investigations of paedophilia and the involvement of prominent figures in 'cover-up' of paedophile activity. A comparison of the topics raised in Ware's articles and the historical events surrounding Operation Firefighter makes it evident that the perceptions of both Dickson and Goldup provide the kernel for Ware's writings.

Indeed, when interviewed by Project Triton, Goldup admitted having met with Ware on four occasions. In addition, she said that she had spoken with him on two other occasions. According to Goldup, Dickson was also present for, and participated in, one of the four meetings she had with Ware. Goldup said that she told Ware of her perceptions of events that occurred while she was part of the Paedophile Task Force and that his subsequent articles reflected those perceptions.

Dickson admitted being present for one conversation between Goldup and Ware, but described his presence as a social visit.

Goldup also claimed that Ware had indicated to her that he had spoken with other former police officers (whom Goldup named) and that he (Ware) was conversant with documents pertaining to events in question.

Project Triton did not set out to identify Ware's sources, nor is it essential that such an exercise be undertaken. However, it is patently obvious that Ware drew heavily upon information given to him by either Goldup or Dickson, or both. While it is possible that he enjoyed additional sources, the themes proffered by Ware's article consistently reflect the perceptions and beliefs of Goldup and Dickson.

What is essential is that I endeavour to establish the degree of correlation between the perceptions and beliefs of Goldup and Dickson on the one hand, and reality on the other.

A convenient starting point is with the various specific allegations posed by Ware's articles, which may be summarised as follows:

- Following 1989 (Operation Firefighter) raids on a government agency, Paedophile Task Force officers were instructed by a superior officer not to investigate judges.
- The raids were to enable investigators to determine if members of the government agency had been involved in a paedophile network.
- The government agency was headed by a judge, and the date of the raids was only three days before the judge's initial 12-month appointment was to expire.
- The judge — against whom no adverse conclusions could be drawn — is still on the bench.
- The Paedophile Task Force officers were also told to present any search warrants for execution on the premises of judges and magistrates 48 hours before any intended raids.
- Superior officers attempted to stop Paedophile Task Force investigators from interviewing members of the government agency; the opposition from superior officers was so intense that then Assistant Commissioner McMahon had to issue a written directive to allow investigators to interview the highly placed members of the government agency.
- The 1989 raids on the government agency and Brisbane businessmen had to be brought forward after information about the plan allegedly was leaked to the media by a politician.
- A confidential police report on the investigation states that a transcript of evidence from a top-secret listening device had been given to the government agency: the transcript had been secretly encoded, allowing Paedophile Task Force members to identify it and establish that there had been a leak.
- One member of the government agency produced a senior police officer's copy of the transcript. This person had said there was 'nothing in it', and had warned investigators a 'cover-up' was in place.

These allegations are taken primarily from Ware's article of Saturday, 23 August 1997. There are, however, a number of Ware's published articles which, in none-too-veiled references, allege impropriety on the part of the Paedophile Task Force in general and Operation Firefighter in particular.

For example, in articles published by the *Courier-Mail*, Ware claimed variously:

- Some key Queensland police investigations targeting 'high-placed' suspected paedophiles were frustrated by police administrations until the early 1990s.
- Official police directives and memoranda show paedophile task forces throughout the 1980s and early 1990s were assured of support and then shut down suddenly, with little or no explanation, when officers believed they were on the verge of major breakthroughs.

- Key police staff claimed actions were taken as units were closing in on paedophile networks which touched upon members of the judiciary, the public service, business community and possibly the political arena.
- A crucial investigation in 1989 into one government body was severely compromised, forcing investigators to pull surveillance of targets and conduct raids with Customs earlier than planned.
- Former officers have claimed their units were thwarted as they moved on paedophile networks which touched on some members of the judiciary, the public service and possibly the political arena.

Examination of the more general allegations was conducted as part of Reference 3.1.

Background to Operation Firefighter

Operation Firefighter was an investigation into allegations of paedophilia conducted by the QPS during 1989 and 1990. Two of the principal targets were Desmond Patrick Kenafake and another man (whom I have code-numbered 'R3-C').

For a brief period during Operation Firefighter, Kenafake was employed in an administrative capacity with the government agency R3-A. The man, R3-C, is a solicitor who at one time was employed in an investigative role with the same agency.

Given that various serious allegations have been made touching upon the conduct of Operation Firefighter, it is appropriate to set out a relatively detailed history of that investigation.

The evidence adduced before me shows that in June 1988, intelligence from police services in the Australian Capital Territory and New South Wales suggested that known paedophiles were relocating to Brisbane. This intelligence included information that a Sydney-based paedophile network known as 'BLAZE' (Boy Lovers and Zucchini Eaters) had established itself in Queensland.

Police in Queensland also received information that a suspect, later identified as one Robertson, was dealing in pornographic material and was to meet with a known paedophile, R3-U. At that time R3-U was working at Expo 88 as a clown and living at New Farm.

It was discovered that Robertson was a close friend of one Roan, who resided in the Manly area and was employed in the public service. It was understood by police that Robertson often visited Roan, and had approached him to become a distributor of child pornography.

Police suspected that Kenafake was a Queensland contact for BLAZE.

Acting on the intelligence, and with the assistance of an informant, one Cassidy, the investigation codenamed Operation Firefighter was commenced with a view to identifying paedophiles and paedophile networks in Queensland.

Operation Firefighter was conducted in two stages. The first stage, under the control of the Officers in Charge of the Sexual Offenders Squad (Acting Detective Senior Sergeant Rockett and Detective Inspector Smithers) ran from 30 June 1988 to 19 August 1988. The staff assigned to the operation were:

Detective Sergeant First Class Garnet Dickson

Detective Senior Constable Kym Goldup

Detective Senior Constable Robert Sawford (acting as a covert police operative).

Police in New South Wales had suggested that Cassidy could be used as an informant and would be likely to be able to infiltrate paedophile groups. Cassidy had previous convictions for paedophilia-related offences and at that time was awaiting trial in Victoria for offences against boys.

The undercover operative, Sawford, took up occupation of a flat near R3-U's New Farm residence. R3-U was known to the informant Cassidy who, in turn, introduced him to Sawford. With Cassidy's assistance, the police confirmed R3-U was apparently an active paedophile. In meetings with the undercover operative and Cassidy, R3-U often spoke of his sexual activities with young boys both in Australia and overseas and exchanged pornographic material with those in his circle. Because of the nature of the law at that time, which did not render it an offence to possess pornography, no evidence to support criminal charges was detected.

The progress of the first stage of Operation Firefighter is best explained by Sawford's report of 13 September 1988, to the Detective Superintendent Metropolitan CIB. Sawford stated, among other things:

After living with the informant Cassidy, I feel I gained his complete trust and on the 25th July 1988, he arranged a meeting with the first target nominated by Australian Capital Territory Police in a previous report to the Sexual Offenders Squad. With the aid of Cassidy I was passed off as a heterosexual paedophile from South Australia. Things soon moved along; after this meeting I met three more paedophiles who all hold influential and professional jobs. Two of these are public servants.

All four have contacts with the BLAZE organisation either in the Australian Capital Territory or Sydney ...

... By using the identity and premises of Bob Rizzo [Sawford's assumed identity] we started to make contact with other individuals interstate and local; all suspect paedophiles.

It was decided at this stage on the 12th of August 1988 to remove the informant, Cassidy, to New South Wales, and let me run for a week by myself to see if I had been successful in gaining the group's confidence.

In this remaining week I made contact with two suspect paedophiles not known to the group who were seeking membership of BLAZE. These two people are also from the professional sector of Brisbane.

Due to the financial limits of the operation and the fact that the original goals had not only been achieved but surpassed, it was decided to close the operation down on the 19th August 1988 ...

... Additional information has been received at this office since ... nominating paedophiles in Queensland not known previously to this squad, and the informant, Cassidy [is still contacting] this office with information.

Although there is no evidence of any criminal activities or real attempt at this stage to push the BLAZE organisation in Queensland, there is a definite fear and potential for both these things to happen.

Sawford was interviewed by Project Triton personnel on 30 January 1998. He stated that the first stage of Operation Firefighter was a successful intelligence-gathering exercise, but that the investigation was 'going nowhere' in terms of detecting any criminal offences or building cases against prominent individuals or cells of paedophiles.

Sawford explained that when Operation Firefighter had commenced, it was believed that a paedophile network existed, and that the membership of that network comprised high-profile figures.

In the end, no evidence of such a paedophile network was found. The three additional paedophiles mentioned in Sawford's report were in fact only minor functionaries.

According to Sawford, it was recognised that there was a distinct danger that rather than infiltrating an existing group, Operation Firefighter was unwittingly facilitating the establishment of a larger network of paedophiles. For example, in the course of trying to gain evidence of criminal offences, Sawford was meeting and introducing paedophiles to other paedophiles. Prior to being introduced to others of a like mind, some of the individuals had displayed only a marginal interest in paedophilia, or were new to the scene. By placing advertisements in ribald sex magazines, investigators contrived meetings between Sawford and paedophiles. Consequently, by being the introductory agent, Sawford was inadvertently forming the very type of group which the operation was specifically intended to

prevent.

Apart from these concerns, Operation Firefighter also ran short of funds and both R3-U and Robertson relocated to Canberra before police were in a position to initiate any criminal charges. Consequently, for one reason or another, plans to build cases on the targets identified during the undercover operation did not eventuate.

The evidence reveals that the first stage of Operation Firefighter concluded in August 1988 for the following reasons:

- The operational outcome did not meet the original expectations.
- The danger that the operation was facilitating the establishment of a paedophile network which it had set out to prevent.
- A general shortage of funds to run speculative and intelligence-driven operations.
- The relocation interstate of the informant and some suspects.
- The absence of evidence to substantiate criminal charges.
- Other logistical problems (e.g. difficulty in accommodating the covert operative during Expo 88).

Notwithstanding the above factors, the intelligence potential and the seriousness with which paedophilia was viewed by the then Queensland Police Department were considered sufficient reasons to justify continuation of Operation Firefighter, or a similar type of investigation.

For his part, in his report of 13 September 1988, Sawford recommended that Operation Firefighter or its equivalent ‘... be commenced as soon as possible ... [to] ... put Queensland on a level footing with southern states in the fight against paedophiles.’

Similarly, in a foreword to Sawford’s report, Detective Senior Sergeant Barry O’Brien observed that the Operation had been suspended on 19 August 1988 due to the exhaustion of the allocated funding. O’Brien stated that he considered it ‘imperative that the opportunity to continue gathering intelligence in this area of serious child exploitation not be abandoned.’ O’Brien also opined that the Operation ‘... if reactivated can be monitored initially on a monthly basis to examine the quality and value of the information collected and its usefulness in targeting individuals and groups for criminal prosecution.’

Consequently, in a report dated 16 September 1988, the officer responsible for the Sexual Offenders Squad, Detective Inspector Warren Smithers, recommended the establishment of a permanent Paedophile Task Force. Smithers stated:

Operation Firefighter culminated ‘in the identification of reputable professional people who are either directly involved or interested in adult–child sexual relationship activities, above the normal homosexual aspect ...

... There is no positive evidence available at this stage to confirm that the BLAZE organisation is permanently entrenched in Queensland, although it has been clearly established as the result of the Operation Firefighter that there are numerous persons located here who have an interest in seeing that the organisation commence functioning in this State on the same basis as in New South Wales, especially in regards to distributing literature and like paraphernalia ...

... It is recommended that strong consideration be given to have the current Operation Firefighter personnel formed into a permanent task force so as to investigate the paedophile and related offences situation as it now stands in Queensland, and to obtain evidence against any offenders involved in these paedophile and deviate sexual activities, especially regarding children.

Acting on Smithers’s report, Detective Superintendent James Sommer put the question of the ‘establishment of a permanent paedophile task force’ to the Assistant Commissioner (Crime and Services), Terry McMahon. In a report dated 22 September 1988, Sommer gives his support for the

project in the following terms:

Due to the problems incurred in other States regarding the activities of paedophiles and that there is a strong likelihood that paedophiles in Queensland could combine to form a group for the basis of their illegal activities, I recommend that Operation Firefighter be recommenced.

The matter of costs to effectively run this operation would be reasonable considering the information likely to be obtained and the resultant action of the arrest of these types of persons.

In reply, on 8 November 1988, Assistant Commissioner McMahon instructed Sommer to:

... arrange to have the current personnel involved in Operation Firefighter formed into a permanent task force under the control of the Detective Inspector in charge of the Sexual Offenders Squad ...

I expect the task force to use all lawful means possible to expose the activities of these deviates and to this end \$1,000 is being provided to allow the continuation of the current investigation. The money is to be used for incidental expenses similar to the original \$1,400 spent on the initial investigation.

In an interview with Project Triton investigators, former Assistant Commissioner McMahon said that (at the relevant time) the normal running and day-to-day activities of the Queensland Police Department were considerably under-resourced and experienced additional shortfalls in funding during the running of the Fitzgerald Inquiry. He recalled making an inquiry of the Finance Section of the Department to ascertain whether any funds were available for the continuation of Operation Firefighter before determining to assign money to it.

The Paedophile Task Force was duly established (under the supervision of the Sexual Offenders Squad), with assistance provided by the surveillance section of the BCI.

The files pertaining to Operation Firefighter are silent as to what occurred between November 1988 and February 1989. (It is recalled that Sawford's report of 19 September 1998 had recommended that the focus be on undercover work and the gathering of intelligence on potential targets.) Sawford was not personally involved in Operation Firefighter during this latter period but was of the view that Dickson and Goldup carried on paedophile investigations.

Goldup confirmed Sawford's recollection. She stated that she and Dickson continued gathering information on paedophilia and paedophiles, but were expected to perform dual roles; that is, the work of the Paedophile Task Force as well as tasks normally expected of staff of the Sexual Offenders Squad. Goldup complained that there was next to no recognition and support for specific paedophile investigations or intelligence processes.

Meanwhile, police in the ACT had continued investigations on two of the initial targets of Operation Firefighter — R3-U and Robertson. Raids on the residences of R3-U and Robertson in February 1989 netted a large quantity of child pornographic material. According to information provided by the Australian Federal Police, both R3-U and Robertson were arrested for possession of child pornography on 11 November 1989. Robertson admitted possession of the pornographic material and on 1 February 1990, pleaded guilty to relevant charges. He was convicted and fined \$20,000, in default six months' imprisonment with hard labour. On 22 November 1989, no evidence was offered on the charges against R3-U.

The material seized in the raids on R3-U and Robertson was of interest to the Queensland Police Department. Accordingly, on 16 February 1989 then Detective Sergeant Gregory Hay filed a report to the Detective Superintendent Metropolitan CIB recommending that Dickson and Goldup be permitted to fly to Canberra to liaise with their ACT counterparts.

Hay stated:

Advice from Canberra indicates that the material they have on hand will be of innumerable [sic]

benefit to members of the Sexual Offenders Squad in this State and future investigations being undertaken or envisaged.

On 16 February 1989, Sommer recommended that only Dickson travel to Canberra. Assistant Commissioner McMahon approved the recommendation on 17 February 1989.

Coincidentally, in February 1989, Dickson was contacted by his informant in Sydney and advised that Kenafake had moved within the Public Service to the government agency R3-A, and 'was talking freely about his employment and details of (the work of the government agency).'

According to a report dated 7 March 1990, from Dickson to the Detective Superintendent, Metropolitan CIB, a further operation was then devised to check the validity of this information and to see if any other person at the government agency was associated with the paedophile ring that had been uncovered four months earlier involving Kenafake. Dickson's report stated:

With the assistance of an informant, an Operation codenamed 'Firefighter' was commenced and an undercover police officer was introduced to Kenafake and later infiltrated a group of paedophiles.

The operation ran for a period of six (6) weeks and at the time of closing down it was decided not to arrest any of the principals involved but to try and conduct similar type Operations on each of them.

In approximately February 1989 I was again contacted by the informant from interstate and he advised me that Kenafake was now employed at [R3-A] and was talking freely of his employment and details of [the work of the government agency].

A further Operation was then devised to check the validity of this information and to see if any person at [R3-A] was associated with the paedophile ring that we had previously uncovered.

Goldup corroborated Dickson on this point. She told Project Triton that both she and Dickson were concerned that Kenafake could abuse his position to spy on police activities and information to further his paedophile interests. Goldup described Kenafake's apparent disclosures of information concerning the government agency R3-A as a 'bonus', in that it enabled a further charge to be brought.

Sawford's recollection of events differs from the account in Dickson's report. According to Sawford, around February/March 1989 he was told by the informant (Cassidy) that Kenafake was disclosing confidential information about the activities of the government agency R3-A. Cassidy had told Sawford that part of Kenafake's job was to take videos of interviews conducted at the government agency and that Kenafake was able to access photographs of police officers, including the staff of the Sexual Offenders Squad. Accordingly, Sawford was briefed as undercover agent (in what is referred to as 'Stage Two' of Operation Firefighter) to establish the veracity or otherwise of Cassidy's claims. To Sawford's knowledge, there was never any mention of other persons at the government agency being associated with the Kenafake paedophile ring.

Moreover, Sawford maintains that sufficient evidence was gained during the first stage of Operation Firefighter to show that Kenafake, Roan and R3-E were in possession of prohibited pornographic material. He could offer no explanation as to why no action was taken against these individuals until some seven months later.

For her part, Goldup stated that it was suspected that R3-F, a serving judge and at that time connected with the government agency R3-A, might have been involved in the paedophile ring. However, Goldup could not provide any basis for such suspicion other than a recollection of something said in the covert tapes of the conversation between Sawford and Kenafake recorded during 'Stage Two' of Operation Firefighter.

The second stage of the investigation primarily involved the gathering and collating of intelligence in connection with Kenafake's activities. Over a two-day period, 25–26 March 1989, conversations

between Sawford, the informant (Cassidy), and target Kenafake had been covertly tape-recorded.

According to Goldup, on the basis of what Kenafake had been recorded as saying, it was suspected that the judge, R3-F, was a close friend of Kenafake and could be involved in paedophilia. A study of the transcript of the tape recordings reveals nothing at all to even remotely support such a contention. (This issue is addressed in more detail later in the report.)

It was decided that sufficient evidence existed to mount joint raids on the premises of Kenafake, Roan, R3-C and R3-E. A planned fifth target was overseas at the time. The primary objective of the raids was to obtain evidence of possession of prohibited imports (pornographic material) in contravention of the *Customs Act*. Consequently, the raids were planned and conducted in concert with Australian Customs.

According to Goldup, it was hoped that evidence of more serious criminal offences might eventuate.

Sawford was not directly involved in the raids. According to Dickson it was hoped not to expose the fact that Sawford had infiltrated the group so that he might be used to expose other targets at a later time.

As initially planned, the raids on the targets were to occur simultaneously on the morning of Tuesday, 4 April 1989. However, on the afternoon of Monday, 3 April, it became apparent that journalists had been made aware of the impending raids. This fact meant that a leak had occurred, which had the potential to jeopardise the investigation. The raids were consequently moved forward one day and were executed on the Monday night, using the general powers of entry and seizure enjoyed by officers of the Australian Customs Service. As a result, no search warrants were taken out.

The raids proved successful in uncovering caches of pornographic material. Kenafake and Roan were subsequently prosecuted by Australian Customs for possession of prohibited imports. The raids did not disclose any evidence with which to charge R3-C or R3-E.

In addition to these matters, Dickson undertook further inquiries with a view to prosecuting Kenafake for 'Disclosure of Official Secrets', then an offence against section 86 of the *Criminal Code*. This course of action was pursued because, during his covertly taped conversations with Sawford, Kenafake had made a number of comments about his work with the government agency R3-A.

On 6 December 1989, a summons on a charge against section 86 of the *Criminal Code* was issued upon Dickson's complaint against Kenafake. On 3 April 1990, Kenafake was committed to stand trial in the District Court. It is understood that the prosecution of Kenafake was later abandoned.

Operation Firefighter concluded with the convictions of Kenafake and Roan. However, controversies touching upon the investigation and the raids continued to have currency and form the catalyst for some of what was promoted in Ware's articles, particularly:

- The apparent press leaks on or about 3 April 1989 which jeopardised planned raids on the homes of Kenafake and others, and caused the raid to be conducted 24 hours earlier than planned.
- The circumstances surrounding the investigation and summons of Kenafake by Dickson (for Disclosure of Official Secrets).
- The perception held by Dickson and Goldup that confidential transcripts of tapes between a covert police officer and Kenafake had been deliberately leaked to the government agency R3-A and other government departments.
- The perception held by Dickson and Goldup that personnel from the government agency R3-A obstructed the investigation and prosecution of Kenafake.
- The perception held by Dickson and Goldup that paedophile investigations had not been supported during successive periods of management when the Metropolitan CIB was headed by

Detective Superintendents James Sommer and John Huey.

- The perception held by Dickson and Goldup that investigations into members of the judiciary had been frustrated by their superiors within the Police Department.
- The perception held by Dickson and Goldup that they have been victimised as a result of their investigations of paedophilia.

Closure of Operation Firefighter and related matters

Police conducted raids upon the four targets of Operation Firefighter on 3 April 1989. (Contrary to the newspaper reports, there was no raid on any government agency.) The raids not only marked the closure of Operation Firefighter, but themselves attracted considerable political debate.

In a statement to the Legislative Assembly on 4 April 1989, the then Minister for Police, the Honourable T R Cooper, criticised the Member for Chatsworth, Mr Mackenroth (the Opposition's spokesperson on Police) for allegedly providing the press with forewarning of the joint Customs–Police raids on the targets of Operation Firefighter. Mr Cooper accused Mr Mackenroth of being motivated by self-interest and 'nearly sabotaging one of the most sensitive investigations in this State in many years'. Mr Mackenroth responded to this criticism by alleging:

- that a political and police cover-up had spared high-profile persons, including a senior member of the National Party, from being caught in the raids;
- that there had been intervention at a senior police level.

In a speech to the Legislative Assembly on 4 April 1989, Mr Mackenroth said:

My understanding is that an eight-month-long police investigation, which would have exposed prominent citizens and a leading political figure, has been compromised by interference at the top level. For the past eight months the paedophile group of the sexual abuse unit of the Police Department has been carrying out an investigation into a group known as the Blyth [presumably a reference to BLAZE] organisation. Recently, the police mounted an extensive operation using an undercover agent to infiltrate the group. The undercover agent, with the support of the Criminal Intelligent Unit of the force, carried out secret tape recordings to gain the evidence necessary to uncover the group's extensive activities in an around Brisbane.

Last Friday, a senior officer leaked the information that had been obtained to Acting Commissioner Ron Redmond. Acting Commissioner Redmond summoned the detectives involved in this inquiry to his office and demanded that they hand over the originals of all tapes and statements. After tense and angry discussions and negotiations the detectives would only agree to hand over copies of the material, insisting on retaining the originals.

The detectives were planning a combination of arrests and raids today and are angry that the details of the investigations had been leaked. Their concern is that key prominent figures have been notified and have had an opportunity to remove incriminating evidence.

My information is that the detectives concerned held a series of meetings over the weekend and resolved to resist pressure to limit or prejudice their investigation. I believe that this resolve forced the Acting Commissioner to order 30 detectives in on overtime last night — before I had spoken to the media — to finalise a limited investigation and to conduct a number of raids.

However, I understand that, because of interference at the very top level, the police can no longer go ahead with a raid on the premises of the prominent political figure. Police had actually prepared a warrant to search his premises but, as they are aware that he has been fully informed of their investigations, this has been scrapped.

It does not take a genius to work out that the senior political figure apparently tipped-off and protected from these raids is a senior member of the National Party.

The police were also proposing to raid a firm of solicitors but, as a result of the information leaked about the investigation, this will now not occur ...

Now when we are once again confronted with evidence of well-organised and apparently well-

connected paedophiles in our community, this Government is again attempting to sweep it under the carpet ...

Mr Cooper also needs to inform the Parliament why his Acting Commissioner interfered in this investigation. There is absolutely no justification for the Acting Commissioner to have been involved. Mr Cooper has to inform us why the Acting Commissioner demanded the original copies of tapes and statements in relation to the investigation. Under what police practice would the Acting Commissioner take into his own possession evidence obtained by detectives? Pending a full and open inquiry into the matter, Mr Cooper should immediately suspend the senior officer who leaked information in relation to this investigation ...

There is a real concern in police ranks that, as a result of the interference in the investigation at a late stage, some of these people may slip through the net and what would have been a breakthrough in terms of revealing the full extent of this network may now simply be reduced to a few individuals being charged. If this is in fact the case, it will be a real blow to what could have been a major breakthrough in the battle against organised sexual abuse of children.

Mr Speaker, I have raised serious allegations of interference in police investigations that protect certain prominent people in legal and political circles. These are just some of the questions that demand answers:

- Who is the senior officer in the police administration who leaked the details of the investigation?
- Why did this officer expose the investigation?
- Why did he tell Acting Commissioner Redmond about it?

The result of this interference is that the final success of the police investigation has been put in jeopardy. The chance of the entire paedophile network being cracked is now in doubt, and the chance of the prominent people connected with it being raided or questioned on their activities has also been put in doubt. Police are justifiably angry at the interference of the Acting Commissioner and at the fact that their long and intensive work has been compromised.

In a media release issued the following day, 5 April 1989, Acting Commissioner Redmond, Assistant Commissioner McMahon, and Detective Superintendent Sommer (head of the Metropolitan CIB) responded to Mr Mackenroth's allegations in the following terms:

Police officers involved in the recent paedophile operation in Brisbane have moved to dispel once and for all allegations that there had been top-level interference in the investigation.

In a joint statement today, Acting Police Commissioner, Ron Redmond, Assistant Commissioner (Crime), Mr Terry McMahon, and the head of the Metropolitan CIB, Detective Superintendent Jim Sommer described the allegation as utterly baseless and indicative of total ignorance of police procedures.

They said police in several States had been aware of the possible existence of a national network of paedophiles for some time.

Queensland Police first became aware of a Queensland connection during Expo 88 in July last year and an investigation was immediately commenced.

Because of the delicate nature of the inquiries, they were pursued discreetly for several months. It was not until just before Easter this year that fresh information gave police the opportunity to step up the investigation.

On Easter Monday, Detective Superintendent Sommer advised Mr McMahon that a police agent had obtained 14 hours of taped conversations involving members of a paedophile group in southern Queensland. These tapes identified the involvement of two public servants in these activities. Because of the sensitive nature of this information and the ongoing investigation, Messrs McMahon and Sommer immediately met with Mr Redmond. It was decided to limit the number of people who had knowledge of the exercise and even other Assistant Commissioners were not made party to the inquiry.

Three copies of a transcript of the tapes were made between 28 and 30 March. The tapes and the original transcript, needed for evidentiary purposes, were locked in Mr Sommer's safe where they remain to this day. The second copy was used as a working document for the investigators and the last copy was given to Mr McMahon who discussed it with Mr Redmond on Friday, 31 March.

Arrangements were then made to mount the operation. Planning was undertaken on Monday, 3 April with raids on five premises in the Brisbane area to be carried out early on Tuesday morning, 4 April.

Unfortunately, senior officers became aware on Monday afternoon that a number of people not connected with the investigation in any way had come into possession of information on the investigation. It was recognised that the operation could be jeopardised by premature release of details to the media and Mr Redmond ordered that the raids be brought forward to Monday night. That was the only direction issued by him concerning the exercise.

The five premises were raided by a task force of some 30 Queensland Police and Customs officers as originally planned and four men were taken to CIB headquarters for questioning.

The three officers said all operational decisions were taken strictly in accordance with established procedures and after consideration of all available information in consultation with all officers involved in the investigation.

‘We regard any suggestion of top-level interference as offensive in the extreme. There was absolutely no interference, in fact the senior officers involved offered only encouragement and every possible resource to the investigators.

‘There were no meetings by disgruntled detectives, as has been suggested, and no pressure whatsoever was used to change the course of the inquiry.’

A further claim concerning the withdrawal of warrants is ridiculous. By virtue of powers vested in Customs Officials, all members of the raiding party operated under a general warrant of entry. No specific warrants were issued for any of the five target premises as they were not needed under the provisions of the *Customs Act*.

Mr Redmond, Mr McMahon and Detective Superintendent Sommer said the Police Department was very appreciative of the cooperation and assistance of officers of the Customs Department in the exercise.

They said this statement was a precise and accurate record of events and it was hoped that this would allay any public disquiet caused by recent allegations which had no foundation in truth.

Following upon Mr Mackenroth’s allegations and the rebuttals by the Minister for Police and the executive officers of the Police Department, on 6 April 1989 newspapers reported that:

The Police Complaints Tribunal has been called in after claims that an investigation into an alleged paedophile network was nobbled to protect a political figure, police said yesterday.

Assistant Commissioner Terry McMahon told a news conference yesterday that the whole matter had been referred to the tribunal.

Project Triton located a Police Complaints Tribunal file, numbered 8-1975/89, opened 10 April 1989, and entitled, ‘Paedophile Investigation’.

The file indicates that allegations concerning the conduct of the Operation Firefighter raids were passed to the Police Complaints Tribunal by the Police Department, but that these allegations were dealt with in a rather perfunctory manner, without any investigation being conducted.

In a letter to the Police Complaints Tribunal dated 7 April 1989, Acting Commissioner Braithwaite said that, ‘the police investigation has generated much public interest and serious allegations have been made about police and political interference in the raid.’ Mr Braithwaite then referred to the aforementioned media release but gave no indication that Mackenroth’s allegations would be pursued. Instead, Mr Braithwaite informed the Tribunal that he intended to investigate ‘police impropriety into the supply of unauthorised information and apparently untrue statements.’ He sought advice as whether the Tribunal had any requirement of the Police Department, ‘before it proceeds further with the internal investigation in that regard.’

Notwithstanding Mr Braithwaite’s letter, the Tribunal file attributed the source of the complaint (also dated 7 April 1989) as being a ‘Matter of Public Knowledge Paedophile Investigation’, and in this vein, the file contains copies of 20 newspaper articles canvassing Mr Mackenroth’s allegations

and the ensuing debate. However, the file is silent on the precise allegations made by Mackenroth. Indeed, the 'nature and description of the complaint' is described in the following terms:

Raids carried out by police on the night of 3rd April 1989 and the seizure of pornographic material in certain residential premises.

A note attached to the Police Complaints Tribunal file suggests that no investigation whatsoever was conducted by the Tribunal, but rather, that the matter was merely mentioned at a meeting of the Tribunal on 2 May 1989. The file contains the following note, suggesting that on that date:

The Tribunal considered this matter and resolved to wait the outcome of the investigation by the Police Department before giving further attention to this matter. The Acting Commissioner of Police should be informed of the Tribunal's decision and of the Tribunal's appreciation for his earlier letter on this matter.

The cover sheet of the Tribunal's file indicates that this matter was listed to be brought to the attention of Tribunal meetings on the 22 June 1989 and 20 July 1989, but nothing on the subject is contained in the minutes for those meetings. However, the file does contain Police Department material pertaining to the charges against Kenafake, suggesting that the Police Department did keep the Tribunal informed of the progress of that prosecution.

It follows that the Police Complaints Tribunal did not itself launch any investigation into Mr Mackenroth's allegations that 'a political and police cover-up had spared a senior member of the National Party from being caught in the raids ...' or that there had been 'intervention at a senior police level into organised child pornography and paedophilia'.

Furthermore, the only investigation undertaken by the Queensland Police Department into alleged impropriety appears to have been confined to matters raised by way of a verbal complaint from 'R3-B' (the secretary of the government agency R3-A) to Mr Braithwaite (as Acting Commissioner) on 14 April 1989.

R3-B's complaint was sparked by telephone calls that staff of the government agency R3-A had received from a journalist at the *Sun* newspaper, who was seeking information about Kenafake. R3-B was concerned that 'information about Kenafake is being leaked to the press from official sources.' He sought the Police Department's assistance to ensure that there was no unlawful disclosure of information by members of the Police Force.

R3-B's complaint was referred to Detective Superintendent Sommer who, after receiving a brief report from Dickson, laid the matter to rest without any investigation. Dickson's report indicated that he too had been contacted by the journalist concerned:

... I was contacted at this office by [the reporter], who put to me that he had heard a rumour that one of the persons involved in relation to the paedophile investigation was employed at the [government agency R3-A]. I told him that I could not comment and advised him that if he wished to take the matter any further he should ring [R3-A] himself.

[The reporter] telephoned this office back later on the date I spoke to him and he told me that he had contacted [R3-A] and spoke to a person named Theo who had told him everything he wished to know. I had no further contact with [the reporter].

Apparently, Sommer considered Dickson's report was sufficient 'evidence' to conclude the investigation.

A notation by Sommer to Dickson's report states:

I have spoken to Det Sgt 1/c G Dickson who has provided me with a report giving answers to points raised by [R3-B]. I do not see any evidence that Det Sgt Dickson or any other Police Officer has

improperly disclosed information to the news journalist.

Nobody, it seems, bothered to check Dickson's assertion that the leak had come from a staff member of R3-A.

The file held by the Queensland Police Department on Operation Firefighter contains a substantial quantity of correspondence on the exchange of information between the Department and other government agencies concerned with the outcome of the arrests and conduct of Operation Firefighter. However, there is nothing in relation to any investigation into Mackenroth's claims of malfeasance.

Those with overall responsibility for inquiries into the alleged leaking of information concerning Operation Firefighter retired from the Police Department before the file was closed. Detective Superintendent Sommer departed on 21 December 1989, while Assistant Commissioner McMahon left on 6 August 1989. No specific inquiry was pursued after those officers departed. For its part, the Fitzgerald Inquiry does not appear to have involved itself in any investigation of Mackenroth's claims.

In a memorandum dated 23 May 1989, Acting Commissioner Redmond informed the Assistant Commissioner (Crime and Services) as follows:

I refer to advices received from the Commission of Inquiry and the Police Complaints Tribunal to the effect that neither Authority has any requirements regarding the police investigation into suspected paedophile activities.

Mr R A Mulholland, QC, Senior Counsel Assisting the [Fitzgerald] Commission of Inquiry has advised by letter on 19 April 1989 that the Commission has no requirements of the Police Department before it proceeds further with any internal investigation it sees fit to make.

The Honourable T M Mackenroth was interviewed by Project Triton on 10 February 1998. Mr Mackenroth stated that he did not pursue his claims outside of Parliament and, to his knowledge, none of his claims was the subject of any investigation by the Police Complaints Tribunal, the Police Service, or the Fitzgerald Inquiry.

So far as the source of information for his allegations is concerned, it is Mr Mackenroth's recollection that on the Sunday prior to the (Tuesday) raids, he received the information (on which his statements in Parliament were based) from a member of the then Opposition staff. He could not recall the name of the staff member concerned, but remembered that the person claimed to have been told by Ross Dickson that his brother, Garnet Dickson, had informed him that the police operation had been compromised by senior police and that a planned raid on a senior National Party Member of Parliament had been called off.

Mackenroth also recalled that on the day of his speech, or the following Wednesday, he attended a conference of the Queensland Police Union of Employees. Mackenroth claims that after addressing the conference, he was approached by a police officer with ties to the Labor Party who told him that Garnet Dickson possessed copies of documentation which could substantiate what Mackenroth had alleged in Parliament. According to Mr Mackenroth's recollection, he then indirectly contacted Ross Dickson through a member of the Opposition's staff, and sought to have Garnet Dickson produce the relevant documentation.

Ross Dickson was a former Queensland police officer then residing at Yeppoon. He was thought to be sympathetic to the Labor cause and had, apparently, assisted in the election campaign of a Labor Party candidate.

Mackenroth said he received advice back that Garnet Dickson had copies of documents which would be made available to Mackenroth, but no such documents ever arrived.

Mr Mackenroth said he had nothing more to do with Garnet Dickson until after he became Minister for Police in the Goss Government. He recalled then learning that Garnet Dickson had addressed a

National Party Women's Breakfast and had made claims that the Paedophile Task Force was not properly resourced and other statements which sparked Mackenroth's displeasure.

For his part, Mr Ross Dickson has denied to Project Triton that he was the source of the information conveyed to Mr Mackenroth.

There is, in fact, any number of possible explanations for the leak. For example, there is some evidence that members of the Paedophile Task Force (in particular, Dickson and Goldup) were friendly with the then Police Chaplain, Father Walter Ogle. Indeed, according to evidence which Ogle gave before me, he was a frequent visitor to the small office occupied by the Paedophile Task Force and members of the task force shared confidences with him. Ogle can also be linked with Mr Mackenroth. (Mr Ogle denied in evidence that he was responsible for any leak.)

Furthermore, during an interview conducted with Garnet Dickson by then Detective Senior Sergeant Kevin Hedges on 19 April 1990, Dickson said of this matter:

... unfortunately there was a bloody press leak and it came from a couple of fellows, a couple of senior fellows in the CIB. The *Courier-Mail* actually ran the story. We didn't know about it. We had the agent ready and someone said you'd better read the *Courier-Mail*; here it is front page of the *Courier-Mail*, undercover agent infiltrates paedophiles.

Dickson was not asked to name the officers concerned nor how the information came to his knowledge. However, in evidence during Project Triton, Dickson said that his statements about the two officers were, in fact, a reference to another matter, and were not meant to refer to the leak to Mackenroth.

An officer involved in the raids on 3 April 1989, Inspector Ian Claridge, told Project Triton investigators that, according to rumour, a now former police officer who was (at the relevant time) a member of the Executive of the Queensland Police Union of Employees was responsible for the leak. This person later became a member of Mackenroth's staff when Mackenroth became Minister for Police. (I do not suggest that there is any basis for this theory. I mention it only to illustrate that various theories concerning the leak abounded at the time.)

Finally, for her part, Goldup told Project Triton that she thought it highly suspicious that Operation Firefighter had remained secret until the last week, and that the leak occurred soon after the contents of the Kenafake tapes had been made known to Sommer and the Commissioner. She suspected that the circulation of the transcripts to the government agency R3-A was at the heart of the leak.

Of all the possibilities, only Goldup's theory can be summarily dismissed, it having been shown to my satisfaction that the transcripts did not reach R3-A until after the raids.

In any event, it is not part of my responsibility to identify the circumstances of the leak to Mackenroth, nor to cast aspersions. I simply give the various possibilities so that it can be appreciated that, with the passage of time, the task of identifying the leak would be an impossible one.

However, I do have a responsibility to determine whether the allegations raised by Mackenroth had substance. In this regard, it is relevant to note that the allegations raised by Mackenroth, in a general sense, reflect the beliefs and opinions held by Dickson and Goldup, and to that extent I am satisfied that Mackenroth's allegations have been shown to be without foundation.

The Paedophile Task Force — The Huey Era

QPS personnel records show that Detective Sergeant Garnet Dickson was assigned to duties with the Sexual Offenders Squad from 28 March 1988 until 21 January 1991. He was the Officer in Charge of the Paedophile Task Force (which at that time, was answerable to, but operated apart from, the Sexual Offenders Squad). He was also the coordinator of Operation Firefighter from its commencement on 18 July 1988 until its conclusion in April 1989.

According to her own recollection, former Detective Constable Goldup served within the Sexual Offenders Squad from about December 1987 until February/March 1991.

At the time of the commencement of Operation Firefighter, the Sexual Offenders Squad was headed by Detective Inspector Michael Rockett.

Inspector Rockett informed Project Triton that Dickson was downcast and dejected when transferred to the Sexual Offenders Squad from the Fraud Squad, where his work performance had been criticised by then Detective Inspector John Huey. Rockett's recollection in this regard was supported by Mr Huey, who stated that he moved Dickson from the Fraud Squad to the Sexual Offenders Squad 'in the hope that maybe with the pressure of day-to-day activities ... he might do a bit of work for a change.'

According to Inspector Rockett, Dickson's transfer to the Sexual Offenders Squad coincided with the receipt of the information which ultimately gave rise to Operation Firefighter. Consequently, it was decided to offer encouragement to Dickson by placing him in the Paedophile Task Force and giving him the responsibility of running the Operation. Rockett said that Dickson took to the task with alacrity and Operation Firefighter was running well when Rockett departed the Sexual Offenders Squad in about August 1988.

By late 1989 and early 1990, the strength of the Paedophile Task Force had been increased, with a core staff including Dickson, Detective Sergeant 2/c Warren Webber, Goldup (by then Detective Senior Constable), Detective Senior Constable Gerald Biazos, Detective Senior Constable David Gooley and Senior Constable Michelle Jarrett.

The Paedophile Task Force was supervised by the Officer in Charge of the Sexual Offenders Squad, by then Detective Senior Sergeant Thomas Lunney. The Sexual Offenders Squad was itself under the overall command of then Detective Inspector (now Assistant Commissioner) Graham Williams.

In late October 1989, following the retirement of some senior officers, then Detective Superintendent Huey and Detective Inspector Williams were assigned to take command of the Metropolitan CIB.

Additionally, at that stage the Police Service was in a state of flux as a result of plans for the restructure of the organisation in accordance with the model proposed by the Fitzgerald Inquiry. The performance of the Paedophile Task Force became the subject of concern for the new administration and Huey set about changing its structure. In a report to the Assistant Commissioner (Crime and Services) dated 12 February 1990, Huey, by then Detective Superintendent and in charge of the Metropolitan CIB, said of the Paedophile Task Force:

It is obvious from the workload on hand and results thus far achieved that there is ample justification for the continuation of this work. It is not possible to give a conclusion for this Task Force's activities. Therefore, I propose, subject to any instruction from you, to continue this Task Force as part of the Sexual Offenders Squad on a permanent basis, subject to monthly reports on activity and workload.

However, I do have some concerns that there are presently no guidelines for the activities of the group, because of the very sensitive nature of the tasks undertaken. I, therefore, propose to have a committee draw up guidelines for your consideration.

It is recalled that the Officer in Charge of the Sexual Offenders Squad at that time was Detective Inspector Williams. By 1996, Williams was Assistant Commissioner (Crime). In March 1996, the CJC was investigating a complaint which Dickson had made about an unrelated matter. On 6 March 1996, in the course of an interview with the CJC concerning Dickson's complaint, Assistant Commissioner Williams stated (in relation to the Paedophile Task Force):

... it was quite obvious that things were going seriously wrong with the group. They were making serious allegations against senior judges, ah politicians, the Commissioner of Police and senior members of the Queensland Police Service ... He [Dickson] wanted to take out a warrant and search a Supreme Court Judge's chambers and house.

Williams maintained that Dickson became enraged when his outlandish views and the unjustifiable nature of his proposed actions were challenged by his superiors. Williams stated:

The sheer fact I said they couldn't raid the bloody ... the Supreme Court Judge's house enraged them that they assumed then that possibly people like myself were at least paedophile sympathisers.

Assistant Commissioner Williams expressed identical sentiments when questioned by Operation Triton investigators on 6 February 1998. In particular, Williams recalled being present at a meeting with Huey and Dickson (and possibly Goldup) where Dickson was cautioned about his attitude. According to Williams, Dickson wanted to take out search warrants for a judge's chambers or offices without any evidence to support any offence. Williams's best recollection is that the judge in question was R3-F.

Assistant Commissioner Williams could not recollect the basis for Dickson's suspicions, nor what he hoped to achieve by executing the warrant. Nonetheless, he did recall that Huey told Dickson of the folly of such actions and the possible ramifications that might ensue to the Police Service without proper evidence.

Williams was adamant that at no time was any impediment placed in the way of any of the Paedophile Task Force's investigations. To the contrary, every possible support was afforded. However, as a matter of prudence, Huey instructed Dickson that he was not to take out any search warrants on members of the judiciary until such time he had presented a full report detailing the evidence to be relied upon and the aims and objectives of the exercise. No such report, operational plan, or evidence was ever forthcoming.

It should not be forgotten that on 23 November 1976, the Queensland Police Department issued Instructional Circular 43/76 to all senior officers and to all officers in charge of any police station, branch, section, or establishment. This was a circular which set out in detail the procedure to be followed if it was desired to obtain a search warrant in relation to documents held by solicitors.

On 20 August 1979, the Queensland Police Department issued Administrative Circular 114/79, again to all senior officers etc. This circular updated guidelines in relation to search warrants for solicitors' offices. The guidelines were revised again on 20 July 1989 and, in fact, were included in the Police Manual.

Huey took the view that if a procedure regarding search warrants was set out for solicitors, surely the same procedure should be followed for judges.

Accepting Huey's account, the instruction to Dickson was not inconsistent with the guidelines applying to solicitors, and cannot be regarded as unreasonable. Indeed, even in the absence of such guidelines, it is difficult to see how Huey's direction could be reasonably regarded as other than proper.

In evidence to the Project Triton hearings on 3 December 1997, although maintaining his own version of the instruction, Dickson nonetheless recognised the reasonableness of Huey's command. Dickson gave the following evidence:

MR DEVLIN: Have you ever represented to anybody that a proposed investigation into a barrister or judge was improperly shut down or interfered with in relation to allegations of paedophilia? ----- No. If I can say now there was never any operation while I was there. There wasn't one operation conducted into any member of the judiciary. Intelligence would come in on various people. There were no operations conducted into any barristers as far as I can recall now. I do recall one day there was — we were having a lot of administrative difficulties with the squad and Mr Huey did give me an instruction that all search warrants that were taken out by me on any member of the judiciary had to be on his desk 48 hours before they were executed. And, really that's not unreasonable. That's, you know, that's these people were my bosses. And that's not — at the time there I was — you know, this is going back probably 10 years ago there, you'd — a bit of paranoia takes over in these sort of investigations and — but there was nothing — I see nothing improper about what Huey said to me.

Goldup's official police diary for 9 February 1990 records the following:

Meeting with Inspector Williams re future of this squad and current investigations.

Meeting with Supt. Huey at 4.05 p.m. re Paedophile Task Force.

In interview with Project Triton personnel, Goldup recalled that at this meeting Huey instructed that under no circumstances were Dickson and she to carry out investigations into judges. Goldup claimed that she did not know what had prompted Huey to issue such an instruction. Furthermore, she claimed that neither she nor Dickson had given Huey any justification to make such an order, which she regarded as highly improper in any event.

When Goldup first gave her account of Huey's instruction to Project Triton (during an interview on 9 February 1998), she described the instruction in the following terms:

- Goldup And then at 5 minutes past 4, because I noted the time down here, Superintendent Huey called Garney and I into his office and we sat in the corner lounge of the old, in the old CIB, I still know where I sat, and he said to us under no circumstance whatsoever are you to conduct any further investigation into any member of the judiciary or the legal fraternity, no warrants are to be executed unless I have been advised of those warrants uhm 48 hours before hand.
- Reeves Why did he say that Kim?
- Goldup I don't know.
- Reeves Did he explain why?
- Goldup No, and I couldn't believe that a Superintendent who was going to say something like that actually said it to two officers so there was a corroborator as well.

Then, in an interview on 11 February 1998, Goldup described the instruction as follows:

... he said to us under no circumstances whatsoever are you to conduct any investigation ... Under no circumstances are you to conduct any investigation whatsoever into any member of the judiciary or legal fraternity unless I am supplied with a copy of the search warrants or your intended search warrants 48 hours prior to.

Huey denied to Project Triton that his instruction to Dickson required proposed search warrants and supporting evidence to be on his desk 48 hours before the warrants were to be executed. Huey said that he would not impose such a time limit because 48 hours' notice would, in fact, be too long — it would put any such operation at risk of being compromised by the leaking of information.

Goldup's opinion of the instruction is obviously inconsistent with that held by Dickson. The essence of the instruction as recalled by both is also inherently contradictory. They suggest that Huey instructed not only that search warrants be produced to him 48 hours before execution, but that no investigations of judges were to be conducted. If there was to be no investigation into judges or magistrates, then there would never be a need to execute search warrants, and, therefore, no need for Huey to have given the further direction.

It is difficult to see any logical basis for requiring the production of search warrants prior to their execution. However, it is logical that Huey might have required notice of a police officer's intention to *make application for* a search warrant (rather than notice that such a warrant *had been issued* and was ready for execution.) For this reason alone, I prefer Huey's account to that of Dickson and/or Goldup.

It is surely unlikely that Huey gave a direction that judges were not to be investigated at all. For one thing, such a direction would be unlawful. For another, it is illogical. Finally, Goldup's claim in this regard fails to find support from any other witness to the meeting.

Dickson's suspicions about a judge

When interviewed by Project Triton on 3 February 1998, Huey expressed his dissatisfaction with Dickson's performance with the Paedophile Task Force. He said:

... it was my desire that this Paedophile Task Force ... set out all the evidence that they had, gather it all together in understandable form, all the admissible evidence that they had on hand, and to set out some aims and objectives of their investigation, that is, what was their plan, where were they going to go with the evidence they had and, through Graham Williams, who, who knows all of this uh, or should do, um. That was the task I gave these people. Tabulate all your evidence, let's sift through it and list it all out. What've you got? What's admissible? What's inadmissible? What can be corroborated? And then the aims and objectives. How are you going to go about this investigation?

Time went by, nothing was happening. No aims and objectives. No tabulation of evidence or any other thing was happening. Graham Williams, as I recall, we, we discussed it quite often, uh, was dissatisfied with Dickson's performance.

... I said, okay, let's move them over into the Sex Offenders Squad and not have them as a separate entity answerable only to Graham Williams and myself. Let's put them under the Sex Offenders Squad where they can be available for other work at, whenever there's an emergency and remember they were short of staff there like you wouldn't believe ... because of the dramas going at the time, um, and be available for other work at the same time working on this and try to bring something together in some presentable form, but it never happened.

... I can't remember getting one piece of paper from them in any form setting out any evidence that they had ... I certainly can't remember getting one tiny bit of evidence or information from Dickson in written form. It was just back and forwards stories and stories they're gonna' do this, they're doing that.

I do not doubt that it was for the reasons enunciated by Huey that he proposed that the Paedophile Task Force and its members were to be reined in under the more immediate control of the Sexual Offenders Squad.

When the members of the Paedophile Task Force were informed of this decision, someone immediately told the media that Huey intended to close down the task force.

Huey's official police diary for Friday, 9 February 1990 records the following:

... Spoke to Det Insp G Williams re Paedophile Squad — no end in sight & to end as a 'Task Force' & continue as a unit of SOS [Sexual Offenders Squad]. Later this caused problems — advised by Father W Ogle all media have story I have closed down the Task Force. Called all Task Force together & explained reasons & that they will continue as a group as part of Paedophile Group of SOS.

Huey's diary for Monday, 12 February 1990 contains this entry:

Advised by Det Insp G Williams of further problems late Friday re Paedophile Task Force. Mr E Walker desires Task Force to continue pro tem.

It is clear that Huey then set about reporting his concerns to the Assistant Commissioner (Crime and Services). Huey's report of 12 February 1990 has previously been referred to. Despite repetition, it is appropriate to review Huey's intentions as expressed in that report:

It is obvious from the workload on hand and results thus far achieved that there is ample justification for the continuation of this work. It is not possible to give a conclusion for this Task Force's activities. Therefore, I propose, subject to any instruction from you, to continue this Task Force as part of the Sexual Offenders Squad on a permanent basis, subject to monthly reports on activity and workload.

However, I do have some concerns that there are presently no guidelines for the activities of the group, because of the very sensitive nature of the tasks undertaken. I, therefore, propose to have a committee draw up guidelines for your consideration.

The reply from the Office of the Assistant Commissioner (Crime and Services) is dated 14 February

1990, and is signed by then Superintendent Errol Walker. It advises:

The Paedophile Task Force is to continue until further advised.

I agree with your proposal that the Task Force should be attached to the Sexual Offenders Squad.

Paedophile activities are well organised and are of major concern in all police jurisdictions.

The activities of the Task Force since 27 November 1989 do not appear to have been directed towards its main objectives, but have started several minor operations.

The Task Force should gather all available intelligence from within the Department, including the BCIQ and in turn, the ABCI.

After the intelligence is known an operational order, or at least aims and objectives should be set for the Task Force activities and an audit or at least an overview of operations conducted by the Officer in Charge of the Sexual Offenders Squad to ensure the order or objectives are met and the operation remains on track.

The Task Force should provide you with a briefing note on their activities each week.

Significantly, former members of the Paedophile Task Force who were working with Dickson and Goldup at the relevant time support the recollections of Huey and Williams.

Senior Sergeant Warren Webber, who was second in charge to Dickson from about October 1989 to August 1990, told Project Triton that he was never aware of any evidence linking members of the judiciary, politicians, senior public servants, or members of the legal profession in paedophilia or sexual impropriety. Webber described Dickson variously as:

- generally unproductive in terms of investigations and arrests
- secretive and kept information to himself
- having exaggerated the extent and usefulness of his intelligence on paedophilia
- being prone to make outlandish and unfounded statements.
- having a propensity for conspiracy theories

Furthermore, Webber said that Dickson and Goldup possessed most of the task force's intelligence holdings on paedophilia. This information either went unrecorded or was kept on an ad hoc basis in notes on sheets of paper that were kept in manilla folders. The records were of such a random and insubstantial nature that they had little investigative value.

Webber's views are mirrored by most of his former colleagues from the Paedophile Task Force. Detective Senior Constable Gerald Biazos opined that at no time during his association with the Paedophile Task Force did he see any evidence that high-profile figures were paedophiles. However, according to Biazos, Dickson considered the government agency R3-A to be a nest of paedophiles.

During an interview with Project Triton, Biazos stated that Dickson raised the name of the judge, R3-F, at every opportunity, alleging that R3-F was a high-profile paedophile. Furthermore, Biazos recalls being instructed by Dickson to perform surveillance on the judge's residence. The following is an extract from evidence given by Biazos on 17 February 1998:

Did he raise [the judge's] name with you in conversation?-----Yes he did.

Can you describe the nature of that conversation, please?----- [R3-F] was referred to in several conversations. It wasn't just one.

This is with Dickson?-----With Dickson and, yeah, within the squad itself. Dickson's information was that [R3-F] was a paedophile and when I quizzed him as to what his information was, you know, where it came from, he was — again he was nonspecific, but it was things like certain decisions that he had made in relation to child abuse cases that had come before his Court, the fact that he still lived with his mother and he was a middle-aged man still living with his mother. These are things that are part of a typical profile of a paedophile but there was nothing specific. There was no concrete grounds.

Like, he didn't actually have a complaint or anything like that but ---

Did he ever suggest to you that he wanted to do further investigations or an operation on [R3-F]? ---
--He did, he did, yes, and I recall that we — we found his address and went and looked at the address, checked what vehicles were there and I can't be certain on this but I feel we did actually park the surveillance van in the street and actually conduct surveillance on the residence. I can't be 100 per cent certain. I feel we did, though.

... Are you clear all these years later that it was [R3-F] who was described to you as a man who lived with his mother? ----Yes. That's my recollection, yes.

Senior Constable Michelle Jarrett was attached to the Paedophile Task Force from late 1989. She recalled that Dickson requested her to keep observation of a 'judge's house' in a Brisbane suburb. The location recalled by Jarrett is consistent with the address of R3-F.

During an interview with Project Triton on 27 February 1998, Goldup also suggested that one of the reasons R3-F was suspected to be a paedophile was because he resided with his mother. The following extract from the transcript of that interview is particularly telling:

Reeves Are you saying that there is justification for saying that [R3-F] is a paedophile?

Goldup I'm saying I have no factual evidence of that. I have my own perception. I have no factual evidence that that is the fact.

Reeves Is it rational to point the finger at, at [R3-F] and say he's a paedophile with ... not one skerrick of evidence?

Goldup Is it rational?

Reeves Yeah.

Goldup What, what do you mean without one skerrick of evidence?

Reeves Well, what evidence, and you know evidence. You, you've been a detective for years. You know what evid., we mean by that. It, it, it would be tantamount to me pointing to [my partner] and saying, well [my partner] is a paedophile. Why is he a paedophile? Oh, I think he is. There anyone, anyone that's six feet tall is a paedophile. You know---

Goldup Have you got a fluffy dog? **Do you live with your mother?** [*Emphasis added*]

For the record, at the relevant time and for many years beforehand, R3-F resided with his wife and teenage daughter. He had not lived with his mother since childhood.

As stated above, Detective Superintendent Huey took command of the Metropolitan CIB in late October 1989. He set about — seemingly without success — to have the Paedophile Task Force (through Dickson) tabulate in a written form the evidence to hand and the direction of the task force.

Against that background, and according to Dickson, in December 1989, an anonymous female telephoned the Paedophile Task Force and said that she *strongly believed* that the man living at a certain address was a paedophile. This information was typed on to a Paedophile Task Force job sheet — it seems by Goldup. The job sheet reads in part:

Information was received via a telephone call, by an unknown person who informed police that she strongly believed that at [sic.] Paedophile resided at [a specified address].

The job sheet indicates that upon receipt of this information, a 'patrol past' the address given by the caller was conducted at 1.10 p.m. on 26 December 1989 — Boxing Day. Registration details of vehicles at the address were recorded.

A further 'spot surveillance' of the address was conducted on 1 January 1990 — New Year's Day. Again, registration details of a motor vehicle were recorded.

The address of which the anonymous female allegedly spoke is the address of R3-F.

The timing of the alleged ‘information received’ was extremely fortuitous in terms of Huey’s demands for evidence. It smacks of invention. It is suspicious that what is recorded is a bare allegation, and nothing more. In other words, it is suggested by the job sheet that the anonymous female caller reported only that she ‘strongly believed’ that ‘a paedophile’ resided at the address. Apparently, no reason for the strong belief was volunteered — nor sought. If such information was volunteered, or was sought without success, then that fact was not recorded. Likewise, no detail by way of a physical description of the ‘paedophile’ is recorded on the job sheet.

It should be recalled that the raids on Kenafake and others had been conducted in April 1989. At the very least, Goldup believed (quite wrongly) that Kenafake had previously claimed a close association with R3-F.

Dickson’s statements to his colleagues regarding R3-F were not only intemperate but totally at odds with the conversations between Kenafake and the undercover officer (which were also referred to by Goldup as supporting the notion that Kenafake and R3-F were close associates). The fact of the matter is that the transcripts of those recordings indicate quite clearly that Kenafake claimed to have little or nothing to do with the judge. Indeed, Kenafake’s mentions of the judge are innocuous and of little, if any, consequence. For instance, at one point, Kenafake says of the judge, ‘... [he’s] pretty straight laced.’

There is no evidence within the Kenafake transcripts to support the notion that R3-F and Kenafake had anything more than a passing acquaintance, by virtue of their work with the government agency R3-A.

There is no evidence whatsoever on which to even surmise that R3-F has been guilty of any impropriety of any kind.

Notwithstanding, in a report to Huey dated 7 March 1990, Dickson said (of the Kenafake tapes):

During those two (2) days numerous recordings, photographs and videos were made of the conversations and actions of the group and Kenafake spoke freely, and I would point out unprompted, about his activities at [R3-A], his **close relationship** with [R3-F] ... *[Emphasis added]*

Kenafake had said nothing at all to suggest he had a ‘close relationship’ with R3-F.

R3-B, the then secretary of the government agency R3-A, informed Project Triton investigators that he doubted if Kenafake had ever met R3-F, or, at best, that they enjoyed anything more than brief interaction.

R3-B doubted whether R3-F even knew of Kenafake’s existence, explaining that R3-F usually only visited the government agency’s premises on Fridays, when the agency met.

Kenafake had been seconded to R3-A from the Justice Department on 23 January 1989 and was removed (following the police raids on his residence) on 6 April 1989. The judge, R3-F, last chaired a meeting of the government agency on 28 February 1989.

It follows that unless Kenafake and R3-F had shared a prior association (of which there is no evidence) it is difficult to envisage how they could have had any meaningful association, let alone the ‘close relationship’ to which Dickson referred.

R3-B also stated that he never personally had a friendship or any social interaction with Kenafake. The extent of their relationship was confined to a superficial acquaintanceship through their work. Neither R3-F (the judge) nor R3-B (the secretary) had anything to do with Kenafake’s secondment to the government agency.

The facts do not appear to have got in the way of Dickson’s critical appraisal of the worth of the Kenafake tapes. It follows that Dickson misrepresented the content of the covert tape recordings, and grossly exaggerated the relationship between Kenafake and R3-F.

It is convenient to note at this point that R3-C, who was also raided as part of Operation Firefighter, had previously been employed by the government agency R3-A. However, he and Kenafake were never employed at the government agency at the same time. R3-C, who the evidence suggests is overtly homosexual, had been routinely transferred from a government department to work in an investigative capacity at the government agency on 11 July 1988. His employment there terminated on 29 September 1988. It follows that he left the organisation some four months before Kenafake arrived.

Incidentally, in a report to the Detective Superintendent Metropolitan CIB dated 19 October 1989 (i.e. just prior to Huey taking over), Dickson reflected on the work of the Paedophile Task Force. He commented, in part:

To date information that has been supplied, some from extremely reliable sources and from persons who hold high public office suggests that paedophiles are well entrenched in all walks of society and are well placed to hinder or stop any concerted effort to expose or investigate them.

My information suggests that these people include:

Politicians — State and Federal

Judges

Knights of the Realm

High-ranking public servants

Doctors and Dentists

Barristers and Solicitors

Journalists

Entertainers

Members of the Armed Services

Schoolteachers

Clergy

Bankers

to name a few. [*Emphasis added*]

It is curious, therefore, that, despite his persistent endeavours and despite the fact that Goldup's draft report of 12 February 1990 purported (by reference to an investigation called Operation 'Humbug') to detail matters of this very kind, Huey was subsequently unable to extract from Dickson any written confirmation of these claims.

The judge's departure from the government agency

R3-F had been appointed to a 12- month term as member and Chairperson of the government agency R3-A, the term commencing from 12 April 1988 and expiring on 11 April 1989.

According to the minutes of the government agency, the last meeting chaired by R3-F was conducted on 28 February 1989. Significantly, by letter of 16 March 1989, R3-F wrote to the relevant minister declining reappointment to a further term as Chairperson of the government agency.

R3-B, the former secretary of the government agency, told Project Triton that Mr Michael Ware had contacted him around August or September 1997, seeking information about the circumstances of R3-F's departure from the government agency. R3-B said he gained the impression that Ware was suggesting that there had been something odd about R3-F's departure.

In his article of 23 August 1997, Ware clearly endeavoured to connect R3-F's departure with the Operation Firefighter raids. He wrote:

The raids were to enable investigators to determine if agency members had been involved in a paedophile network.

The judge — against whom no adverse conclusions could be drawn — is still on the bench ...

The date of the raids was only three days before the judge's initial 12-month appointment was to expire.

It was following the agency raids that paedophile task force officers were instructed by a superior officer not to investigate judges.

In fact, the judge's exit from the government agency had been set in stone well prior to the crucial covert tape recording of Kenafake, and well before Operation Firefighter found its way into the public arena. There was absolutely no connection between the judge's departure from the government agency and the Operation Firefighter raids.

When interviewed by Project Triton on 9 February 1998, Goldup said that she considered the judge's departure from the government agency to be suspicious. However, Goldup's understanding of the circumstances of the judge's departure is seriously flawed. She believed that the transcripts of Kenafake's tapes had been leaked to the government agency on the Friday (31 March 1989) prior to the planned raids, and that the judge had resigned the following day — a Saturday. She is demonstrably wrong on every count.

Whoever was Ware's source for the suspicion attached to the judge's departure clearly never researched the public record.

Of course, it is recalled that Ware's article made the additional claim that 'it was following the agency raids that paedophile task force officers were instructed by a superior officer not to investigate judges.'

Firstly, the government agency was never raided. Secondly, although technically correct, the statement is obviously misleading — there was an intervening period of almost 12 months between the Firefighter raids and Huey's instruction.

Events after the Firefighter raids

I previously made the point that Reference 3.2 could be reduced in its terms. The events which are said to have occurred following the Operation Firefighter raids can be said to be the essence of Reference 3.2. However, in the absence of the consideration of the foregoing matters, these events would be difficult to comprehend.

Direction given to Dickson

Following the raids on Kenafake and others, Dickson sought to interview R3-B, the secretary of the government agency, and possibly other staff, with a view to gaining evidence with which to charge Kenafake with disclosing official secrets.

Detective Superintendent Sommer (then officer in charge of the Metropolitan CIB) was concerned that correct protocols be observed, especially given what he perceived as possible political ramifications attaching to the matter, and the existence of secrecy provisions (in the legislation which governed the operation of the government agency) which Sommer believed might prohibit questioning. Sommer wanted his concerns addressed before Dickson approached the government agency.

As the matter transpired, no legal impediment was found to exist and Assistant Commissioner McMahon gave approval for Dickson to conduct the investigation.

It had been Dickson's belief, however, that something sinister attached to the delay in his being permitted to conduct interviews.

When Dickson was interviewed by the CJC on 19 April 1990, he proffered this account of the instruction he had been given by Sommer:

So that just stopped it there and then. So from then on it just became claim and counterclaim and anyway I was instructed not to go near [government agency R3-A] under no circumstances. I was just to leave them alone. So there was a hell of a bun fight went on for about two months with press and bloody, you know [R3-A] wanted me charged.

... It got very political and it almost caused us all a bloody nervous breakdown and it got very political where the job became more a point scoring ... for a lot of people ... actual go out and catch them barstards. So that's what it became.

Goldup claimed to have no direct knowledge of any exchange between Dickson and Sommer on this issue, and she denied showing or providing any documentation on the issue to Ware.

In any event, on 12 August 1997, Ware was sufficiently familiar with the issue to be able to make an application under the provisions of the *Freedom of Information Act* requiring the QPS to produce various specified documents, including:

- 17/04/89 Memorandum from Det Super J E Sommer to Assistant Commissioner (Crime and Services) T P McMahon, re investigating officers from Sexual Offenders Unit and the [R3-A] referred to the memo of 25/04/89 below.
- 25/04/89 Memorandum from Assistant Commissioner (Crime and Services) T P McMahon to Det Super J E Sommer, re rights and duties of investigating officers from Sexual Offenders Unit to pursue their inquiries in relation to [R3-A].

The QPS did not respond to the FOI application until 2 September 1997— ten days after Ware's article was published. Notwithstanding this, Ware's article accurately quotes from McMahon's memorandum of 25 April 1989.

It is evident from the two aforementioned documents that senior police officers were concerned to find the most appropriate method for interviewing staff of R3-A. Indeed, the documents reveal that both Sommer and McMahon recommended that the investigation proceed. However, apart from the desire that police act with caution, there is nothing to give rise to a suspicion that McMahon, Sommer, or any other senior officer was being obstructive.

When interviewed by Project Triton, McMahon and Sommer (now both retired) were adamant they did everything in their power to facilitate Dickson's investigation of Kenafake.

Not even Dickson, it seems, harbours any suspicion about this incident any longer. In evidence before me on 4 December 1997, Dickson was asked to comment on the suggestion that he had met resistance from his superiors.

And was it in the course of this investigation into that individual that you sought to gain access to [government agency R3-A]?-----Yes.

And did you encounter some resistance in that regard?----I did.

And was that resistance by your immediately superior officers?-----It was, yes.

And according to your evidence yesterday----- Well, it was actually the one.

Well, what was his rank?----- Well, you know, I'm thinking back eight or nine years. It was the Superintendent in charge of the CIB. I, **he had some concerns about it and, you know, well looking back now and a — and rightly so.** He was the boss. I think in the long term they brought Terry McMahon, who was an Assistant Commissioner, came over and I briefed him and it sort of got to a stage there where I actually had to put a report in and say, 'If you don't want me to go down there give me a direction back and tell me not to go down there.' And I got a direction back from McMahon

saying that I was to go down there, continue investigations and had a statutory obligation to investigate it. Where the confusion lie — did lie with that, at the time the Police Service was under the impression that [R3-A] who worked under a separate Act at the time, were immune, I suppose is the best word, from State or any statutory investigation. And after a bit of to-ing and fro-ing over a period of a week or so it was sorted out. And McMahon, the Assistant Commissioner, he took the initiative and bit the bullet, I suppose, and gave me a written direction that I was to continue that investigation. *[Emphasis added]*

My investigation has shown that the perception apparently held by some of the cause for the direction to Dickson is significantly awry.

Before leaving this topic, it is necessary that I make the following observations.

Ware's article of 23 August 1997 quotes — almost verbatim — from a report from Assistant Commissioner McMahon:

'The investigating officers have every right and, in fact a duty to pursue their inquiries which could well lead to prosecution,' the directive said. 'They should interview members of (R3-A) in their attempts to establish whether or not an offence has been committed.'

In fact, the actual confidential report reads:

The investigating officers have every right and in fact a duty to pursue inquiries which could well lead to a prosecution under **Section 86 of the *Criminal Code***. *[Emphasis added]*

The investigation that Dickson was then pursuing (and the one in which the direction was given) was clearly one into a suspected offence of disclosing official secrets — that is, an offence against section 86 of the *Criminal Code*. It had nothing whatsoever to do with suspected paedophilia, nor anything to do with the execution of search warrants on judges.

Notwithstanding this, Mr Ware's article was written in such a way as to imply that Dickson was being frustrated in his attempt to investigate 'judges'.

His article reads, in part:

Senior paedophile task force officers were told by their superiors not to investigate judges after 1989 raids on a government agency in Brisbane.

The agency was headed by a judge.

The task force officers also were told to present any search warrants on judges or magistrates 48 hours before any intended raids.

Superior officers even attempted to stop task force investigators interviewing members of the government agency ...

The raids were to enable investigators to determine if agency members had been involved in a paedophile network.

The judge — against whom no adverse conclusions could be drawn — is still on the bench ...

The date of the raids was only three days before the judge's initial 12-month appointment was to expire.

It was following the agency raids that paedophile task force officers were instructed by a superior officer not to investigate judges.

The opposition from superior officers was so intense that then assistant police commissioner Terry McMahon had to issue a written directive on April 25, 1989 to allow investigators to interview the highly placed agency members.

'The investigating officers have every right and, in fact a duty to pursue their inquiries which could well lead to prosecution,' the directive said. 'They should interview members of (the government agency) in their attempts to establish whether or not an offence has been committed.'

Mr Ware's selective quoting of the 'written directive' has already been demonstrated.

Furthermore, it has been shown that the 'raids on a government agency' were merely raids on Kenafake, an 'employee' of the government agency. They were not 'to enable investigators to determine if agency members had been involved in a paedophile network.'

Finally, Mr Ware's article implies that the direction concerning the execution of search warrants upon judges was in some way linked to the raids upon the government agency. As I have previously pointed out, while it is technically correct to say that 'it was *following* the agency raids that paedophile task force officers were instructed by a superior officer not to investigate judges', there had been an intervening passage of time of almost 12 months.

It is disturbing at the very least that the facts have been manipulated and distorted in this way.

The suspected leaking of the Kenafake Tapes

It is recalled that the Operation Firefighter raids were ultimately conducted a day early (on Monday, 3 April 1989), because news of the impending raids had been made public via a leak to the press.

Goldup's belief was that the press leak came from the Police Executive.

In his article of 23 August 1997, Michael Ware wrote:

Former paedophile taskforce officers have claimed that on Thursday March 29, four days before the raids were scheduled, a senior officer demanded they hand over their original tapes and evidence.

It is claimed the officers refused to hand them over but prepared five copies of the extensive transcripts. Unbeknown to all but the two senior taskforce officers, the copies were encoded with identifying marks.

Child pornography was seized from the home of one of the government agency members and shortly afterwards investigating officers spoke to other agency members to arrange an interview with the man.

The police report details that one agency member ... produced the senior officer's copy of the transcript.

The fact of the matter is that in the week prior to the planned raids, Dickson and Goldup had surrendered the Kenafake tape recordings and copies of the transcript of those tape recordings to Sommer. There is no evidence of any confrontation in this process, contrary to the implication promoted by Ware's article of 23 August 1997, which suggested that 'a senior officer demanded they hand over their original tapes and evidence'. I would regard it as improbable in any event, that a Detective Sergeant or any junior officer would 'refuse' to hand over tapes if demanded to do so by a Detective Superintendent.

In any event, Sommer did not recall much of what took place in this regard, other than recollecting that Dickson had approached him out of concern for the security of the covert tape recordings. Sommer undertook to place the tapes in his safe. Dickson handed him the tape recordings, which were sealed in a large manilla envelope, and were duly locked away. Sommer recalled that sometime later, Dickson collected the manilla envelope, which had remained untouched in his safe.

Neither Sommer nor McMahon was able to recall when or how the transcripts of the tape recordings had been created. In any event, it later became apparent to Dickson and Goldup that a copy of the transcript of the tape recordings had found its way to R3-B (the secretary of the government agency R3-A). Dickson and Goldup harboured the suspicion that the transcript had been improperly provided to the government agency and that some sinister motive lay behind this action. They were concerned, with some good cause, that Kenafake, the target of their investigation, might have been tipped-off.

It is apparent, however, that the transcript was provided to the government agency in the normal and ordinary course of arrangements then existing between the Police Department and the government

agency. A copy of the transcript was personally delivered to R3-B, as secretary of the government agency, on 4 April 1989 (that is, the day *after* the raid on Kenafake). This act was done at the direction of then Superintendent Brian Pitman, the staff officer to Acting Commissioner Redmond.

In a letter from Redmond to R3-B, dated 4 April 1989, it is stated:

A copy of the transcript of a covert interview which took place with Kenafake is attached for your information and provides you with the intelligence the police had which led to the institution of the raids. You will note in the transcript the statements allegedly made by Kenafake in general terms of the operations of [the government agency] in certain respects.

According to Pitman (later Deputy Commissioner, and now retired), the dissemination to the government agency was routine. At the time, the Police Department was acting in accordance with an arrangement whereby certain government agencies were automatically informed of sensitive issues. It was in compliance with that arrangement that a copy of the Kenafake transcript was provided to the government agency R3-A — just as a copy was provided to the Fitzgerald Inquiry, the Minister for Police and the Attorney-General.

Dickson discovered that the government agency possessed a copy of the transcript when he interviewed R3-B in April 1989. His chagrin at this discovery is evidenced from a report he ultimately furnished to Huey on 7 March 1990, wherein he complained:

The stance that [the government agency] has taken since the outset of this investigation has been one of total non-cooperation with myself to the extent where they wanted myself charged and the Secretary [R3-B] has admitted to me on two occasions that he and the other [R3-A] staffers ‘covered up’ when they found that one of their staff was involved in the raids that were given undue press. [R3-B] also showed me a photostat copy of my tape transcripts that were sent to [the government agency] by Assistant Commissioner Pitman whilst Kenafake was still employed there. By his own admissions at least two (2) other persons and himself have read the transcripts.

[R3-B] has supplied a statement; however, his memory has failed badly and he cannot remember a number of vital points required to prosecute Kenafake which he spoke openly about prior to knowing he was going to be required as a witness.

R3-B has a very different recollection of the events referred to by Dickson. R3-B denied to Project Triton that he failed to cooperate with the investigation of Kenafake, and disputed Dickson’s claim that he altered his evidence.

R3-B informed Project Triton that he had no idea police were investigating Kenafake until the day after the raids. He recalled that on 4 April 1989, a report from Acting Commissioner Redmond was unexpectedly hand-delivered to his office, along with a copy of the Kenafake transcript. The transcript was thereafter kept in the secretary’s safe and was never given to Kenafake.

R3-B’s best recollection is that Kenafake did not come into work on 4 April 1989 and was transferred on 6 April 1989. R3-B stated that he showed the transcript to only a select few — on a need-to-know basis. These few included the Assistant Secretary (‘R3-H’), and a legal officer.

R3-B believed he also informed the Chairperson, R3-F, of the transcript, but a letter he wrote to Acting Commissioner Braithwaite on 11 April 1989 contradicts this.

R3-B also recalled that Dickson and Detective Sergeant Greg Hay visited him at his office about a week after the raids. He advised the officers that Kenafake had been moved on and made no secret of having been sent a copy of the transcript.

According to R3-H, the then Assistant Secretary of the government agency, the transcript of the Kenafake tapes was in the office when the meeting between, R3-B, himself and Detectives Dickson and Hay took place.

R3-H read through the transcript at that time. He maintained that the transcript was kept secured, treated confidentially, and to his knowledge was viewed only by him and R3-B. R3-H was of the opinion that Kenafake never saw the transcript, and pointed out that Kenafake was unceremoniously removed from his position almost immediately after the police raids. Accordingly, Kenafake would not have known of the existence of the transcript.

With the benefit of hindsight it was perhaps unwise to have delivered the transcript to the government agency. That action had the potential to prejudice the investigation and, as is evidenced, in fact caused a degree of consternation for investigators which was, in part, the catalyst for the accusations which necessitated Project Triton.

However, Project Triton investigations have clearly established that there was nothing sinister or improper in the distribution of the transcript to R3-B, as secretary of the government agency, R3-A. It was routine and in accordance with an arrangement then in place. Furthermore, there is no evidence that R3-B made improper use of the material by 'tipping-off' Kenafake.

Unfortunately, neither Dickson nor Goldup was aware of the circumstances of the dissemination. Had there been better communication between those responsible for the dissemination and the relevant operational staff, the suspicion and consternation that resulted would have been avoided. However, the important point is that, having now been apprised of the circumstances in which the transcript was disseminated, the concerns harboured by Dickson and Goldup have been allayed.

Finally, to the extent that Mr Ware's article of 23 August 1997 attempted to link Dickson's exchanges with Sommer in April 1989 to those between Dickson and Huey in February 1990, it is plainly misleading.

Dickson's report was referred to CJC. Assistant Commissioner Walker referred the allegations contained in Dickson's report of 9 March 1990 to the CJC for investigation.

The CJC investigated the following specific allegations as raised by Dickson:

- That there had been a total non-cooperation with Dickson's investigation to the extent that staff of the government agency R3-A wanted Dickson charged.
- That R3-B had allegedly admitted to Dickson that he and other agency staff had 'covered up' when they found out one of their staff was involved in the raids.
- That R3-B received confidential transcripts from Pitman which were shown to at least two other people.
- That R3-B was having memory failure about vital points required to prosecute Kenafake.

In his initial assessment of the complaint, CJC Legal Officer Forbes Smith reported:

The allegations by Dickson are serious. He has implied that [R3-B] and other staff members of [the government agency] have attempted to protect Kenafake. At its best the inference is that this is because he is a friend and workmate of the staff members. Obviously more sinister connotations can be placed on their conduct, especially when one considers that *Kenafake is an old friend of [R3-B]*² ...

At this stage we need to determine the extent and reliability of the evidence on which Dickson makes his allegations against [the government agency]. It is only after doing so that we may consider our position and whether to conduct any further investigations.

The CJC investigation was limited to a tape-recorded interview between then Detective Senior

² R3-B was merely Kenafake's superior. They were not 'friends'.

Sergeant Kevin Hedges and Dickson (on 19 April 1990) and the examination of both R3-B's statement and the transcript of Kenafake's committal hearing. Hedges concluded:

I recommend that this matter now be filed. The person subject of Dickson's comments, [R3-B], has not been interviewed. At the outset of this matter, Detective Sergeant **Dickson requested [R3-B] not to be interviewed** because of the pending trial of Kenafake. Notwithstanding this request, I believe Dickson has not supplied any information whatsoever upon which we can reliably say that any form of misconduct has taken place.

Dickson has expressed his opinions about certain aspects of this matter and he is no doubt entitled to have them. I do not believe the matters have been raised vexatiously, but they have been raised more out of frustration in respect to the perceived involvement of some senior staff within [the government agency] in 'Operation Firefighter'.

The investigation — such as it was — ended there. On 26 September 1990, Dickson was sent notification that 'no evidence of misconduct was disclosed' and no further action would be taken.

Current investigations suggest that had further inquiries been made at that time it would have been possible to show conclusively not only that no impropriety had occurred, but that Dickson had misinterpreted events or was otherwise mistaken in his perceptions. For example, Dickson's belief that the government agency's staff wanted him charged (for the leaking of information) was the result of a simple lack of understanding. At no time did R3-B or any member of the staff seek to have Dickson charged. As stated above, on 14 April 1989, R3-B telephoned Acting Commissioner Braithwaite expressing concern that police had apparently disclosed information to the press. In turn, Sommer was instructed to get to the bottom of the matter. As Dickson indicated in a later interview, this resulted in his being 'carpeted' by Sommer and being directed to furnish a report. When Dickson's report was furnished, Sommer wrote the matter off. Nonetheless, Dickson was left with the lingering impression that the government agency was 'getting at him' and trying to subvert his investigation of Kenafake.

Dickson's assertion that during their meeting in July 1989, R3-B had said that 'we decided to cover up and get him out of here as quickly as possible' is denied by R3-B. R3-B maintained that he was shattered when informed of Kenafake's activities. He considered it untenable that Kenafake should continue with the government agency and took immediate steps to have him removed.

As stated above, Kenafake's employment with the government agency was terminated on 6 April 1989 — almost immediately after his arrest and some two months before R3-B's meeting with Dickson.

R3-B gave evidence before me during the Project Triton hearings. He presented as a conscientious public servant. I have no difficulty in accepting his ready admission that he wished to protect the integrity of the government agency and had therefore arranged for Kenafake to be removed 'as quickly as possible'. However, R3-B was adamant that at no time did he suggest to Dickson that there had been any cover-up.

Indeed, why would he? It is surely illogical that R3-B would have admitted to Dickson that he had been part of a conspiracy to pervert the course of justice. In any event, the matter had already been circulated to the press prior to the raids on Kenafake. There was no reason for R3-B to cover up.

R3-H, the then Assistant Secretary of the government agency, was present for the meeting between Dickson and R3-B. He had no recollection whatsoever of R3-B talking about any cover-ups or using similar terminology.

Likewise (former) Detective Sergeant Greg Hay, who was Dickson's corroborating officer, has no recollection of there being any mention of a cover-up.

Dickson's response to Project Triton investigations

Senior Sergeant Dickson gave evidence before me on 18 February 1998 — after Inspector Reeves had completed much of his investigation for this Reference.

Dickson was led in his evidence-in-chief by his own Counsel, Mr Perry.

Having considered the report prepared by Inspector Reeves (Exhibits 69 and 76), Dickson forthrightly conceded that the perceptions of impropriety he had harboured were without foundation.

The following selected passages from his evidence that day illustrate the genuineness of Dickson's concessions. It should be borne in mind that the questions were posed by Dickson's own Counsel during evidence-in-chief. They did not need to be extracted by Counsel Assisting, but were, in effect, volunteered.

[Assistant Commissioner] Williams has been asked about his assessment of your character in so far as it concerned your method of and approach to investigations. He has described you this way: that you were a person who was a true believer, that is committed and passionately committed to the task of investigating suspected paedophile activity, and that within that framework you displayed a considerable amount of zeal and aggression in your investigations. Would that be a fair assessment?----- I would agree with that, yes.

And also, it would have to be said, a considerable amount of suspicion and at times, for want of a better word, paranoia about the nature of the investigations, the field you were investigating and the reactions that those investigations might bring?----- Yes, unfortunately that does come with the territory, if I can put it that way.

Dickson was taken to the evidence which countered the allegation that he had been hindered by senior officers in his endeavours to interview staff of the government agency as part of his investigation of Kenafake.

Having had a look at those memos and thinking back now and reflecting upon the events that occurred eight or nine years ago, but in a somewhat colder light now, do you accept, having seen the correspondence, that Sommer and McMahon acted cautiously by pausing to consider whether the secrecy provisions of the Act would prevent you from further investigating Kenafake?

----- Yes.

And having seen the correspondence, do you accept now that there was no attempt to permanently stop you from interviewing members of [the government agency], merely a pause in the investigative process while this question was considered and resolved?----- Yes, I agree with that.

The issues of whether Kenafake had been 'tipped-off' and the transcript of the Kenafake tapes being leaked by senior officers were also raised.

Absent of your understandable concern about what the appearance of those transcripts may have portended, do you have any evidence to suggest that [R3-B] was made aware of your investigation prior to 4 April?----- No, not seeing all this, no.

And in the absence of any evidence to that or in that respect, do you have any basis for an assertion or a suggestion that [R3-B] thereby had any means of tipping off, to use the vernacular, Kenafake prior to your raid on 3 April and the record of interview?----- No ...

Now, that letter that I showed you from the Acting Commissioner, at the time you first saw the transcripts in [R3-B's] possession you said that you were concerned as to how these particularly sensitive documents could have come into his hand. Having seen that letter, do you accept now that it appears they were sent to Kenafake through an official-----

CHAIRMAN: Sent to [R3-B].

MR PERRY: Sorry, sent to [R3-B] through an official or normal channel; that is, from the office of the Acting Commissioner?----- Yes.

Rather than in any covert sinister or corrupt channel or method?----- That's always been my view ...

But there is nothing now you would say - looking back at the memos, considering it in a fresh light, there appears to be nothing now you can specifically point to that indicates that [R3-B] did, indeed, show the transcripts to Kenafake?----- No.

Thank you. In that regard, I note that you have previously said that it was your impression that [R3-B] had said that or that it was your impression that that is what had happened, that is [R3-B] showing the transcripts to Kenafake. Do you accept that that impression doesn't seem to be borne out by the memo you wrote in 1990 or [R3-B's] own sworn evidence?----- I agree with that ...

Now, Mr Sommer was your senior officer?---- He was, yes.

If an assertion were made in an article that a senior officer four days before the raids were to take place demanded you hand over the original tapes and evidence, if Sommer were your senior officer, the tapes and evidence — the tapes and original transcripts, it would appear, were, in fact, held in his custody for his safekeeping?----- He had them all the time, yes.

Have you ever asserted then that some senior officer demanded with all that that carries with it, you hand over the original tapes and transcripts of the Kenafake-Sawford meetings?----- No. The term 'original' is strange. There's only ever been one copy made. There are only originals and he could have picked them up off the secretary's desk in the office next door if he wanted ...

Is it fair to say, though, that Sommer didn't demand the original tapes or the original transcript, nor demand that you hand them over to him for some avowedly improper reason?-----He didn't have to. He had them. There's — he had them or just had access to them.

Right. And in that regard, I take it that Sommer's custody of the tapes in his safe was something which was — that caused you no concern?----- Didn't — may have approached him if I put them in there, I'm not sure.

Dickson was also asked whether there was any reason to suspect that any staff member of the government agency, other than Kenafake, was guilty of similar behaviour:

... was there any suggestion that any inquiry was warranted by any evidence uncovered by you or any other member of the [Paedophile Task Force] that there were similar problems or similar behaviour conducted by other members or employees of [the government agency] other than Kenafake?-----No.

Dickson was taken to the question of the cessation of R3-F's appointment:

In this saga of events, can I take you to one last topic, and that is the timing of the cessation of duty by [R3-F] as [the government agency] head. Back in 1989 do you recall that His Honour moved from [the government agency] shortly after the events concerning the raid on Kenafake?

-----Yes, that's right.

At the time did that move excite any suspicion?-----A suspicion in other persons and myself, yes.

If I suggest to you that the documents established there that His Honour's appointment by Order in Council dated 6 April 1988 was for a 12 month period, 12 April '88 to 11 April '89 and that his cessation of duty was the subject of correspondence between the Judge and the [responsible minister] in March of 1989, does that allay any suspicion you may have held at the time concerning the reasons for or mechanism wherein His Honour ceased to be the head of [the government agency]?-----Well, seeing that now, it does, yes.

That correspondence and those Orders in Council are obviously something that you haven't been aware of until you have had the opportunity within the ambit of this inquiry to view those documents?--- That's correct.

So far as the issue of search warrants against judges is concerned, the following passages are relevant:

And what was the thrust of that direction from your superior in that context?-----That all warrants taken out had to be on his desk 48 hours before they were executed.

Is it fair to say that Mr Huey's approach to investigations was to require the establishment of and adherence to guidelines with respect to how investigations and any action flowing from such investigations was to be carried out?-----Yes, I would say that.

Right. In the context of your discussions or directions from your superior, because you are the junior officer in this respect, if the suggestion were made that a simple statement had been made by Huey that you were not to investigate judges or magistrates, can you cast back now eight or nine years ago and, firstly, say whether it is your recollection or your perception that that comment or something to that effect was made and if so, in what context the expression or statement was made by Huey?----- The comment was made.

Right?-----I don't know if it was made at the same meeting where the warrants were made but it was made in relation to maybe a briefing or toward an investigation or something like that.

It may well have been made in the same meeting when question about the warrants was made?

-----It could have been, but -----

You cannot say?----- No, I can't say.

Right. Now, in what context was such a statement or your perception that such a statement was made? What context did it occur, that is, was it simply a bald assertion in those terms or did it occur in a wider context of discussion about the procedures you were to follow before any steps were taken with respect to such people?----- Well, it may well have taken place in a discussion in relation to procedures on how things would be done, that sort of thing.

And if it were in such a discussion, is it directed towards the steps that you would have to take and then have okayed by your superiors before such investigations or action or warrants were to be followed through?----- Yes, yes, I would say that, yes.

Reflecting back now on the directions that your superiors, that is, firstly, Mr Huey, and I will ask you about Williams as well, reflecting now back upon those directions, do you accept those directions from your superiors were proper rather than improper or corrupt?----- Sitting here now looking back, I have no suspicions about them, no ...

Now, I have asked you about this suggestion there was a direction not to conduct investigations into judges and magistrates and, as I understand your evidence, and correct me if I am wrong, it is that any statement to that effect, express or implied, or any perception held by you that such a statement was made was in the context of a wider direction from Huey and Williams with respect to adherence to operational procedures?----- Yes.

The question of whether Huey or Williams had acted to frustrate or subvert Dickson's investigations was also specifically canvassed:

Indeed, what do you say about the function – now that you are a more senior officer, what do you say about the function of senior officers in ensuring that their junior investigators or more junior investigators follow the procedures that they, the superiors, put in place for the conduct of investigations?-----I suppose it's a supervisory thing. It's line control and they just need to know, I suppose, what the staff are doing.

In terms of generally your investigations in the paedophile area, do you say that either Huey or Williams at any stage ever placed any impediment or any hindrance upon your investigations into such matters other than requiring you to adhere to what might be described as proper operational procedures?----- I've never said at any time in my career that either of those two gentlemen placed any improper impediment, interfered with investigations. I did qualify here at times there were administrative difficulties involved with jobs ...

Thank you. Indeed, in terms of support from Williams and Huey, what do you say about the support that they gave the investigations undertaken by the [Paedophile Task Force]?----- I think in one of the very first interviews with the CJC I actually nominated Mr Williams that he gave us good support. I nominated Mr Williams and Mr Ken Morris, nominated they were our supporters and, in fact, we couldn't have functioned — at my level I couldn't function without the support of my bosses.

Goldup's response to Project Triton investigations

As with Dickson, Goldup and her legal advisers were given the opportunity to access and study the investigative report prepared by Inspector Reeves (Exhibits 69 & 76). Goldup was then interviewed by Reeves in her solicitor's office in the presence of her solicitor and her husband. A complete transcript of the interview became a Confidential Exhibit.

Relevant excerpts from the transcript of the interview with Goldup — with names expunged as appropriate — was tendered into evidence publicly. This shortened version of the transcript runs to some 18 pages. The following relevant points can be gleaned from Goldup's interview:

- Goldup generally agreed with the manner in which Reeves had conducted his investigation. (In evidence on 11 March 1998, Goldup stated that she had no complaint about the manner in which she had been interviewed by Reeves.)
- Goldup recognised that there had been a general lack of resources — not just in the Paedophile Task Force. Furthermore, she acknowledged that senior officers had attempted to obtain funds for the Paedophile Task Force. In her view, the issues she viewed as impediments to the performance of her duties were more the fault of the system than any endeavour to frustrate the investigation of paedophilia.
- Goldup claimed that the dissemination of the transcript of the Kenafake tapes to the government agency was open to criticism, but acknowledged that there was nothing sinister in the action. Accordingly, Goldup acknowledged that the leak prior to the Operation Firefighter raids could not have emanated from the government agency.
- Regarding the Huey direction, Goldup maintained that Huey had given a direction to the effect, 'under no circumstances are you to conduct any investigation whatever into any member of the judiciary or the legal fraternity unless I have a copy of a search warrant 48 hours before it is to be executed.' (Goldup's claim in this regard has been addressed previously.)
- Goldup acknowledged that R3-F (the judge) had indicated his refusal to extend his term as Chairperson of the government agency prior to the raids on Kenafake. Furthermore, there was no evidence that R3-F was a paedophile.
- Goldup acknowledged that the evidence showed there had been no high-level cover-up, or protection of prominent individuals, in Operation Firefighter (or 'Humbug').
- In hindsight, and with the benefit of the knowledge gained by Reeves's investigation, Goldup would not have made the allegations to Ware regarding Operation Firefighter and 'Humbug'.

It is evident that the beliefs and opinions held by Dickson and Goldup have been changed by the investigation conducted by Project Triton. In that regard, both Dickson and Goldup cooperated with the investigation. That they have acknowledged the matters discovered during Project Triton is to their credit.

Conclusions for Reference 3.2

The issues raised in Reference 3.2 turn on the events surrounding Operation Firefighter. The compendium of allegations included the following claims:

- Following the 1989 Operation Firefighter raids on a government agency, Paedophile Task Force officers were instructed by a superior officer not to investigate judges.
- The raids were to enable investigators to determine if members of the government agency had been involved in a paedophile network.
- The government agency was headed by a judge, and the date of the raids was only three days before the judge's initial 12-month appointment was to expire.

- The judge — against whom no adverse conclusions could be drawn — is still on the bench.
- The Paedophile Task Force officers were also told to present any search warrants for execution on the premises of judges and magistrates 48 hours before any intended raids.
- Superior officers even attempted to stop Paedophile Task Force investigators from interviewing members of the government agency; the opposition from superior officers was so intense that then Assistant Commissioner McMahon had to issue a written directive to allow investigators to interview the highly placed members of the government agency.
- The 1989 raids on the government agency and Brisbane businessmen had to be brought forward after information about the plan allegedly was leaked to the media by a politician.
- A confidential police report on the investigation states that a transcript of evidence from a top-secret listening device had been given to the government agency: the transcript had been secretly encoded, allowing Paedophile Task Force members to identify it and establish that there had been a leak.
- One member of the government agency produced a senior police officer's copy of the transcript. This person had said there was 'nothing in it' and had warned investigators a 'cover-up' was in place.
- It was following the police raids on the government agency that Paedophile Task Force officers were instructed by a superior officer not to investigate judges.

With the exception of the press leak concerning the Operation Firefighter raids, none of the allegations is credible.

There are a number of possible explanations for the press leak on 3 April 1989 which forewarned of the Operation Firefighter raids, but the investigation of the leak would be an impossible task and is not within my terms of reference in any event.

Operation Firefighter was designed to infiltrate paedophile networks thought to include high-profile identities. It led to the establishment of a dedicated investigative unit, the Paedophile Task Force. In so much as Operation Firefighter was designed to identify high-profile offenders, it was unsuccessful. After nine months, the investigation resulted in prosecutions against two individuals for offences against the *Customs Act* in respect of possession of pornographic material. Additionally, three of the main targets of the operation were nothing more than minor functionaries within the public service.

The following chronology shows very clearly the absurdity of the suggested links between Kenafake, Judge R3-C, and the notion that transcripts of Kenafake's conversations were leaked and thus prejudiced the investigation.

12 April 1988	Judge R3-F appointed to government agency R3-A for 12 months.
18 July 1988	Operation Firefighter commenced. (This was an attempt, among other things, to target high-profile paedophiles.)
July 1998	Public servant R3-C was transferred to government agency R3-A. (R3-C was later suspected of paedophile activities and raided — apparently with negative results.)
Sept. 1988	Public servant R3-C transferred out of government agency R3-A.
23 Jan. 1989	Kenafake, a public servant, transferred to government agency R3-A.
23 Feb. 1989	Judge R3-F chaired his last meeting of government agency R3-A.
16 March 1989	Judge R3-F wrote to the responsible minister declining reappointment to government agency R3-A.
25–26 March 89	Covert tape recordings made of conversations between Kenafake and an undercover police officer.

29–31 March 89	Transcripts prepared of the covert tape recordings.
3 April 1989	Raids planned on Kenafake and other targets for 4 April 1989 brought forward. Raids conducted on Kenafake, R3-C, and others. (Government agency R3-A, was not raided.)
4 April 1989	Superintendent Pitman forwarded a copy of the transcript of the Kenafake tapes to R3-B, the secretary of government agency R3-A.
6 April 1989	Kenafake transferred out of government agency R3-A.
11 April 1989	Official end of Judge R3-F's appointment to government agency R3-A.

The evidence establishes conclusively that:

- No raids were conducted 'on the government agency' — a raid was conducted on the residence of Kenafake, who was merely an employee of the government agency.
- The fact that the government agency which employed Kenafake was headed by a judge was coincidental. The fact that the judge's 12-month appointment to that agency came to an end shortly after the raids was, again, coincidental.
- The direction given to Dickson and Goldup concerning the execution of search warrants upon judges was totally unrelated to Operation Firefighter — it occurred almost 12 months after the raid on Kenafake.
- Dickson was not improperly restricted in his desire to interview employees of the government agency. Dickson was not investigating paedophilia, but a suspected offence against section 86 of the *Criminal Code*.
- The transcript of tape recordings of conversations between Kenafake and an uncover police officer were not 'leaked' to the government agency, but were disseminated in accordance with the then procedure. The transcripts did not reach the agency until after the raid upon Kenafake.

It became readily apparent during the course of Project Triton that the basis for much of what was contained in Mr Ware's articles concerning the Paedophile Task Force came from Goldup and/or Senior Sergeant Dickson. In large part, Mr Ware's articles reflected the beliefs, attitudes and perceptions then held by Goldup and Dickson.

In his evidence before me, Dickson described himself as having been 'paranoid in those days'. I accept his self-assessment. Indeed, I believe he probably still suffers from paranoia.

Dickson gave some evidence before me in camera on 18 February 1998. (A transcript of the evidence was later produced to all parties and tendered into evidence.) To the extent that it is necessary, I amend any order prohibiting non-publication as might apply to the following extracts of that evidence, which is, to my mind, particularly telling.

In answer to questions put by Counsel Assisting, Dickson described the method of his investigation of suspected paedophiles in the following terms:

DICKSON: Well, it's pretty hard to sort of give you an overview and turn you into a policeman immediately, but when you are conducting an operation like that, where there's a group of people, you don't pick out two or three people and say because he is a mechanic or a Judge or whatever he is not involved. You look at everyone. Until they are negated, you have suspicions about them, and I don't think I can take it any further than that.

COUNSEL ASSISTING: You just develop a suspicion about everybody with whom the offender comes in contact?---- That's pretty much it, yes, but for argument's sake, to clarify that, if there was a — they were a close-knit group, they socialised together, it is quite obvious they work together in different areas there, similar work practices, they had contact through work, as I said, anyone who is involved in — involved with these people through work or whatever or they're known to them, you check them out, simple as that ...

DICKSON: We have suspicions. We probably are not too smart but we are cunning and we have suspicions. That's what we work on. Our suspicions paid off for those other people there. So, okay — well, you have suspicions about someone else. I feel you are trying to read as a fact to have suspicions about someone they must commit some overt act. That's not how it works. If you have suspicions about someone — there hasn't been any overt act committed, it's a fact they are part of a group, they are known to them and, as I said, it's in fairness to those people to negate that they are involved — are they involved or aren't they involved. I think it's also a fairness to them to check them out and see if they are involved ...

COUNSEL ASSISTING: I suggest that so far as Mr Huey is concerned that you made it clear that you regarded Judge R3-F as a suspect paedophile. What do you say to that?----- I told you before [the judge] was a suspect. Of course he's a suspect, and until we proved otherwise he would remain a suspect, the same as everyone at the [government agency] was.

Why?----- If you had worked there, yourself, I would have checked you out. You would have been a suspect, too, along with — there were other solicitors and legal people working there. We checked all them out, and also previous people who had worked there, we checked them out. We found out — if I can use the term, it was an old boy network in the [government agency]. That's what it appeared.

I thought Counsel Assisting was somewhat startled by the last answer. However, what startled him may not have been the realisation that he, too, might have been a suspected paedophile (had he happened to work for the government agency), but the realisation that in the end, the 'old boy network' began and ended with only one man — Kenafake.

Dickson's evidence continued:

CHAIRMAN: You said two things. You said that you regarded (Judge R3-F) as a person of suspicion because of his association with those down at the (government agency R3-A) who were, in fact, persons of suspicion?----- Yes, I said that.

You also said in point of fact you had no evidence against (Judge R3-F)?----- Yes.

...

I'm a detective. I am paid to be suspicious.

I have little doubt that the approach to investigations proposed by Senior Sergeant Dickson — with its overtones of guilt by association — will send shudders down the spine of those civil libertarians among us, if not the rest of us.

No doubt suspicion does 'kick-start' many an investigation, but the investigation should surely be to find proof of guilt, not evidence to prove a person innocent who otherwise, until that is found, is presumed guilty.

Finally, lest it be thought I have some general desire to protect all judges in all circumstances, I have searched my mind to find a way of expressing my feelings about them.

I think they can best be illustrated by the events associated with the opening of a new law courts building in London in the late 19th century. The Chief Justice or the Lord Chancellor (I forget which) was to make a speech at the opening ceremony and he circulated a draft of the speech to the High Court Judges for their approval. The speech commenced with the words 'Conscious as we are of our own imperfections ...' A number of judges strongly objected to this, as they were not conscious of any imperfections in themselves at all. The proposed giver of the speech then altered the words to read, 'Conscious as we are of each other's imperfections ...' and re-circulated the draft.

All judges approved it. It echoes my own sentiments.

Reference 3.1

That in the period 1 January 1989 to 31 December 1993, police impeded investigations into paedophilia.

As mentioned previously, the manner in which the terms of reference were drawn means that a number of separate allegations fall within this term of reference — including those which were more precisely captured by Reference 3.2. Because of this overlap in subject matter, this part of my report (dealing with Reference 3.1) should be read in conjunction with that part which deals with Reference 3.2.

The allegations

The various allegations addressed as part of Reference 3.1 stem from newspaper articles published during August 1997. With the exception of those matters addressed at Reference 3.2, the allegations may be identified as follows:

- A Paedophile Task Force under the command of then Assistant Commissioner Neil Comrie was shut down and its files confiscated while Comrie was absent and the Officer in Charge of the task force was on leave.
- The closure of the Paedophile Task Force, on 31 December 1990 (New Year's Eve), occurred despite memoranda from senior police during 1990 declaring that the task force was to be a permanent body. Furthermore, task force personnel were informed they would not be heading the replacement body, the newly created Child Exploitation Unit, as they had been previously instructed.
- Official police directives and memoranda show that paedophile task forces were assured of support and then shut down suddenly with little or no explanation when officers believed they were on the verge of major breakthroughs. The alleged breakthroughs touched upon members of the judiciary, public service, business community, and possibly the political arena.
- Investigations undertaken by the *Courier-Mail* revealed former task force officers complained of recrimination, lack of promotional prospects and transfers to other units.
- When closed, the Paedophile Task Force's highly sensitive files were removed — accompanied by accusations its personnel had withheld documents.

Apart from allegations touching upon the closure of the Paedophile Task Force, the following allegations were raised in connection with the specific operations of that task force:

- Police reports allege that in 1989 a gay lobby group attempted to pressure police to stop 'harassing' homosexuals at public toilets by threatening to publish a photograph of a politician in a compromising position with a male airline flight attendant.
- A 1993 police report alleged that a magistrate, barristers and medical professionals were caught on surveillance film leaving a private dinner held by the gay lobby group, where a 'street kid' was raffled as a door prize.

Closure of the Paedophile Task Force

Following on from Reference 3.2, the focus of the Inquiry turns to matters surrounding the disbandment of the Paedophile Task Force and the genesis and development of the Child Exploitation Unit.

The functions of the Paedophile Task Force were assumed by the Child Exploitation Unit, which came into existence on 21 January 1991. This occurred during the decentralisation of the QPS, a process which also saw the replacement of the Metropolitan CIB by a State Task Force.

The State Task Force was an autonomous headquarters-based 'region'. Its role was to provide investigative and policy support to regional commands, to investigate organised crime and crimes of significance, and to liaise and coordinate activities at state, national and international levels. During the period 1990–1992, the State Task Force evolved into the State Crime Operations Branch — in line with the restructuring process recommended by the Fitzgerald Report (see pp. 273–8.) Essentially, the State Crime Operations Branch embodies the specialist criminal investigation units, intelligence and support services throughout the State.

As outlined previously, during the period December 1989 to February 1990, the activities of the Paedophile Task Force had been the subject of concern for the administration of what was the new State Task Force. In particular, Detective Superintendent Huey and Detective Inspector Williams had concerns regarding the performance and accountability of the Paedophile Task Force. Consequently, in about February 1990, the personnel and operations of the Paedophile Task Force were subsumed by the Sexual Offenders Squad, on the basis that greater control and supervision could be exercised. The role of the Sexual Offenders Squad was described in the QPS Annual Report 1989–90 in the following terms:

The role of the [Sexual Offenders] Squad is to investigate complaints of rape, serious sexual assault, child sexual exploitation and prostitution, and offensive behaviour of a compulsive nature such as wilful exposure and prowlers. Paedophiles involved in child exploitation and child pornography also receive attention from the Squad. During the year a special Paedophile Task Force was introduced resulting in numerous investigations of suspected paedophiles being launched against offenders. During the year, squad members delivered lectures to interested community groups, trainee nurses, and ambulance drivers, and women attending self defence courses.

As members of the Paedophile Task Force, Dickson and Goldup were to continue their investigation of paedophilia in addition to other duties normally required of members of the Sexual Offenders Unit.

Despite the integration of the Paedophile Task Force with the Sexual Offenders Squad, with the consequent limitation to the specialist work of the Paedophile Task Force, it is evident that the Police Command continued to support the maintenance of expertise in the investigation of paedophilia. For example, from 27 February to 1 March 1990, Dickson, Goldup and a colleague from the BCI, attended a conference on paedophilia hosted by the Australian Bureau of Criminal Intelligence (ABCI), Canberra.

Failure to provide resources

The failure (or inability) of the QPS to provide the Paedophile Task Force with a computer was a bone of contention for investigators for a number of years. Both Dickson and Goldup suggested this issue was demonstrative of a lack of interest in the investigation of paedophilia. However, investigation has revealed that arrangements were in train as early as June 1989 for the provision of computer facilities for investigators. QPS documents suggest that Dickson and Goldup were ignorant as to the actions taken by their commanders to secure for them the computer support they sought.

In a report to the Inspector in Charge, Computer Branch, dated 9 June 1989, Acting Commissioner Redmond stated:

Consideration is being given to the supply of computer equipment to the recently established Paedophile Task Force. Please provide me urgently with your recommendations as to the type of equipment which would suit the needs of the Task Force.

A further report dated 18 July 1989, from Mr Redmond to the Inspector, Computer Branch stated:

I refer to my memorandum of 9 June 1989 requesting your recommendations as to the type of computer equipment which would suit the needs of the Paedophile Task Force.

As the Honourable the Minister is interested in this matter, please forward your report urgently.

The provision of a computer for the Paedophile Task Force was under consideration throughout August to September 1989, but appears to have been hampered by the political environment and a general lack of resources. In the political sphere, there was the appointment of a new Commissioner of Police, and an election was looming, which ultimately resulted in a change of government.

In a report dated 10 August 1990 to the Inspector, Computer Branch, the QPS Computer Systems Officer, Mr Mitchell, outlined a proposal for the provision of computer facilities from Kaye & Associates Pty Ltd. However, Mr Mitchell was against the purchase from that organisation because of privacy considerations. Accordingly, in a response dated 31 August 1989, the Inspector, Computer Branch informed the Commissioner that the 'configuration identified by Kaye & Associates is insufficient.' Instead, the Computer Branch recommended a detailed analysis of task force requirements which, due to staff shortages, was to be referred to the Computer Control Group.

On 12 September 1989, the Assistant Commissioner Administration informed the Inspector, Computer Branch that:

On 5 May 1989 Mr Cooper's Office advised this Department that certain equipment to establish a Paedophile Task Force would be provided from a special fund.

The provision of a Personal Computer was included.

In view of recent developments it will now be necessary to seek advice from the present Minister that the required Personal Computer can still be purchased from the Special Fund.

The Computer Branch was tasked with ascertaining the most suitable equipment and its cost, so that an appropriate letter to the Minister could be prepared. On 24 November 1989, Mr Budgen, Computer Systems Officer, provided the Inspector, Computer Branch, with a number of recommendations: the first being that 'a stand-alone system be provided (*for the Paedophile Task Force*). Funds of \$45,000 be allocated for the purchase of equipment.'

The report went on to advise that Detective Inspector Ken Morris be nominated as the 'user representative' and that Detective Inspector Graham Williams be nominated as 'senior user and business representative'.

At that time and since, the priorities of the QPS Computer Branch centred on the establishment of a statewide Crime Recording and Intelligence System (CRISP), rather than a number of stand-alone systems.

Another report, dated 1 December 1989, to the Inspector, Computer Branch, from Mr Gray, Acting Assistant Manager, Computer Branch, agrees with the provision of the computer from the Minister's Special Fund but imposed the qualification that the system be an 'interim system' and that the requirements of the Paedophile Task Force be taken into consideration when the Department develops its Crime Recording/Criminal Intelligence System Strategy.

This was followed by a report dated 12 December 1989, from Mr Mitchell to Inspector, Computer Branch, advising that the Computer Branch could install the equipment in the first week of 1990. However, the installation did not proceed because of a re-prioritisation of needs instituted by the new Commissioner of Police, Mr Noel Newnham.

In a report to the Minister for Police and Emergency Services dated 2 January 1990, Mr Newnham presented a revised list of purchases from 'Special Fund' in the following terms:

On 17 November 1989, a list of equipment/amenities requirements for this Department, together with individual costings which were not able to be accommodated within the Department's general allocation was forwarded to the Minister for Police for urgent consideration so the items could be purchased from the Minister's Special Fund.

The Minister for Police on 1 December 1989 approved of the purchases from the special fund. In the circumstances the list of equipment/amenities has been revised in priority order and prior to allowing

the purchases to proceed I would appreciate you considering the matter and approving of my proposals for the purchases from the Ministerial Special Fund.

The computer intended for the Paedophile Task Force was listed as priority item 6 of 10 items:

This equipment is required for the ongoing investigation into Paedophile activities in Queensland. Approval was given for this by the then Minister for Police, Mr T R Cooper MLA in May 1989. This matter has been investigated by the Computer Branch which recommended that the computer equipment be purchased.

A handwritten note dated 16 February 1990, from Superintendent E G Walker of the Office of Assistant Commissioner Crime and Services, to the Deputy Commissioner, states with regard to this issue:

There is a desperate need for a computer to be urgently installed at the CI Branch and I recommend that urgent action be taken to have such equipment installed for the use of the Paedophile Task Force. The lack of this equipment will have a detrimental effect on the ability of Detective Staff to effectively continue their investigations.

It appears that in May 1989 the Minister of Police approved funds for the acquisition of a computer, but there was some delay with the Computer Branch, which demonstrated a reluctance to accede to the supply of a stand-alone computer. The Computer Branch was anxious to prevent the proliferation of stand-alone computers, and instead gave priority to a fully integrated statewide computer system for crime and intelligence.

It follows that the QPS was in the process of attempting to meet the needs of the Paedophile Task Force but operational staff were not apprised of the situation and consequently did not appreciate the Service's priorities and the administrative and organisational difficulties involved.

Dickson's address to a National Party Breakfast

In addition to the issue of the computer, other problems arose with regard to the activities of the Paedophile Task Force.

On 29 July 1990, the Command's concerns about the unit were exacerbated when Dickson became embroiled in media and political controversy following an address he gave to a breakfast organised by the Women's National Party of Queensland at the Sheraton Hotel. Dickson's speech on the subjects of rape, false complaints, paedophilia, child pornography and the structure of the Sexual Offenders Squad was followed by a question and answer period, during which Mr Russell Cooper MLA (then in Opposition) posed some pointed questions. Apparently, Dickson remarked that there were a number of paedophiles employed within the Education Department as well as other areas, such as the Boy Scout movement, welfare organisations, churches, and the legal profession. He also commented on the lack of legislation and support for the investigation of paedophilia. The media took up the issue and seemingly misquoted Dickson, leading to exchanges between the offices of the Minister for Police (Mr Mackenroth), the Commissioner of Police, and the Department of Education.

It can be readily surmised that this event did not endear Dickson to the new Police Service Executive, who unofficially and indirectly rebuked him over the incident. He was then transferred to other duties, no doubt as a result of this issue.

At the relevant time, Assistant Commissioner Neil Comrie was in charge of the State Task Force. (Mr Comrie is presently the Chief Commissioner, Victoria Police.)

By letter to the CJC dated 7 October 1997, Mr Comrie commented upon newspaper reports of the closure of the Paedophile Task Force. He stated, among other things:

The assertion that a paedophile task force under my Command (as Assistant Commissioner Task Force Command) in the Queensland Police Service was 'shut down and its files confiscated while [I] was away and the officer in charge of the unit was on leave' is misleading.

On my arrival in Brisbane to assume Command of the then new Task Force Command I was required to restructure the whole of the existing crime command. Given my extensive experience in combatting paedophilia in Victoria, I was concerned at the lack of resources I found committed to this task by Queensland Police.

Under my guidance a new, properly staffed and equipped Child Exploitation Unit was established with an approved staff of nine. This unit was tasked with the investigation of organised and extra-familial child sexual abuse.

I was made aware of the fact that at the time of my arrival in Queensland only two members of the QPS were actively engaged in the investigation of paedophilia. (I believe their names were Dickson and Goldup). It was also brought to my attention that Dickson was operating in an unprofessional manner and had made some dramatic claims (the substance of which I cannot recall) at a National Party Conference.

Along with other members in the old crime command, Dickson was allotted to other duties, unconnected with paedophile investigations. There was, in my mind, nothing sinister or suspicious about this transfer and it was conducted in the best interests of the Service. In making many decisions on restructuring and personnel matters I relied heavily on the detailed knowledge of the then Superintendent's Murt Butler and Graham Williams in whom I had substantial confidence.

On reflection, there is nothing in this *Courier-Mail* article which now causes me concern about the decisions taken in 1990 regarding Dickson and the CEU. Although I personally did not make the decision to transfer Dickson from the CEU, I have no reason to question the appropriateness of this decision.

Dickson's view of these events can be gleaned from the following extract of a report which he furnished on 23 July 1990:

... The section of the Sexual Offenders Squad which deals with paedophilia is under the control of the Officer in Charge and was formed into a separate unit in November 1989, with 7 staff members and myself in charge. Initially we had 2 motor vehicles and a static surveillance van and were also called upon to assist with normal Sexual Offenders Squad duties.

At present we have no staff, no motor vehicles, and no equipment such as a computer to assist us in performing our duties. At present I am the only person involved in any activity to help combat paedophilia.

Paedophilia investigations are protracted and require special skills. The work is not rewarding and unpopular with Police and persons working in this area maintain a heavy workload.

I make no apologies for telling the truth to the public of Queensland which have the right to know and the benefit of this is the assistance that we as a Police Service and the Government, obtain.

I have made no startling disclosures, breached any confidence, or spoke on departmental policy; only delivered the same lecture in the same manner as I have been doing for the past two and a half years. It appears strange that this is the first occasion that I have spoken to a group with political ties and allegations have been made.

It is unfortunate and difficult to understand how our squad can be operating for approximately four years, conducting these lectures with the same format to diverse groups and then suddenly be linked in the press to a political organisation. Person/s responsible for aligning our squad to any organisation by their remarks greatly disadvantage the serving officers and our credibility with the public.

As I outlined earlier staffing and equipment for the paedophile section are virtually non-existent and to highlight this I would like to make the Minister aware that we are the only sexual offenders squad in Australia that does not have a computerised data base for its offenders and complaints.

Myself and the Officer in Charge of the squad and others have been applying for a personal computer to bring us in line with other States for about two and a half years. Research was conducted by a private computer company about 12 months ago and after much research and some expense to this department, an amount of \$32,000 was allocated for the purchase of a computer.

We were later advised that we would not be getting this system and information suggests that the money was reallocated to the police Pipe Band for the supply of new uniforms ...

On 12 August 1997, journalist Michael Ware made an application to the QPS for access to documents pursuant to the relevant FOI legislation. Mr Ware included the following in his 'list of documents I require and facts I need referenced':

... any references to the allocation of around \$35,000 for a computer for the paedophile task force, most probably around mid-1989. Any reference to the failure to provide such allocated monies.

Any information available on the attendance of Sexual Offenders Unit officers to the ABCI paedophile conference which began on 26–27/2/90.

It might be deduced that Ware's FOI application signals that either or both Dickson and Goldup were his source of information for the articles he penned on these topics. Dickson, Goldup (and an officer from BCI) were the only officers from the QPS to attend the ABCI paedophile conference.

Creation of the Child Exploitation Unit

There was little change to the resources or staffing of those investigating paedophilia (i.e. the Paedophile Task Force as it existed within the Sexual Offenders Squad) until the creation of the Child Exploitation Unit, which assumed the role previously carried out by the Paedophile Task Force. The functions of the Child Exploitation Unit were 'to coordinate policing initiatives and investigating offences relating to organised child exploitation and/or serial instances of child exploitation outside the family unit. The squad also maintains a comprehensive intelligence system in relation to child exploitation which may assist officers in the investigation of offences related to child exploitation.'

The Child Exploitation Unit was formed with completely new staff, who had little or no experience of investigating paedophilia-related matters. None of the staff of the previous Paedophile Task Force was assigned to the Child Exploitation Unit.

Goldup learned of the restructure when summoned to Williams's office on 31 December 1990. She was informed that she would not be a member of the new Child Exploitation Unit, but would instead be reassigned to duties with the Major Crime Squad. Both Goldup and Dickson (who was on leave at the time of the New Year's Eve announcement) were duly reassigned to the Major Crime Squad on 21 January 1991.

Goldup said that she had no forewarning of the changes, and was devastated by the news of her transfer. She considered it inefficacious to remove and replace experienced staff with officers who had no knowledge of the work of the task force. Her sudden transfer was taken as an affront by Goldup and has apparently been the cause of some of the disenchantment she so obviously feels towards the QPS. There is little doubt that, for his part, Dickson was similarly aggrieved. It is understood that Goldup and Dickson complained about the proposed changes to Assistant Commissioner Comrie, who had also been on leave when Williams had acted. Mr Comrie refused to overrule Williams.

An advisory note from Mr Comrie, then Assistant Commissioner (Crime Operations), to the Minister for Police, detailing 'Changes in resources and staffing of Squad charged with the investigation of sexual offences from December 1989 to 30 June 1992' provides, in part, as follows:

1. As at December 1989, the Sexual Offenders Investigation Squad was charged with the investigation of sexual offences with the exception of intra-familial offences which were the province of the Juvenile Aid Bureau, Child Abuse Unit. Staff and resources at that time comprised 16 sworn personnel, under the control of a Detective Senior Sergeant, and four motor vehicles.
2. Restructuring of the then Metropolitan Criminal Investigation Branch saw the formation of the Task Force (Crime Operations) in the latter half of 1990. The Sexual Offences Investigation Squad was retained as an entity to investigate Sexual Offences of a non familial nature. Staff and resources level remains as previous.

3. On the 14 January 1991, final restructuring arrangements concerning the Task Force (Crime Operations) were in place. This saw the establishment of the Child Exploitation Unit as a separate entity to specifically investigate sexual offences committed against children in non familial situations (paedophilia). It also has responsibility for investigating child prostitution, child pornography and occult related activity. The Sexual Offences Investigation Squad was retained to concentrate on matters of an adult nature.
4. On 22 January 1992, a memorandum under the hand of Deputy Commissioner (Operations) ratified the role of the Task Force (Crime Operations) with respect to the investigation of sexual assaults following the regionalisation of the Police Service then in place. This placed the investigative responsibility of minor and easily resolvable sexual assaults with the Region in which the offence occurred, with only the more serious and more protracted investigations being referred to the Sexual Offences Investigation Squad and Child Exploitation Unit of Task Force (Crime Operations).

Detective Sergeant (now Superintendent) Ann Lewis assumed control of the new Child Exploitation Unit on 21 January 1991. Lewis had previously served with the JAB and was experienced in matters of child abuse. According to Lewis, she was given free reign to restructure the unit as she saw fit.

It is evident that the devolution of the Paedophile Task Force to the Child Exploitation Unit occurred as the result of a general restructuring of the QPS, and was brought about as part of the implementation of the model proposed by the Fitzgerald Report.

Other than the perceptions entertained by Dickson and Goldup, there is no reason to suspect that any of the changes were the result of machinations carried out by senior officers for some ulterior motive.

In addition to the restructuring of the Paedophile Task Force, several other squads ceased to exist, namely the Break and Enter Squad, the Auto Theft Squad and, perhaps most notably, the Licensing Branch, which had by then been exposed as being riddled with corrupt officers.

From a management perspective, it might have been desirable to have established some form of staff consistency in the creation of the new entity; however, the Fitzgerald Inquiry had criticised the practice of placing investigators for extended periods within specialist squads.

At the relevant time, regular staff rotation was in vogue and has since become standard practice within Crime Operations Branch.

The inquiries undertaken as part of Project Triton have confirmed that the Child Exploitation Unit has received, and continues to receive, the support of the QPS. This support has allowed the Child Exploitation Unit to function upon a more professional basis than it did pre-Fitzgerald. The efficient functioning of the Unit in recent years in itself confirms that the restructuring in 1991 was properly motivated.

Premature closure of investigations

It was alleged that paedophile task forces were assured of support, then shut down suddenly with little or no explanation when officers believed they were on the verge of major 'breakthroughs' — where the alleged breakthroughs touched upon members of the judiciary, public service, business community and possibly the political arena.

The suggestion that the Paedophile Task Force was 'shut down suddenly with little or no explanation' has already been addressed. The suggestion is without foundation.

However, there remains to be considered the possibility that investigations may have been frustrated by that closure, and that the closure might have occurred at a time when officers were on the verge of a major breakthrough (touching upon members of the judiciary, public service, business community and possibly the political arena).

It is evident that much of what is promoted by this, and related, allegations, touches upon elements of Operation Firefighter, and was canvassed as part of Reference 3.2.

Apart from the matters which gave rise to Operation Firefighter, there was no evidence of any established paedophilia network operating (or being investigated) in Queensland. Furthermore, there is no suggestion that the Paedophile Task Force was ‘closing in’ on high-profile or major targets.

Rather than organised criminal activity, most operations (and arrests) attended to by the Paedophile Task Force involved the commission of minor offences by situational offenders, aberrant offenders or loose associations of a small number of offenders.

A good illustration of this point is found in Dickson’s report of 12 February 1990, detailing ‘Operations concluded and matters finalised by the Paedophile Task Force since 27 November 1989’:

Operation Sunscreen	Terminated when the Customs Service reported that previously suspected paedophiles [were] actually persons engaged in smuggling copy watches into Australia.
Operation Steakout	Turned out to be a 15-year-old girl’s harmless liaison with her boyfriend who worked at a butcher’s shop.
Operation Herb	Resulted in the arrest of one individual male for ‘possession of indecent publications’ and ‘using the postal service in an offensive manner’ resulting from advertisements placed in a ‘contact’ magazine.
Operation Bangkok	As the result of information received from Victoria Police, a lone individual was found in possession of pornographic material and prosecutions contemplated for breach of copyright and using a postal service in an offensive manner.
Operation Open Door	Related to a complaint of a 16-year-old youth against a male person of indecent dealing. The complaint could not be substantiated.
Operation USA	Related to information from Australian Customs that a single individual was the recipient of a parcel of pornographic material sent from Manilla.
Operation Sandfly	Related to a male at Stradbroke Island who had several photos of young girls and stories of sexual acts. Result insufficient evidence to lay charges.
Operation Branch	Concerned children allegedly assaulted at Glenwood — witchcraft, child sex and drugs. A [male person] was charged by Gympie CIB with assault on one of the children.
Operation Roast	Complaint of 16-year-old male youth being approached by adult male in the Valley and shown photographs of naked male youths. Following surveillance and body wire a [male person] was charged with soliciting for immoral purposes and three charges of taking indecent photographs of children under 16.
Operation Warsaw	Related to allegations that a person called Margaret was involved in child stealing with Sydney criminals. No charges eventuated.

Notably, Dickson’s report concluded:

As a result of these operations, a number of suspected paedophiles have been identified but in the majority of cases, no actual breaches have been detected of the criminal law as it presently exists.

It is impossible to predict the termination date for the remaining operations currently being undertaken by this Squad. Paedophilia is such that investigations have a pyramid effect whereby one investigation often leads to numerous others.

It is apparent that the results as reported by Dickson were viewed as being less than impressive by his superiors. This much is evident from the proposal of Detective Superintendent Huey on 12 February 1990 (the same date as Dickson’s report), that the Paedophile Task Force should be incorporated as part of the Sexual Offenders Squad, to continue on a permanent basis but subject to

monthly reports on activity and workload. Furthermore, the Assistant Commissioner's response to Huey's proposal, while endorsing the continuing of the Paedophile Task Force, noted that the activities of the task force 'do not appear to have been directed towards its main objectives', and outlined how in future there should be 'an audit or at least an overview of the operations conducted by the Detective Inspector in Charge of the Sexual Offender Squad to ensure the order or objectives are being met and the operation remains on track.'

It is clear that with the Huey-Williams administration, the Paedophile Task Force was subjected to a greater degree of scrutiny and accountability. It is equally clear that these changes were resented by some of the staff, particularly Dickson and Goldup. Goldup considered Huey's request for periodic reports on the current and future investigations to be an unwarranted intrusion and an impediment to the work of the Paedophile Task Force.

Reference has been already made — in Reference 3.2 — to the draft report produced to Project Triton by Goldup, said to be a report prepared by her for Dickson's signature on 12 February 1990.

A copy of what appears to be a signed original of Goldup's draft report was discovered by Project Triton, not within the files of Paedophile Task Force, but among files detailing the investigation conducted in respect of Dickson's complaint that officers of the government agency R3-A had frustrated his investigation of Kenafake.

Goldup's report, 'Current operations and investigations being conducted into paedophiles by the Paedophile Task Force', lists a number of investigations said to involve allegations of organised paedophilia.

Operation Cane:

A current operation involving a network of approximately 40 schoolteachers involved in paedophilic activities. Investigations continuing to establish relationships between these people all currently employed as such in Queensland. Some of these people were associates of Clarence Osborne. (Note: Osborne committed suicide in 1979 leaving a cache of pornographic material which was partly the subject of Operation Clean Up in 1985.)

Operation Top Gun:

Involves information from the RAAF Police concerning a pilot involved in paedophile activities and importation of child pornography. Investigations continuing, the target is presently out of the country.

Operation Night Shift:

This operation is presently being formulated to culminate in raids and execution of search warrants of approximately 20 addresses of known or suspected paedophiles who are believed to be in possession of child pornography. Most of this information leading to these raids has been obtained by corresponding with suspected paedophiles through a contact magazine where members of this Squad have placed advertisements as well as answered advertisements that have appeared. It is planned that this operation will be closed down on 22 February 1990. Arrangements are being made to draw on the Sexual Offenders Squad and others for more detectives so that this operation can come to a successful conclusion.

Operation Contact:

This operation involves the supply of children for the purpose of prostitution. Investigations relating to this have been hampered somewhat. See report by Detective Sergeant 2/c 2. T Webber. It is envisaged that whatever can be salvaged from this operation will be and should close down very soon ...

Operation Humbug:

This operation involves a number of legal identities involved in paedophilia. Investigations to date have been hampered due to legislation with particular members of the legal fraternity being protected from investigation by Police.

Operation Gunyan:

Information has been received that [a certain political group] have people involved all over Australia. It is suspected that this is a cover for a major paedophile network with some principals residing in Queensland. This information is very new and investigations are continuing. It has been established

and confirmed by the Federal Police that the [political group] are involved in a major forgery network involving driver's licenses and other similar documents. Federal Police have actually charged and extradited persons back from the Phillipines involved in this network.

These are matters of the very type for which Huey was apparently searching — that is, investigations of allegations of *organised* paedophilia.

A comparison of Goldup's report with a report submitted by Detective Sergeant Webber (apparently in the absence of Dickson and Goldup) on 17 April 1990 is revealing.

Webber's report detailed the 'continuing operations at the Paedophile Task Force since 12 February 1990'. It should, therefore, correspond with entries in Goldup's report of 12 February 1990, which purported to identify the same matters. There is little consistency. There is, for instance, no mention in Webber's report of any of the following investigations, namely: Operations Top Gun, Contact, Harley, Lurks, 666, Clan, Budgie, Terrace, Humbug, and Gunyan. These had been identified in Goldup's report as 'current operations and investigations'.

Webber's report details four specific investigations: Operations Night Shift, Roast, Scotch, and Cane.

Operation Roast had been mentioned in Dickson's report to Huey of 12 February 1990 — it involved the arrest of a single offender. Operation Scotch related to the investigation of a sole offender who was arrested and charged with sexual offences. Operations Cane and Night Shift are common to both Webber's and Goldup's reports. However, the detail as reported by Webber gives cause to suspect that Goldup's account of these two operations was exaggerated.

Goldup's report said of Operation Cane:

Current Operation involving network of approximately 40 schoolteachers.

Of the same investigation, Webber reported:

Surveillance was carried out for a period of a week on a high profile Education Department figure but no evidence of any offences was detected.

So, too, in respect of Operation Night Shift, Goldup reported:

This operation is presently being formulated to culminate in raids and execution of search warrants of approximately 20 addresses of known or suspected paedophiles ...

In contrast, Webber reported:

Commencing on the morning of 22nd February 1990 and utilising the full resources of the Sexual Offenders Squad a series of raids were carried out through the Metropolitan area.

A total of 10 residences were raided in total. During these raids quantities of indecent material and information relating to children were located. Unfortunately no evidence could be located in these cases that it was held for the purposes of distribution — no offences were therefore committed in relation to the possession of this material.

It is most significant, in my opinion, that Webber's report was silent as to Operation 'Humbug' which, according to Goldup's earlier report, was an investigation concerning 'a number of legal identities involved in paedophilia.' Goldup's report complained that investigations in that matter 'have been hampered due to legislation where particular members of the legal fraternity [are] being protected from investigation by police.'

Because of the inconsistencies between the reports of Goldup and Webber, I am left with grave doubts about the authenticity of matters contained in Goldup's report. It is extraordinary that, in light of those matters, Huey would have made the recommendations concerning the future work of the Paedophile Task Force.

It is extraordinary, too, that neither Dickson nor Goldup can now recall anything of Operation ‘Humbug’ — an investigation in which members of the legal fraternity were said to have been ‘protected from investigation’. Indeed, in evidence before me, Dickson denied that there was ever such an investigation:

If I can say now there was never any operation while I was there. There wasn’t one operation conducted into any member of the judiciary. Intelligence would come in on various people. There were no operations conducted into any barristers as far as I can recall now.

I consider it suspicious that no copy of the signed report was found in the files of the Paedophile Task Force. And it is especially telling that no officer of the Paedophile Task Force has any knowledge of this Operation.

I do not believe that there was ever an investigation codenamed Operation ‘Humbug’, much less that it was an investigation into ‘particular members of the legal fraternity’. The authenticity of Goldup’s entire report must therefore be equally doubtful — the timing of its creation perhaps providing some clue as to authenticity.

According to the date on its face, the report was created on the next working day after the day Dickson and Goldup claimed to have been instructed ‘not to carry out any investigations on judges.’ It is apparent that Dickson and Goldup were upset and suspicious at this direction — indeed, they have harboured that upset and suspicion ever since.

It is for these reasons, I am satisfied that the reference to Operation ‘Humbug’, if not most of the document, was deliberately fabricated by Dickson and/or Goldup as a means of recording their protest at the direction they had received about judicial figures. Indeed, it is difficult to conceive of any other explanation.

There is simply no evidence to support the contention that any investigation was shut down or frustrated at a time when a ‘breakthrough’ was imminent.

Neither Dickson nor Goldup can nominate any individual targets of the alleged ‘breakthroughs’ touching upon members of the judiciary, public service, business community and possibly the political arena.

Logically, it follows that there is no foundation to the allegation that ‘paedophile task forces were assured of support and then shut down suddenly, with little or no explanation, when officers believed they were on the verge of major breakthroughs — which touched upon members of the judiciary, public service, business community and possibly the political arena’.

Finally, both as a Detective Sergeant and later as a Detective Inspector, Ann Lewis (now a Detective Superintendent) was Officer in Charge of the Child Exploitation Unit from 21 January 1991 until 9 March 1994. Lewis has claimed that at no time during her service with the Child Exploitation Unit did she experience any interference, obstruction or impediment to any investigation. Similarly, the core staff of the Child Exploitation Unit through that period have been interviewed and have expressed the unanimous view that no impediments were placed in the way of their work.

The nature of the allegations concerning the closure of the Paedophile Task Force reflects fairly accurately the disenchantment and antipathy harboured by Dickson and Goldup towards, firstly, the imposition of greater supervision of their work, and secondly, the creation of the Child Exploitation Unit and their exclusion from it.

On no reasonable view of the events, however, can it be suggested that these actions frustrated any realistic major breakthrough in any investigation into paedophilia. Indeed, no one has been able to point me to any investigation of the Paedophile Task Force in which a ‘major breakthrough’ appeared ‘imminent’, much less that such investigation was frustrated or closed down.

Some confirmation for this view was gained from information provided to Project Triton by Detective Sergeant Martin Mickelson of the BCI, the intelligence-gathering arm of the QPS. Within the BCI, Sergeant Mickelson has responsibility for intelligence concerning paedophilia. With Dickson and Goldup, Mickelson attended the conference on paedophilia held by the ABCI in 1990.

According to Sergeant Mickelson, most of the intelligence available to the BCI identified only loose organisations of persons who had a common interest in passing on and receiving videos, magazines and the like. There was no intelligence suggesting ‘organised crime in relation to paedophilia’ within Queensland. Significantly, Sergeant Mickelson told Project Triton that at no time during his career has he experienced improper impediments in the investigation of paedophilia. Nor does he know of any officer who has experienced such impediments.

It must surely follow from the above that there is simply no foundation to the assertion that ‘paedophile task forces were assured of support and then shut down suddenly, with little or no explanation, when officers believed they were on the verge of major breakthroughs — which touched upon members of the judiciary, public service, business community and possibly the political arena’.

Claims of recrimination. When interviewed by Operation Triton personnel, Goldup expressed the opinion that the work of the Paedophile Task Force had been misunderstood and undervalued by management. That may well be so, although there is little overt evidence of such. Goldup was clearly not cognisant of the real purpose of many Command determinations until told during Project Triton.

Goldup also complained that this mismanagement led to recriminations against herself, her husband (Acting Senior Sergeant Mark Graham), and Dickson. Journalist Michael Ware represented Goldup’s complaints in his articles (e.g. ‘The *Courier-Mail* investigations shows former task force officers complained of recrimination, lack of promotional prospects and transfers to other units.’)

Given that there was no impropriety in the management and ultimate closure of the Paedophile Task Force, then it is impossible for Goldup and her husband to have been victims of recrimination in the manner alleged.

In any event, Goldup’s complaints of recrimination have been the subject of separate investigation by the CJC. That investigation has been conducted by Detective Inspector Reeves who, I understand, has accessed the personnel records of Goldup and her husband in order to ascertain the reasons for management decisions about which Goldup has complained.

While the final assessment of Goldup’s complaint is a matter for the CJC, I had the opportunity to review Inspector Reeves’s investigation. I also considered the transcript of Goldup’s various interviews with Reeves. For my purposes, I am satisfied that there is no evidence whatsoever to suggest that either Goldup or her husband was treated unfairly as a consequence of Goldup’s involvement in the Paedophile Task Force.

The removal of highly sensitive files

It has been alleged that when shut down in 1990, highly sensitive files belonging to the Paedophile Task Force were removed, and that members of the task force were accused of withholding documents from the Child Exploitation Unit.

On their face, these allegations are vague and equivocal. It is not clear, for instance, whether such conduct — assuming it occurred — was accompanied by any sinister intent.

There is no doubt that the files belonging to the Paedophile Task Force were physically relocated.

The devolution of the Paedophile Task Force’s responsibilities to the Child Exploitation Unit, in January 1991, was accompanied by a change of offices and consequent movement of furniture from one location to another. The bulk of the Paedophile Task Force’s records were contained in a large

four-drawer document safe, to which both Dickson and Goldup held keys. (At the time of the relocation of the document safe, Dickson was on leave.)

Goldup's official police diary contains the following significant entries:

Monday 31 December 1990–	To Superintendent Williams office regarding the new CEU Advised I was not being sent there. Spoke with Anne Lewis re paedophile files on hand.
1 January 1991–	Conference with Superintendent Williams re CEU. Further conference with Det Sgt Anne Lewis re paedophiles activities known to this squad.
2 January 1991	File safe containing all paedophile related matters moved from Det Sgt Dickson's office and taken to another office. Conference with Det Inspector Freeman re safe and Operation on Gold Coast
15 January 1991	Arrive at office (take up with) Dickson ... Prepare Curriculum Vitae for Application for Vacancy Conference with Anne Lewis re paedophile investigations and existing files. Hand in application for transfer

When interviewed by Project Triton personnel, Goldup recalled that the file safe was moved by private contractors from the area occupied by the Paedophile Task Force to the office of then Detective Sergeant Lewis.

Since Dickson and Goldup had been transferred, and Sergeant Lewis was the new Officer in Charge, the movement of the files as described by Goldup appears quite normal.

For her part, Lewis claimed that shortly after taking up her position as Officer in Charge of the Child Exploitation Unit, she had occasion to go through the files held in the Paedophile Task Force document safe. She found that material was stored in suspended folders in the safe's drawers.

Lewis discovered that a number of suspended folders, although labelled, were otherwise devoid of documents. A list was compiled of all the folders that were found to be empty, but the list has since been discarded.

Both Dickson and Goldup were questioned at the time about the contents of the missing files, but this proved a fruitless exercise. Neither officer could enlighten the new Officer in Charge about the contents or whereabouts of the missing material.

Lewis told Project Triton that she did have some recollection that Dickson had held on to some of the files because they related to individuals connected with the Education Department and he needed them to answer any disciplinary action that might arise from the incident involving his speech to the Women's National Party Breakfast.

A seemingly unofficial and superficial inquiry into the missing documents failed to produce a result. No formal investigation took place and no disciplinary action was taken against any officer.

Although she could not recall the details, according to Goldup, at some stage she gave the keys of the document safe to Detective Sergeant Lewis. Shortly after the files were moved, she was approached by Lewis and asked about the missing files.

Goldup denied removing any files from the document safe. It should be recalled that when questioned by Project Triton in January 1998, Goldup did have in her possession a very large number of documents which pertained to her work within the Paedophile Task Force. Equally, however, it

should be noted that Goldup readily made these documents available to the investigators attached to Project Triton. Furthermore, as I noted previously, it is very common for police officers to retain material pertaining to their work when transferring to other duties.

According to Goldup, the material in her possession had been packed away in a box by other police officers at some time during the period of her transfer from Brisbane to Bowen in July 1991. The documents were thereafter stored away and forgotten until the current media controversy arose in late 1997. Goldup stated that she had not shown any of the documents in her own possession to the media (although, of course, she claimed that documents had been given to her by Dickson for her to hand to Ware).

The particular material retained by Goldup and produced to Project Triton investigators does not appear to include 'highly sensitive' files or intelligence that was once contained in the Paedophile Task Force's document safe. For the most part, the material is innocuous.

No impropriety can be read into Goldup's possession of this material.

A few things interest me about the whole of the circumstances concerning the alleged missing material.

I have heard witnesses speak with great feeling and detail about events that occurred back in the early 1980s. For their part, neither Dickson nor Goldup was reticent in detailing their concerns and complaints about matters that occurred over the years. The Paedophile Task Force files were taken over by Lewis comparatively recently (in January 1991), yet neither Dickson nor Goldup (nor for that matter, Lewis) has the slightest recollection about even one of the folders being empty or even a single document being missing. They have not the slightest recollection of a name or an allegation. All this makes me suspicious as to whether any material was removed at all.

Can it truly be that neither the labels on the empty folders nor the missing contents left any lasting impression upon Dickson and Goldup?

The implications are that the missing files contained highly sensitive material and that they were deliberately removed. These were files that had been created by Dickson and Goldup. Why were they not bursting to inform Sergeant Lewis of the significance of the missing material? This would surely have been an ideal occasion for one or both of them to display their superior knowledge in this specialist field of investigation from which they had just then been unceremoniously removed.

It is strange that documents were removed from the document safe, but labelled files in which those documents had been contained were left behind. Someone minded to hide files would surely have removed all trace of the material. Why leave labelled folders behind? Was this a serious attempt to hide valuable intelligence, or a serious attempt to create havoc for the new Officer in Charge?

At the very least, the conduct equally befits someone playing at mischief — that is, placing empty but labelled files into the safe so as to cause a degree of panic in those assuming responsibility for those documents.

In this regard, I note that the closure of the Paedophile Task Force was an anathema to Dickson and Goldup, both of whom had the opportunity either to remove material from the document safe or add to it.

The legal representatives of the *Courier-Mail* and Mr Ware submitted that I should seek to discover if this material went missing and, if so, how.

It is doubtful that the issue of missing files could now be the subject of any productive investigation. Furthermore, it is notable that very little detail of the apparently missing material could be recalled by either Dickson or Goldup — those with greatest familiarity with the files. Any missing documents of any significance would surely have been recalled by one or other of Dickson or Goldup.

It cannot be established whether Dickson or Goldup was responsible for removing the so-called highly sensitive files from the document safe. It cannot be shown what the subject matter of those files originally was, or indeed, if the 'missing files' existed in the first place. The issue is historical and it is extremely doubtful that further investigations would be productive.

Further investigations. Following the closure of public hearings in this matter, solicitors for the *Courier-Mail* and Michael Ware wrote to Counsel Assisting suggesting that Project Triton interview a number of persons, including the following:

Detective Superintendent Ann Lewis
 Detective Sergeant James McElroy
 Detective Inspector Steve Tregarthen
 Former Assistant Commissioner Laurie Witham
 Assistant Commissioner Graham Williams
 Tony Wranne

Some of these people had already been interviewed by Project Triton. Detective Superintendent Lewis's account has been summarised above. Detective Sergeant McElroy had been interviewed about this issue on 24 December 1997. At that time he confirmed to Project Triton that upon the creation of the Child Exploitation Unit, all the files held by the Paedophile Task Force were transferred. McElroy recalled being informed that some files went missing when Dickson was on leave; however, he could not recall the source of that information. He was otherwise unable to assist.

Detective Inspector Tregarthen was interviewed as a result of the letter from the solicitors for the *Courier-Mail* and Michael Ware. Tregarthen stated that he had not worked at the Sexual Offenders Squad, nor the Paedophile Task Force. He had no knowledge of the issue and was at a loss to understand why he should be interviewed.

Former Assistant Commissioner Witham was interviewed on 18 March 1998. Mr Witham had served with the JAB in 1985, but thereafter was at the Police Academy or in other regions of the State. He knew nothing of the supposedly missing files. (For completeness, it should be noted that Mr Witham's daughter, Senior Sergeant Jacqueline Kelly, now of the Operations Support Command, had been interviewed by Project Triton on 25 February 1998. Senior Sergeant Kelly had been an original member of the Child Exploitation Unit for six months from January 1991. She had knowledge that files of the Unit were maintained in the office of Detective Sergeant Lewis, who had sole access to the safe. (She had no knowledge of any missing files.)

Assistant Commissioner Williams had been previously interviewed by Project Triton about this and other issues on 6 February 1998. A relevant extract from the transcript of his interview is reproduced here:

- Williams ... If I take my memory back to the days of ah, when we were in the old Metropolitan CIB building, next door here, they had filing cabinets that were secured from prying eyes as one would say. But um when I've, I have since spoken to Ann Lewis, that's now Superintendent Ann Lewis that um, a lot of that, well most of that those files were never given to her and um, what happened to them, whether they were shredded or destroyed I don't know or whether they were never really the quantity of files they claimed they had.
- Reeves Well ...(ui) ... time Dickson left the Sexual Offenders Squad and the time Ann Lewis took over, ah the files disappeared?
- Williams Well I believe that we never saw the worth, the alleged worth of Dickson's work over all those years, o' over that period of time. It's either one of two things, he never had all this ah intelligence or they certainly side-tracked it through a correspondence system that didn't stand the test of time, it was impossible to ah, track it.

Reeves Or they took stuff with them?

Williams Or they took stuff with them.

The person named Tony Wranne is not known. No officers named Wranne, or Wran, are known to the QPS. However, Project Triton identified those officers with a surname phonetically similar to Wranne.

Inspector Tony Rand was interviewed by Project Triton. Inspector Rand was attached to the Child Abuse Unit for a period until 1987. Thereafter he had no role in the investigation of paedophilia. He has no knowledge of the alleged missing documents.

Sergeant David Rann was also interviewed. Sergeant Rann has never served in the Child Abuse Unit or the Sexual Offenders Squad. He has no knowledge of the alleged missing documents.

Investigation of the Homosexual Lobby Group

Allegations have been made that:

- Police reports allege that in 1989 a gay lobby group attempted to pressure police to stop 'harassing' homosexuals at public toilets by threatening to publish a photograph of a politician in a compromising position with a male airline flight attendant.
- A 1993 police report alleged that a magistrate, barristers and medical professionals were caught on surveillance film leaving a private dinner held by the gay lobby group, where a 'street kid' was raffled as a door prize.

It is clear that these allegations relate to matters concerning an entity identified before me, and code-numbered 'R3-I', a lobby or support group for homosexual business people established during 1984. The founding members of the group were professional and business people who desired to promote an understanding of homosexual issues within the community.

Following its creation, R3-I progressed from conducting occasional meetings of small numbers, to the stage where it hosted monthly dinner meetings attended by between 30 and 50 people. It was common for a guest speaker to attend the monthly meeting. Such speakers included an Attorney-General, a Lord Mayor and an Assistant Commissioner of Police. Some members of R3-I were involved in convening the National Conference of Homosexuals, which was held at the University of Queensland in August–September 1984.

One of the items originally on the agenda for that conference was a presentation on paedophilia to be given by one Tim Maltby, a New South Wales resident and a member of the Australian Paedophile Support Group. Ultimately, as a consequence of intervention by the University Senate and the Queensland Government, Maltby's presentation did not proceed.

There is no reason to believe that Maltby, or the Australian Paedophile Support Group, was in any way connected to the activities of the lobby group R3-I.

Police interest in the activities of R3-I was signalled in a report by Dickson to the Detective Superintendent, Metropolitan CIB, dated 19 October 1989. Dickson reported:

LOBBY GROUPS There are different minority groups in Queensland that have various platforms; however, none have to date campaigned openly for the paedophile cause except about four years ago when the paedophile cause was allowed to be aired at a gay conference at the Queensland University. The only group that is known to have used some form of coercion in recent times to try and obtain some form of benefit was [the lobby group R3-I]. This is a group of homosexuals and paedophiles, mainly professional people — solicitors, barristers, doctors etc. who have formed into an association and campaign for a change to laws and discrimination. Their monthly magazine suggests they have approached the Police Department to be included in training staff at the Police Academy to help give police a better understanding of paedophiles. This group is known to resort to unscrupulous means to promote their cause.

No basis has been shown to justify the opinion expressed by Dickson that the group engaged in 'unscrupulous means to promote their cause.' No basis has been shown to connect the group's attempts to promote homosexual law reform with any kind of paedophile activity.

Dickson's interest in R3-I was recalled by Detective Senior Constable Biazos, a former member of the Paedophile Task Force. Biazos stated that Dickson asked him to perform surveillance on meetings held at Dirty Dick's restaurant. He recalled that on about two occasions he parked outside the premises and took photographs of people coming and going. Biazos said that lighting for the photographs was not very good and he doubted whether the photographs would identify any person. He stated that he handed the exposed film to Dickson, but never heard anything more about it. Biazos did not recognise any prominent people during this surveillance.

The aforementioned report by Dickson appears to be the forerunner to an intelligence profile requested by then Inspector Ann Lewis who, as Officer in Charge of the Sexual Offenders Squad, had herself been invited to give a speech to the lobby group R3-I and was anxious to learn something of its background.

The intelligence profile, compiled by McElroy on 17 August 1993, stated in part:

This group of persons was known to members of the now defunct paedophile task force as being concerned in paedophilia. Detective Inspector Ann Lewis had also heard of this and has been invited to speak at the forthcoming Association Dinner. This association has monthly dinners, by invitation only at restaurants which are closed to the public. They used to have the dinners at Dirty Dicks, where they'd raffle off young street kids, usually boys. Magistrates, Judges, Barristers and Solicitors and Dentists were involved and all on videotape going to the lunch. The original files allegedly went missing when Det. Sgt. G. Dickson was on leave.

The National Party were in power in Queensland in the late 1980s and the toilets at the Transit Centre were being 'done over' by the Railway Squad catching homosexuals there engaged in sodomy and gross indecency offences. Two solicitors and a police officer were caught. The [lobby group R3-I] approached then Assistant Commissioner Donald Braithwaite about the toilet situation, but Braithwaite said he could do nothing, but said that the association should get an intermediary to work between the Association and Braithwaite. The Association then had an article published in its newsletter saying 'if you're harassed by the cops, see Don Braithwaite.'

The Association people even went to Wal Ogle's house. They showed Ogle a photograph of [a then political figure — code-numbered R3-K] getting oral sex (a head job) from a Qantas stewardess. They then told Ogle to have the police 'called off' the Transit Centre Toilets, or the photo would get around. Braithwaite was told and he then told the National Party. Allegedly, a few days later, it came out in a Police Department memo that police were not to sit off the Transit Centre Toilets.

When interviewed by Project Triton, Detective Sergeant McElroy advised that he had compiled this report for Lewis using material held by the Child Exploitation Unit and other police indices, but was unable to recall the precise source/s of the information he used. It is reasonable to assume, however, that he drew his information from either Dickson, Goldup, or both.

The following is an extract from an interview conducted with Goldup on 11 February 1998:

- Reeves Well what are the probabilities that a senior member of the National Party was ah mixed up in Operation Firefighter from your intimate knowledge of Operation Firefighter?
- Goldup Fairly high.
- Reeves Did any senior member of the National Party come into the frame that's what I'm saying to you?
- Goldup Ah yes with without a great deal of evidence yes.
- Reeves Who w' who was that?
- Goldup [R3-K]
- Reeves [R3-K], what was the ah story you're saying there wasn't any evidence on [R3-K]. What was the story on [R3-K] I suppose that's the best way to put it?

- Goldup I really don't remember I can't remember what the what the exact implication of him was but um his like it just seemed that e' that every which way we turned his name popped up um he was a well-known toilet dweller at the ah at the public toilets um a' and for quite a few years.
- Reeves Okay ah was [R3-K] ever a target in the raids there?
- Goldup I, I don't know, I, I don't well, when I say I don't know, I don't remember whether he was um no I I'm sorry I really can't remember.

The allegations concerning R3-K were known to both Dickson and Goldup, and the information contained in the intelligence profile has some similarity with Dickson's report of 19 October 1989. According to Dickson, he never saw any photograph of R3-K and 'there was never, to the best of my knowledge, there was never ever a job done' on R3-K.

A quite different perspective of R3-I was provided by the lobby group's former Vice President, whom I have code-numbered 'R3-J'. He described the suggestion that 'street kids were raffled' at meetings of the lobby group as complete fiction. R3-J stated:

I would say there's a 100 per cent uhm likelihood that it would be impossible to happen. For, for a number of reasons. The majority, the overwhelming majority of homosexuals are not paedophiles, not interested in children. Uhm, and that something like that to have occurred in a small very closed community such as Brisbane was in 1985 everyone would've known, not the general public ...

... But everyone in the gay community would certainly have known ...

... Uh and it just didn't happen.

R3-J also had knowledge of the rumour concerning R3-K and an airline flight attendant, but had not heard of the existence of photographs. He pointed out that stories of that nature 'are always going around the gay community.'

There can be little doubt that a degree of rumour and innuendo circulated about the lobby group R3-I and the alleged activities of R3-K. None of this rumour and innuendo can be substantiated by any evidence.

Mr Ware's endeavours to establish these allegations suggest that he enjoyed access to information contained in Dickson's report of 19 October 1989, and McElroy's intelligence profile of 17 August 1993. In an FOI application to the QPS dated 12 August 1997, Ware sought, among other things, the following specific documents:

- J. Reports relating to [the lobby group R3-I] and their attempts to pressure the Queensland Police Service in 1989 to stop 'harassing' gays using a photograph of [R3-K] in a compromising position with a Qantas steward.
 - 1. One report that was filed resulted from inquiries in July 1993 by Det A/Insp P E Berger. It is understood a detailed report was prepared on 17/08/93.
- K. Any directives, written or otherwise, instructing the Police Railway Squad to 'lay off' or 'back off' from policing homosexual activity in the Roma Street Transit Centre toilet resulting from Assistant Commissioner D. Braithwaite's meeting with [the lobby group R3-I] and his discussion with the Inspector in charge of the squad.

The reference in paragraph J of Mr Ware's application to 'Det A/Insp P E Berger' is apparently a reference to Detective Inspector Peter Berger of the BCI. Inspector Berger was questioned regarding any reports that he may have filed on the above subjects. He had no knowledge whatsoever of the matters, and searches of the BCI's information systems proved fruitless.

Nonetheless, the precise detail contained in Ware's FOI application suggests that he was referring to the Intelligence Profile Sheet prepared by Det Sgt John Mc Elroy on 17 August 1993. Ironically, the QPS Freedom of Information Unit was not able to find McElroy's document. Ware was therefore not supplied with the information from official sources — yet he was still able to quote information

contained in the document. Undoubtedly, Ware had access to either McElroy's intelligence profile or to earlier document/s which contained the information used by McElroy to compile the intelligence profile.

In relation to the request for documents described in paragraph K (i.e. directives, written or otherwise, instructing the Police Railway Squad to 'lay off' or 'back off' from policing homosexual activity in the Roma Street Transit Centre toilet), it is likely that Ware was referring to the following documents:

- a report dated 30 March 1988, from the Detective Superintendent B J Youngberry, Metropolitan CIB to the Commissioner of Police, detailing the arrest of homosexuals at the Transit Centre.
- a letter dated 30 March 1988, from Acting Commissioner Braithwaite to the then Premier and Acting Minister for Police, Mr Ahern, containing a marginal note to Mr G W Crooke, QC, Senior Counsel Assisting the Fitzgerald Inquiry.

Superintendent Youngberry's report was brought about by a 'news media campaign' conducted by the Chairman of the Aids Council of Queensland, designed to exert pressure on the Queensland Government to decriminalise homosexual acts.

Mr Braithwaite's letter informed the Premier that '[Chairman of the Aids Council of Queensland] has political motives for his news media campaign about the matter. He told Detective Superintendent Youngberry in effect that he was exerting pressure on the Queensland Government to change State laws in favour of homosexual acts.' Braithwaite opined, 'While [the Chairman of the Aids Council] asserts alleged police impropriety he failed to supply evidence of it for investigation purposes.'

Mr Braithwaite's letter also addressed the issue of policing of the Transit Centre:

There is no particular instruction given by the Police Department for the Railway Squad to attend specifically to sexually related offences at the Transit Centre as their duty. The Office of Constable requires him to attend to his duty which includes enforcing these laws as well as all others.

Where evidence of any impropriety by any police officer comes to hand appropriate action will be taken to investigate the allegations.

There is no evidence, in fact, to support the allegation that instructions were issued dissuading police from pursuing their duty with regard to any breaches of the law committed at the Transit Centre toilets.

As a result of further representations made on 13 March 1998 by Messrs Thynne & Macartney, solicitors for the *Courier-Mail* and Mr Ware, Project Triton personnel interviewed Mr Braithwaite at his home on 17 March 1998. During that interview, issues relevant to the lobby group R3-I were canvassed.

Mr Braithwaite said that he had no knowledge of an allegation that persons were 'caught on surveillance film leaving a private dinner held by [the lobby group R3-I] where a "street kid" was raffled as a door prize.'

Regarding the allegation that police were prevented from harassing homosexuals at public toilets, the following passage is extracted from the transcript of the interview with Mr Braithwaite:

... This group [R3-I] was referred to me by Laurie Pointing, then Superintendent in Charge of Ipswich and I met them as a group and one of their complaints was about the Roma Street Railway toilets but it was only part of the complaint. They were just as concerned about the number of homosexuals who were being bashed — poofter bashed — around town. They had no confidence in the police and not bringing their complaints to the police, they became hidden complaints so far as we were concerned. I recall telling him that the police were there to help homosexuals as well as anybody else. I had no intention of standing by and seeing their complaints neglected and if they wanted to do so they could ah, we could establish an official liaison with the Department so that we could investigate any complaints that they had. As to telling the police to back off from the Railway toilets, it was a pretty hot subject

at that time. There was no suggestion, I told them that. I didn't tell them that the police would back off — certainly not. As to the photograph of [R3-K], I know nothing about that. They certainly didn't show it to me and what I take real offence at is that I conveyed certain information to the then Coalition Government ...

... I'm not sure that I ever met [R3-K] except maybe when he was a guest at the Academy. He may have been an official guest but I can't recall that I've ever really met the man.

So far as it had been suggested that the Police Chaplain, Father Ogle, had acted as an intermediary for the lobby group R3-I and the Police Department, Mr Braithwaite said this:

My recollection of events does not include Wally Ogle being appointed the official liaison officer for the Police Department with the homosexual group. Wally may of some way unofficially acted for them in some way. I don't know what but certainly he wasn't the official connection between the Police Department and that group and indeed as I recall I'm not sure that the group ever got around to following that up to get somebody from the Police Department to be the liaison officer.

Mr Braithwaite also advised that he was not aware of a 'cover-up' of any paedophilia investigation involving a judge, and had not previously heard of the allegations concerning Judge R3-F, nor the instruction allegedly given by Huey in relation to the searching of judges' homes and chambers.

Furthermore, as a consequence of the letter of 13 March 1998 from Messrs Thynne & Macartney, a number of additional interviews were conducted and a report of those interviews was provided to Messrs Thynne & Macartney. None of those interviewed had any information confirming the allegations.

Mr Neil McLucas was interviewed on 18 March 1998. In the late 1980s, Mr McLucas was the proprietor of the Playhouse Theatre in Fortitude Valley. This was the venue for Dirty Dick's, where the lobby group R3-I conducted its dinner meetings.

Mr McLucas was a foundation member of R3-I and described the group as a network of gay business people who worked together to promote their businesses to the gay community. According to Mr McLucas, the lobby group has met on the first Monday of every month since its formation. These meetings are usually held at restaurants. Various people have attended as guest speakers, including police officers and politicians. The lobby group has a female membership of about 15 per cent. According to Mr McLucas, the lobby group endeavoured to maintain a high profile, and engaged in political lobbying with a view to legislative reform of laws affecting homosexuality.

Mr McLucas denied that the lobby group had ever 'raffled' street kids. He said that he had first heard such a suggestion only recently, when it had been raised with him by the editor of a gay magazine as something which had been raised with that person by the *Courier-Mail*.

McLucas recalled that he and other members of the lobby group made representations to the Commissioner of Police with a view to improving the awareness of police officers of issues involving the gay community. According to McLucas, the issue of the Transit Centre toilets was not discussed during that meeting. McLucas said it was possible that the issue was raised on some other occasion, although he described as a 'lie' the suggestion that the lobby group had tried to pressure police to stop harassing homosexuals at the Transit Centre toilets by using a photograph of a politician in a compromising position with an airline flight attendant.

So far as the allegation concerning R3-K is concerned, Mr McLucas said that he had never seen the purported photograph and doubted its existence.

Mr Phillip Tahmindjis, a member of R3-I, was interviewed by Counsel Assisting on 19 March 1998. Mr Tahmindjis's contact with the lobby group extends back to 1984–85.

Mr Tahmindjis denied that the lobby group ever raffled street children or engaged in blackmail. He said that the group campaigned for changes to the law and, with this in mind, endeavoured to invite

as many politicians as possible to meetings of the lobby group. One guest speaker was the then Attorney-General. Mr Tahmindjis knew nothing of the allegations concerning R3-K.

Former Anglican Police Chaplain Walter Ogle has not been interviewed regarding these specific issues. However, in a letter to Commissioner O'Sullivan dated 18 August 1997, Mr Ogle wrote:

The second matter concerns my being named in a 1993 Queensland Police report as being the intermediary between the Queensland Police Service and [the lobby group R3-I] over police harassment of homosexuals at the Roma Street Transit Centre. I am told the report states that Walter John Ogle was the intermediary appointed by the then Acting Deputy Commissioner, namely Mr Donald Braithwaite. Further, the report states that a meeting took place in 1989 in my home between Queensland Police and representatives of [the lobby group R3-I]. If this is the case, the report is inaccurate and untruthful. I was never asked to be, nor was I, an intermediary between the Queensland Police Service and [the lobby group R3-I] ...

On 20 March 1998, an interview was conducted by telephone with R3-K, who stated that he had never heard of the suggestion that persons had been caught on surveillance film leaving a private dinner where a street kid had been raffled as a door prize.

Furthermore, R3-K stated that he had never been in a compromising position with a flight attendant, nor had he heard it suggested that a photograph of such conduct existed.

Finally, R3-K denied having ever been found by police officers in a public toilet in a compromising position.

Messrs Thynne & Macartney's letter suggested that Project Triton should interview former Deputy Premier Bill Gunn. Counsel Assisting had, in fact, written to Mr Gunn on 17 October 1997, inviting him to respond with any information upon matters about which he had spoken publicly in August 1997, being matters the subject of investigation by Project Triton.

A further letter, in similar terms, was sent to Mr Gunn on 20 March 1998. No reply was received to either letter.

It is appropriate to add at this point that similar approaches were also made to the Honourable Russell Cooper, then Minister for Police, Corrective Services and Racing, who was reported as having made public statements to the effect that he had concerns regarding police investigations into allegations of paedophilia. Mr Cooper advised Counsel Assisting by letter that he was unable to assist Project Triton.

In addition to those interviewed at the behest of Messrs Thynne & Macartney, further investigative steps were taken by Project Triton personnel with a view to confirming the alleged existence of a photograph depicting R3-K and the flight attendant.

On 1 November 1997, the CJC received information from an anonymous caller who claimed both that she had previously worked in the sex industry, and had assisted police in a 1990 investigation into the alleged paedophile activities of R3-K.

Furthermore, during interviews conducted with Goldup, it had been suggested that R3-K was a 'frequent' of public toilets. Goldup believed that some surveillance had been conducted of certain public toilets, and nominated certain officers, including Dickson and other officers, as those who had conducted the surveillance. When interviewed, the other officers nominated by Goldup denied having heard any rumour concerning R3-K, and denied that any surveillance was conducted of him.

For his part, Dickson stated that he had no knowledge of any investigation of R3-K. Although familiar with the allegation that a photograph existed depicting R3-K with a flight attendant, he said that he had never sighted such a photograph. Dickson said that he believed Ogle had contacted Detective Inspector Bruce McKinlay with information concerning the photograph, and that he (Dickson) had been tasked to speak with Ogle about the matter. According to Dickson, Ogle claimed

to have seen such a photograph, and also spoke of being appointed by Braithwaite as an intermediary between the Police Department and the lobby group R3-I. (Of course, these are allegations which Ogle denies.)

Detective Inspector McKinlay, who was a Detective Sergeant with the BCI between 1987 and 1990, was interviewed on 20 March 1998 regarding Dickson's assertions. He claimed to have no recollection of ever speaking to Ogle about R3-K, nor of tasking Dickson to investigate the matter.

There is no evidence to support the suggestion that the lobby group R3-I was other than a legitimate body or association. Furthermore, whilst Biazos gave an account of having conducted some surveillance at Dickson's direction, there is no evidence to support allegations that persons were caught on surveillance film leaving a meeting of the lobby group at which 'street kids' had been raffled.

Additionally, there is no evidence to support the existence of a compromising photograph of R3-K, nor that such a photograph was used to blackmail the Police Command into turning a blind eye to the alleged conduct of homosexuals in the Transit Centre toilets.

Operation Paradox

Notwithstanding that no specific allegation has been directed to this matter, this is an issue worthy of mention.

Operation Paradox is a scheme devised by Victoria Police in 1991 to encourage members of the public to telephone police with information concerning suspected offences of paedophilia. It operates in a similar fashion to the perhaps better recognised Operation Noah, where the public is encouraged to identify suspected drug offenders.

The relevance of this issue to Project Triton arises by virtue of Mr Ware's application to the QPS under the *Freedom of Information Act*. In his application, Mr Ware sought the following:

- Any information available on the attendance of Sexual Offenders Unit Officers to the ABCI paedophile conference which began on 26–27/02/90
- Any materials or reports relating to that ABCI conference, in particular reference to recommendation to set up [the] Operation Paradox national phone line. Any information in relation to Queensland's inability to become involved in this national phone line for a number of years.

The documentation held by the QPS confirms an initial reluctance to participate in Operation Paradox. This reluctance extended over some years.

A report by Acting Detective Inspector J A Reilly, dated 4 June 1991, to the Detective Superintendent, Task Force (Crime Operations), supported the concept of Operation Paradox, but recommended against the involvement of the QPS in the Operation.

The reasons given for this stance included:

- the successful multidisciplinary response to child abuse by the 46 SCAN teams throughout Queensland — each consisting of a doctor, child care officer, Department of Family Services, and a police officer
- the joint training of police and child care officers in courses conducted by the Department of Family Services
- the lack of resources available to participate in an operation that might have little foundation.

In line with Reilly's recommendations, on 2 July 1991, Assistant Commissioner Comrie recommended as follows:

There is no doubt that there was value in 'Operation Paradox' for those States which have previously chosen to participate. Queensland's multi-disciplined approach to child abuse currently provides

numerous avenues for informants/complainants to bring information to the notice of the authorities.

Participation in this operation may in fact be detrimental to current investigations, as resources in these areas are fully deployed. Experience with these type of operations (e.g. Operation Noah) shows that large quantities of information are received. All information received must be investigated to establish the veracity of this information. Investigation of these matters would therefore be at the expense of current serious investigations resulting from SCAN reports. It is difficult to justify this course of action.

Recommendation: 'The Queensland Police Service does not participate in 'Operation Paradox 1991.'

A notation of 3 July 1991 under the hand of the Administration Officer, Task Force Command, confirms that the determination of the Commissioner of Police, Mr Newnham, was that the QPS would not participate in Operation Paradox.

In the following year, 1992, Victoria Police extended a further invitation for the QPS to participate in the Operation Paradox 'phone-in'. The QPS again declined the invitation for the same reasons as in 1991.

In 1994, the QPS revised its position on Operation Paradox — notably because the Department of Family Services and Aboriginal and Islander Affairs and the Department of Education supported the scheme. These bodies had previously resisted the proposal because of resource constraints.

It must follow that the earlier determinations of the QPS not to become involved in Operation Paradox cannot reasonably be equated with any institutionalised or systemic reluctance to investigate paedophilia. Rather, the earlier determinations were based upon legitimate considerations, such as the existence of proven anti-child abuse programs (e.g. the highly successful SCAN teams), the extra resource implications, and the need for an 'all of government response'. When Operation Paradox did attract the necessary support, it was duly introduced.

Allegations against a high-ranking police officer

During the course of Project Triton, allegations were received concerning the conduct of a present high-ranking officer within the QPS. The allegations are of two categories, namely:

- that the police officer had himself engaged in homosexuality and paedophilia (and had been protected against investigation by higher-ranking police)
- that the police officer had acted to protect a priest from investigation in respect of allegations that the priest had engaged in paedophilia.

The allegations relate to matters said to have occurred over the many years this person has served as a police officer. In other words, they cover periods when the high-ranking police officer was a junior constable, was of higher non-commissioned officer rank, and commissioned officer rank.

In light of the fact that thorough investigation by Project Triton demonstrated that these allegations are unfounded, with most based upon groundless scuttlebutt, it is only just that the identity of the high-ranking police officer be preserved. Accordingly, I have assigned to him the code-number 'R3-P'.

There is a risk that the merest reporting of an investigation into allegations against this officer will lead to speculation about his identity by many of his colleagues and subordinates, a great number of whom have no doubt heard and/or participated in the rumour mongering. However, that is a risk which cannot be avoided in any fair and responsible reporting of the matter. If R3-P happens to be so identified, it is to be hoped that such recognition may bring an end to the years of baseless gossip and malicious innuendo that have plagued him, and perhaps go some way to repairing the damage which was doubtless occasioned by the spreading of such allegations by those with suspicious minds or vested interests.

It is also worth noting that for virtually every allegation, there was no direct evidence advanced of the conduct alleged. There was, however, invariably a suggestion that 'X' knows of or can confirm the allegation. Nevertheless, a serious attempt was made to investigate each allegation. What was discovered was that 'X' either was not able to confirm the matter, or had been dead for years.

After a thorough and exhaustive investigation of the matter, I am well and truly satisfied that the various allegations concerning R3-P are unfounded, with most based upon groundless scuttlebutt. Before setting out some brief summary of the matters investigated, I make the following brief observation of R3-P.

R3-P is a married man with a number of children. He joined the Queensland Police Department in the mid-1960s, and has risen to commissioned officer rank. He is well educated and articulate. It is not hard to imagine how such an officer would have grated on others within the traditionally macho police culture.

Allegations of personal involvement in paedophilia

A number of allegations suggesting that R3-P engaged in paedophilia (and was protected from investigation) were identified. Each has been investigated by Project Triton.

It is obvious that some allegations are merely variations upon a common theme. This, in itself, provides some basis to conclude that the accusations are the stuff of urban myth rather than fact. However, it is convenient and necessary to set out a summary of the various allegations, and the steps taken to investigate them.

An incident in a police car. Project Triton identified various allegations suggesting that as a constable, R3-P had been discovered in a compromising position with a male youth in a police car.

It is hard to pin down this allegation. The story varies:

- From R3-P being located at Boss Road, Inala — to Ellen Grove near Inala — then to South Brisbane.
- From R3-P merely being located in a police vehicle — to being found in the rear seat of the police vehicle.
- From the incident occurring at 11 a.m. — to it occurring at dusk.
- From R3-P being located in the company of one boy — to being found with a number of children.
- From R3-P merely being found in the company of a boy — to being discovered in a compromising position with the boy.
- From no report being furnished by the Detective Senior Sergeant who located R3-P — to the young detective who located him being sent back to uniform and transferred to a posting he did not want when he tried to take action against R3-P.

In every case it was impossible to find any direct evidence for the accusation. Invariably, the information volunteered was that investigators should speak to 'X', who knew something of the matter. Of course, 'X' inevitably knew nothing of the allegation, or, alternatively, nominated some other person to whom investigators should speak (without result).

R3-P denied, both at interview and in evidence, that any incident of the type described had ever occurred. There is not a skerrick of evidence with which to dispute that denial.

In my view, the story seems to have the characteristics of an urban myth, and is about as reliable.

An allegation that an investigation was quashed. Information was received by Project Triton from a former police officer (P) to the effect that an investigation into allegations that R3-P was

involved in paedophilia had been quashed by then Commissioner Terry Lewis.

It was claimed by P that the incident the subject of investigation had occurred when R3-P was serving in a squad at Oxley, and that a file detailing the investigation had been removed from the Oxley Police Station. P could not say who his informant was, but said that he had heard about this matter from a number of people. He said, 'the investigation is quite provable if you interview "Barney" Pitman.' It was suggested by P that Pitman was the officer in charge of Oxley Police Station at the time of the incident.

'Barney' Pitman is, in fact, Mr Brian Pitman, who retired as Acting Deputy Commissioner of Police in 1990. Mr Pitman was interviewed by Project Triton on 18 December 1997.

According to Mr Pitman, who was in charge of the Oxley Police Station from February 1986 to June 1986 and did not otherwise serve at Oxley Police Station, R3-P was not on the staff at Oxley during that period, nor was he ever under his command. Furthermore, Mr Pitman said he had no knowledge of a file concerning R3-P being removed from Oxley Police Station, and believed that he would have remembered if such a matter had occurred.

When interviewed, R3-P denied this matter and said he had no knowledge of any such investigation or any incident involving the removal of a file. R3-P has never been stationed in a squad at Oxley Police Station. No record of the incident said to involve R3-P can be located.

The allegation raised by P is vague and, for that reason, difficult to investigate. His claims that the incident occurred when R3-P was attached to the Oxley Police Station and that Pitman had knowledge of the matter are shown to be incorrect.

In the circumstances, it is likely that the allegation has no foundation in fact.

Additionally, P also told Project Triton that there is a person with the same name as R3-P and that this other person is a known paedophile. P alleged that police had mixed the files in such a way as to thwart investigations into allegations against R3-P.

Investigations confirmed that a person sharing the name of R3-P (although with different spelling of the surname) is known to police as an active paedophile and has regularly been before the courts.

No evidence has been discovered to support P's contention that files have been mixed to protect R3-P. In any event, given the system by which police investigations proceed and are recorded, with emphasis placed upon details such as fingerprints, personal descriptions, dates of birth, next of kin, and the like, it cannot reasonably be contended that allegations against one person can be easily passed off against another person sharing the same name. Indeed, with one of those persons regularly before the courts, and doubtless legally represented, the suggestion takes on an air of absurdity.

Of course, the fact that R3-P shares the same name as a known paedophile may go some way to explaining a degree of the rumour mongering that has surrounded him.

Allegations concerning the wearing of female attire. Project Triton investigated allegations that R3-P had been witnessed wearing women's clothing. The allegations suggested that R3-P had been seen:

- at Brisbane Airport wearing women's clothing and a woman's wig in the early 1980s
- at George and Herschell Streets wearing a woman's wig in the early 1970s.

R3-P denied these incidents to Project Triton investigators, and when he gave evidence no one cross-examined him about the alleged incidents or even suggested that they had happened.

An incident at a public toilet. Project Triton investigated various allegations which placed R3-P in compromising positions with males at public toilets at Stones Corner, New Farm, Buranda and Toowong.

None of the allegations has been substantiated.

One of the allegations examined by Project Triton related to events which occurred at a Christmas Party at New Farm Police Station in 1988, wherein it was alleged that another former police officer had said that R3-P was a paedophile, and claimed to have seen R3-P emerge from a public toilet in New Farm with young boys.

The allegations were subsequently the subject of a police investigation. That investigation was, in turn, reviewed both by the Fitzgerald Inquiry and the CJC.

During that investigation, the former police officer who made the allegation admitted that it was false, and offered an explanation as to why he had been motivated to make the false accusation. The former police officer admitted that he had no evidence that R3-P was involved in improper activities, although he had heard rumours to that effect.

The allegation — in its various forms — was denied by R3-P. It appears to be yet another myth!

Allegations concerning Clarence Osborne. Project Triton has examined an allegation that R3-P's name appeared in documents found in the possession of known paedophile Clarence Osborne, and that such documents had disappeared.

A police officer nominated as someone with direct knowledge of the matter was interviewed. That person claimed to know nothing of the suggestion that R3-P's name had been found within Osborne's possessions. Furthermore, that person claimed to have no knowledge or evidence of any improper behaviour on the part of R3-P.

Interviews have also been conducted with those present and former officers responsible for seizing the Osborne material. No one recalls photographs of R3-P, nor any mention of his name, within the Osborne material.

Allegations concerning the protection of a priest. During the course of its work, Project Triton received information from Task Force Argos suggesting that, approximately five years ago, having received a complaint detailing the alleged sexual abuse of children by a Roman Catholic priest, R3-P, had failed to act on that complaint and/or covered up those allegations.

The information as received by Task Force Argos was found to have been originally sourced from a former Christian Brother, who is now, and was at the relevant time, a social worker and teacher. He has a history of involvement in youth work.

In essence, the social worker alleged that in August or September 1991 he telephoned R3-P and complained to him of acts of paedophilia committed by a Roman Catholic priest. The matters complained of involved the sexual abuse of some 24 boys. According to the social worker, following the telephone conversation, he heard nothing more from either R3-P or anyone else associated with the QPS.

In early 1997, the Roman Catholic priest about whom the social worker said he complained, was charged with numerous offences relating to his alleged sexual abuse of boys. The charges relate to the period 1963 to 1978 and are presently still before the criminal courts.

The social worker has no notes, nor any independent record, of his alleged telephone conversation. He relied upon his recollection to recount how he telephoned R3-P, who he believed was then serving with a specialist squad. He chose to contact R3-P because he was aware of that officer's role within the squad, and knew that he was also involved with the Roman Catholic Church.

In fact, at the time of the alleged telephone call, R3-P was not serving with the specialist squad, but at another location in Brisbane. This means that if the social worker telephoned him as alleged, the call was made to the location where R3-P was then working, rather than to the specialist squad as recalled by the social worker.

When interviewed about the social worker's allegations, R3-P acknowledged having had conversation with that person 'over a range of things', but denied some aspects of the matters alleged. R3-P subsequently provided Project Triton with a written statement detailing his recollection of his dealings with the social worker. In that statement (and subsequently, in evidence), R3-P denied ever receiving any detailed allegations from the social worker about the Roman Catholic priest.

The issues for determination are therefore:

- whether the social worker contacted R3-P, as alleged, or at all
- assuming there was contact, what information the social worker passed to R3-P
- what R3-P understood of any information given to him by the social worker
- whether R3-P failed to respond appropriately to any information provided to him by the social worker.

According to the account offered by the social worker both during interviews and in evidence, he contacted R3-P not to make a 'formal' complaint, but to seek advice about the apparent inability of the Roman Catholic Church to deal with the priest. He believed he conveyed detailed information then in his possession, mentioning the names of certain victims and details of their allegations. He also believed that R3-P said he would 'get back to me' about the matters they had discussed.

It is common ground that R3-P never did 'get back' to the social worker. However, neither did the social worker do anything to follow up the call or check on the progress of any investigation of the matters he had raised. R3-P's account is that, although he did speak with the social worker at various times in the early 1990s, he has no recollection of any conversation around the nominated date. His recollection was that his discussions with the social worker were of a more general nature than a complaint, and concerned the response of the Roman Catholic Church to allegations involving priests and children.

R3-P has categorically denied receiving any detailed information from the social worker concerning complainants who might be prepared to provide information to police about sexual offences committed by the Roman Catholic priest. He claimed that, had he received any such information, he would have passed it to the JAB for investigation.

There is evidence that at the time of the alleged telephone conversation with the social worker, and for significant periods before and after that time, R3-P has been actively involved in the development of protocols by which the Roman Catholic Church may deal with complaints of sexual abuse. Therefore, other than the fact that R3-P is a practising Roman Catholic, there is no apparent logical reason to suspect that he would be prepared to ignore or cover up information of the type allegedly provided to him by the social worker. Indeed, the evidence of his actions to ensure the development of protocols suggests the contrary.

The social worker suggested that Project Triton might contact a former colleague, with whom the social worker believed he would have discussed the information he had concerning the Roman Catholic priest, and the fact that he intended to contact R3-P, or had already done so.

The person so identified was duly interviewed by Project Triton. Coincidentally, that person had previously worked with both the social worker and R3-P. Significantly, that person did not confirm the social worker's account and claimed not to recall the social worker raising either the issue of the Roman Catholic priest, or an intention to pass on information to R3-P.

There is no reason to suspect that the social worker has been deliberately dishonest in his claim of a telephone conversation with R3-P. However, the weight of evidence suggests that he is mistaken.

It is difficult to accept that R3-P would choose simply to ignore such information, presumably in the hope that the social worker (who had demonstrated a keen interest in the issue) might forget about the matter or elect not to follow up on the call.

The difficulty in accepting that proposition is heightened by the evidence of R3-P's apparent dedicated pursuit and apprehension of offenders against children, and his active role in ensuring that the Roman Catholic Church responded appropriately to allegations of the kind referred to.

On balance, it is more likely that any conversation between the social worker and R3-P was of the more general kind; that is, in respect of the inactivity and/or inability of the Roman Catholic Church to deal with allegations involving its ministry.

A further, but unrelated, allegation concerning the protection of the Roman Catholic priest was also investigated by Project Triton. This allegation was made by a former Catholic schoolteacher who has for some years unofficially devoted time to the investigation of child sex offences by clerics. The former schoolteacher claimed that on 27 February 1997 he had spoken with R3-P and told him of allegations made by three Kenmore women concerning the sexual abuse of their children by the Roman Catholic priest, and of suspicions that the Catholic Church was acting to cover up the matter.

The former schoolteacher's complaint is that, as a result of this discussion, a short time later, on 19 March 1997, he was contacted by another police officer and instructed not to mention anything of the matter.

It is instructive to note that the Roman Catholic priest was charged with various offences on 19 February 1997.

The police officer who spoke with the former schoolteacher on 19 March 1997 was interviewed and confirmed giving a direction of the type described by the former school teacher. However, he also explained that his direction that the schoolteacher should not mention his inquiries was directed not to the investigation of the Roman Catholic priest, but to another extremely sensitive investigation which was then being conducted under a strict cloak of secrecy. He confirmed instructing the former schoolteacher to make no mention of that particular investigation — not even to officers from Task Force Argos. The police officer said that when he was subsequently contacted by the former schoolteacher and informed that officers of Task Force Argos wished to discuss aspects of the investigation into the Roman Catholic priest, he told the former schoolteacher to 'tell the truth, be honest, and tell them exactly what had happened.'

The police officer's account of his contact with the former schoolteacher was subsequently acknowledged by the former schoolteacher during a tape-recorded interview.

It is readily evident that the former schoolteacher mistook the direction given to him as applying to every issue the pair had discussed, which included aspects of the investigation of the Roman Catholic priest.

Alleged inappropriate sexual conduct. During the course of an interview with Project Triton, the social worker also claimed that he had been told by a former police officer that R3-P had on one occasion been quickly transferred as the result of inappropriate sexual conduct involving personnel under his command.

A similar claim had also been made by Goldup, during the course of her contact with Project Triton personnel.

Investigation of the matter raised by the social worker has failed to confirm the incident described.

Investigation of the matter referred to by Goldup has established that R3-P was not the subject of a 'quick' transfer, but that he had successfully applied for and been offered an appointment in a particular policing position in a process that took some months.

Conclusions for Reference 3.1

Paedophile Task Force

By his articles, Mr Ware has asserted that from 1989 to 1993, there were systematic and institutionalised impediments to police investigations into paedophilia. My investigations have revealed that such assertions are without foundation.

There is no evidence to suspect that the Command decision to replace the Paedophile Task Force with the Child Exploitation Unit was reached for other than legitimate considerations. Indeed, to suppose otherwise would be, in my opinion, quite unreasonable.

The body of evidence adduced during Project Triton provides every reason to be confident that the QPS provided all reasonable assistance and support to the pursuit of paedophilia during the relevant period. Suggestions of systematic or institutionalised impediments to police investigations into paedophilia are without any foundation in fact.

I am satisfied that the decision not to transfer Dickson and Goldup to the Child Exploitation Unit was borne of two legitimate considerations, namely, the Command's dissatisfaction with the performance of Dickson, and the recognised need to rotate the officers to other duties. There is no doubt the reassignment of Dickson and Goldup caused these officers to resent certain senior officers and to harbour suspicions as to the motives of those officers. The allegations concerning the closure of the Paedophile Task Force reflect the disenchantment and antipathy harboured by Dickson and Goldup. I am satisfied that both Dickson and Goldup (having been apprised of the evidence) now recognise that there were no improper motives behind their transfers.

Goldup has complained of subsequent victimisation of both her and her husband. As a matter of logic, it is difficult to see how this could be so, given that there were no improper motives behind the closure of the Paedophile Task Force and her transfer to other duties. Nonetheless, her complaint in that regard has been investigated by Inspector Reeves on behalf of the CJC. I am satisfied that there is no evidence to suggest that Goldup and her husband were treated with any unfairness as a result of her involvement in the Paedophile Task Force.

On no reasonable view of events can it be suggested that the closure of the Paedophile Task Force frustrated any realistic breakthrough — major or otherwise — in any investigation into paedophilia. Squad reports for the relevant period and the accounts given by staff members show that no operation or investigation was frustrated or jeopardised.

The allegation that highly sensitive files went missing is historical. There is room to doubt that any files were misplaced and, in any event, extremely doubtful that further investigation of the matter would be fruitful.

Homosexual Lobby Group

There is no evidence to support the suggestion that the homosexual lobby group was other than a legitimate body or association. There is no evidence to support allegations that persons were caught on surveillance film leaving a meeting of the lobby group, much less that 'street kids' were raffled at such a meeting.

Additionally, there is no evidence to support suggestions that a photograph depicting a political figure in a compromising position existed, nor that such a photograph was used to blackmail the police Command into turning a blind eye to alleged homosexual conduct.

Operation Paradox

The determinations of the QPS not to participate in Operation Paradox cannot reasonably be said to have been the result of any desire to frustrate or impede the investigation of paedophilia. Such decisions were clearly based upon legitimate considerations.

Allegations against a high-ranking police officer

Various allegations concerning a high-ranking police officer have been thoroughly and exhaustively investigated. It has been demonstrated that the allegations are unfounded, with most based upon groundless scuttlebutt.

Reference 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.

The allegations

The matters alluded to by Reference 3.3 have their genesis in police raids conducted on two male brothels in December 1984, and the police investigation codenamed Operation ‘Clean Up’ which was conducted by Superintendent Duncan’s task force from about November 1984 to March 1985.

Newspaper articles published during August 1997 purported to link these two matters with issues pertaining to the Inquiry into Sexual Offences against Children conducted by the then Director of Prosecutions, Mr Sturgess, QC.

The principal allegations are:

- That a child sex network imported Filipino boys to Brisbane in the early 1980s and was in some way linked to the activities of the Brett’s Boys brothel.
- That documents from Brett’s Boys were delivered to Channel 7 and later to Mr Sturgess. These documents implicated people in the importation of Filipino boys for sex purposes.
- Records relating to the Brett’s Boys male brothel which had been seized by police were not produced to Mr Sturgess in an attempt to impede his inquiry, and that in his report, published in November 1985, Mr Sturgess expressed disappointment about the actions of the police.

A further specific allegation was investigated as part of Reference 3.3. This matter concerns an allegation that copies of credit card vouchers evidencing a parliamentarian’s visits to Brett’s Boys were seized by police and surreptitiously copied or removed from police holdings in order to blackmail the parliamentarian concerned.

All of these allegations involve suggested misconduct on the part of police officers, thus attracting the jurisdiction of the CJC.

The raids on Brett’s Boys

During 1984, two male brothels commenced business in Brisbane. The brothels traded under the names, ‘House of Praetorian’ (at Unit 1/86 Rialto Street, Coorparoo) and ‘Brett’s Boys’ (at 206 Kelvin Grove Road, Kelvin Grove).

These businesses were separate entities: the proprietor of House of Praetorian was Robert Warwick Hoare, while Brett’s Boys was owned and operated by Craig Stephen Weedon. Hoare and Weedon had no joint business interests whatsoever; however, Hoare told Project Triton that, upon discovering that Weedon had failed to register the business name ‘Brett’s Boys’, he took advantage of his

competitor by registering the name himself. The business name 'Brett's Boys' was therefore registered to Hoare.

In addition to his Brisbane brothel, Hoare then opened male escort businesses on the Gold Coast, using both business names — that is, 'House of Praetorian' and 'Brett's Boys'. The Gold Coast businesses used separate telephone lines, but both businesses were conducted from the same premises and effectively, were one.

In 1984, the act of male prostitution was not unlawful in Queensland (although specific sexual acts — such as sodomy or acts of 'gross indecency' between males — did constitute a criminal offence).

As a result of the way in which the law was framed, the male escort agencies could operate with a degree of impunity from police attention, provided they did not abet criminal acts between males (which would have been difficult to establish), or acts of prostitution involving females.

Nonetheless, public controversy arose following the publication of an article by the *Courier-Mail* on 10 December 1984. The article, by journalists Tony Koch and Matthew Fynes-Clinton, was called 'The men of evil who prey on children', and made a number of claims, including that a child pornography and male prostitution racket operated in Brisbane and on the Gold Coast and ringleaders paid off crooked police so the racket could operate. The article caused public and political outcry, and prompted the Queensland Police Department to mount raids the following day on Brett's Boys (at Kelvin Grove) and House of Praetorian (at Coorparoo).

On the day the article was published, then Deputy Commissioner of Police, Mr Atkinson, issued a directive:

... to have search warrants executed on the two premises to ascertain if youths are there for the purposes of pornography or defilement. For this purpose, three experienced detectives from the Metropolitan Criminal Investigation Branch could be detailed to assist the three members of the Juvenile Aid Bureau presently investigating the child pornography racket in Brisbane.

Additionally, on the same day, Judge Pratt, then Chairman of the Police Complaints Tribunal, instituted a public inquiry pursuant to section 8(c) of the *Police Complaints Tribunal Act*.

On 17 December 1984, it was announced by the Attorney-General, Mr Neville Harper, that Mr Sturgess, QC had been commissioned to conduct an inquiry into allegations of child pornography and prostitution, which he was to commence when he took up an appointment to the then newly created office of Director of Prosecutions for Queensland.

In fact, the evidence demonstrates that police interest in the male brothels had predated the Koch and Fynes-Clinton article. Police had been aware of the activities of the businesses, but had considered that the businesses were lawful and that they were unable to intervene.

Significantly, when interviewed by Operation Triton investigators on 25 February 1998, Hoare stated that before commencing his business he had received legal advice that the proposed business was not in contravention of the law. Shortly after opening the business, Hoare also made representations to ensure police that he was operating within the law. Hoare claimed he was advised by Licensing Branch detectives that he could not be prosecuted so long as he only employed males as escorts.

Hoare also developed an alliance of 'convenience' with a police officer, codenamed 'R3-Z', with a view to vetting likely employees to ensure that they were not known to police or were otherwise individuals who might attract police attention. For his part, R3-Z sought to monitor the employees and develop informants.

House of Praetorian ran without hindrance from police until the raids of 11 December 1984, when search warrants issued under the Criminal Code were executed in tandem on House of Praetorian

and Brett's Boys with a view to uncovering evidence of offences of indecent practices between males.

Seven people, including Hoare, were found at House of Praetorian, and later interviewed at the Metropolitan CIB. No charges were laid. The search warrant records the following property as having been seized:

- One (1) diary
- One (1) name index
- Two (2) folders of writings (all retained)
- \$80 in notes
- One cheque (photocopied and returned to Hoare 11.12.84)

The police officers involved in the raid have been interviewed. None of those officers recalled anything of any significance or investigative value within the above property.

The only available copy of the search warrant executed upon Brett's Boys does not list any property as being seized during the search. Nevertheless, Detective Sergeant Roland Leadbetter, who participated in the search, told Project Triton he had a vague recollection that at some stage after the raid, some documents were returned to Weedon's solicitor. In any event, Leadbetter cannot recall anything worthwhile being found or seized.

Weedon and two of his employees, one B and one H, were questioned by police at the CIB, but no charges eventuated.

Shortly after the raids and the publicity attracted by the raids, Brett's Boys and House of Praetorian ceased operating. Similarly, Hoare's male escort agencies on the Gold Coast closed.

Documents produced by R3-W

Shortly after Hoare commenced business as House of Praetorian, he was approached by a male escort, code-numbered 'R3-W'. R3-W has been described by Hoare as opportunistic, materialistic and untrustworthy. Hoare claimed R3-W stole business records of House of Praetorian from Hoare's residence.

It appears that shortly after the police raids of 11 December 1984, R3-W sought to make money from trading information about the business to Koch and to the Channel 7 current affairs program 'State Affair'. R3-W claimed to possess documents which he said related to the business Brett's Boys (at Kelvin Grove).

R3-W had never worked for Brett's Boys, nor its proprietor, Weedon, and to this extent it is unlikely that the documents he possessed were documents from that business. It is possible, however, that the documents related to House of Praetorian, and were documents that had been stolen from Hoare.

Koch and Channel 7 later introduced R3-W to Mr Sturgess and supplied Sturgess with the material R3-W had produced to them.

Hoare's version of events is supported in part by now former police officer, R3-Z. R3-Z, who participated in the raid on House of Praetorian, told Project Triton investigators that he spoke to Hoare following the raid and was informed that R3-W had broken into Hoare's house, stolen Hoare's client list, and sold it to the media.

Having now set the scene, I shall move on, and return to R3-W's documents in due course.

Suggested links to Operation Clean Up

About the time of the raids and closure of the male brothels, the Police Department was conducting Operation Clean Up, an investigation into the activities of suspected paedophiles.

Operation Clean Up was conducted by the temporary task force commanded by Detective Superintendent Duncan. The work of Superintendent Duncan's task force was coordinated with the inquiry then being undertaken by Mr Sturgess. To this end, Detective Inspector Brian Webb (who along with then Detective Inspector Roland Dargusch was assisting Mr Sturgess) was designated to act as a liaison officer between Duncan's task force and Mr Sturgess.

Operation Clean Up had delved into information uncovered by police following the suicide of Clarence Osborne in 1979. Osborne had left a considerable cache of material relating to his aberrant sexual activities.

In addition to the Osborne material, the task force examined:

- information that came into the possession of Sturgess
- the alleged activities of paedophile Breslin
- outstanding matters pertaining to the activities of Hurrey and Moore
- allegations of paedophilia, homosexuality and prostitution in general.

It transpired that the primary targets of Operation Clean Up included people connected with a video production business, and some whom police suspected travelled to the Philippines and Thailand to engage in paedophilia. (It was in this sense that a suspicion arose that some persons were abusing Filipino children.)

Operation Clean Up culminated on 18 March 1985 in a series of police raids. The raids proved to be relatively unsuccessful in that few charges eventuated. One target was arrested for firearms offences, and a quantity of pornographic material was found at a number of addresses. Apart from this, however, no evidence of any serious criminal offences was discovered. Significantly therefore, there never was an obvious nexus between those investigated during Operation Clean Up and the raids conducted on Brett's Boys and House of Praetorian.

The only mention of the male brothels to be found in the files pertaining to Operation Clean Up appears in an intelligence report, dated 6 February 1985. That report records information on suspected links between the targets of Operation Clean Up. The only mention of the male brothels is in these terms, namely: 'Brett's Boys are now defunct — Robert Hoare of 1/86 Rialto Street (Praetorians) Craig Weedon of 206 K G Rd.'

Beside this entry, the intelligence report notes that two named former employees of House of Praetorian were said to have taken over the management of a restaurant at Ashgrove.

In an article published by the *Courier-Mail* on 19 August 1997 ('Officer claims snuff movie inquiry muzzled'), journalist Michael Ware alleged that details of a criminal syndicate of wealthy business identities involved in the importation of Filipino boys for sexual purposes were 'discovered among the client cards found at the notorious Brett's Boys male brothel at Kelvin Grove'.

The relevant extract of Ware's article is reproduced:

The Children's Commission is probing further allegations of a sex network which imported Filipino boys to Brisbane in the early 1980's despite police attention. It is believed the network involved a Brisbane Customs officer who had links to Customs officials in the Philippines ...

The article then referred to Mr Bob Bottom's claims of 'snuff movies', before continuing:

'[There] was a group of wealthy people along the coast of Brisbane who brought in small Filipino boys,' Mr Bottom said.

It is understood the same network was brought to the attention of then director of public prosecutions Des Sturgess during his 1984 inquiry into sex offences.

The *Courier-Mail* understands implicating details of the network was discovered among 'client cards' found at the notorious Brett's Boys male brothel at Kelvin Grove.

Ware has not provided Project Triton with any information to support these claims. In fact, when interviewed on 20 October 1997, Mr Ware attributed all of the information contained in this article to Mr Bottom, in particular the remarks made by Mr Bottom during a radio interview of 18 August 1997.

Ware's attribution to Bottom does not account for the mention in his article of the Customs Officer. Bottom made no such reference. A more likely source for that claim is an article by Tony Koch, published by the *Courier-Mail* on 5 June 1985. That article, called 'Vice files accuse Customs Officer', was published three months after the Operation Clean Up raids, and advanced the very allegation which, apparently, Ware has merely repeated.

Claims that Filipino boys were being imported for sexual exploitation were examined during Operation Clean Up, yet no evidence to confirm such matters was discovered and the examination of relevant passenger manifests rendered it unlikely that Filipino children had been brought into the country by the targets. The only material linking the target of that investigation to paedophilia in Asia was the discovery of some video and photographic material; however, this did not disclose any offence committed in Queensland.

Koch's article of 5 June 1985 was published the day after he and R3-W had conferred with Mr Sturgess. The article states, in part:

Information given to Mr Sturgess alleges couriers were sent to a Manila bar owned by a Brisbane businessman. If they needed money whilst they were in the Phillipines the couriers were instructed to ring reverse charges to a Brisbane number. The number answered yesterday as the Brisbane Customs Department. Sturgess was given the name of the officer. It is alleged he has a connection with a Filipino Customs officer and that they arrange passports and money for the boys to come to Queensland men or brothels.

Mr Sturgess's view of the reliability of this information is quite at odds with that promoted by Mr Koch's article. When interviewed by Counsel Assisting on 10 March 1998, Mr Sturgess stated that:

- The matter of the cards from Brett's Boys and the House of Praetorian came to his attention when Mr Koch turned up at his chambers one day in a state of excitement.
- His recollection was that Koch had come from a television station and that shortly afterwards he received some cards which it was suggested were records of one of the male brothels.
- He subsequently met Koch's informant (R3-W) and formed a very adverse impression of him. Sturgess recalled that the informant gave a story about being the manager of the brothel but that Sturgess formed the opinion that it was much more likely that he was a male prostitute. R3-W wanted money from Sturgess and from the police department.
- The 'client cards' were produced and appeared quite genuine, although Mr Sturgess could not recall anything of significance about them.
- The material produced did not provide evidence of the existence of a ring of paedophiles who were bringing children in from the Philippines.
- Koch's informant (R3-W) was unreliable, incredible, and the limited information he was able to give was non-specific, lacked form and substance, and was clearly unreliable.

Mr Sturgess told Project Triton:

... R3-W was a liar and he was telling a number of stories you see, and when he started to ask for money he'd tell another story ... he'd jump from story to story. That wouldn't surprise me if he told,

came across something about the paedophile network in the Philippines and the next breath he, he he'd repudiate the story and talk about something else, like he was full of these stories.

Mr Sturgess said he had no specific memory of conducting investigations into R3-W's allegations, but was certain that if there had been any credibility in the information he would have instigated investigations and included the matters in his report.

It is possible that the documents produced by R3-W to the media, and by extension to Mr Sturgess, were those stolen by him from Hoare's home.

Moreover, there seems little doubt that Koch's article was based on information which Mr Sturgess viewed at the time as being of dubious worth.

To date, Project Triton investigators have been unable to locate R3-W, but interviews have been conducted with Hoare and Weedon.

According to Hoare, Filipino boys were not used as employees at his businesses. Hoare said that he had been at pains to ensure he did not transgress the law and ensured that all his employees were over the age of 18 years. He used his police contacts (particularly R3-Z) to make sure that his employees were over 18 years. He said he was keen to see paedophiles 'caught' by the authorities.

When Hoare was shown the material said to have come from Brett's Boys (i.e. the documents produced by R3-W) he identified the documents as copies of his records from House of Praetorian.

Weedon, the proprietor of Brett's Boys, was interviewed on Tuesday 10 March 1998. For his part, Weedon was adamant in his denial that Filipino boys were employed at Brett's Boys. He denied that a group of paedophiles was involved with Brett's Boys and had no knowledge of any paedophile trade between Australia and the Philippines.

Apart from Mr Koch's article of 5 June 1985 — which was apparently based upon information provided to him by R3-W (who was regarded as unreliable by Mr Sturgess) — there is very little basis to suspect the existence of any paedophile network involved in the importation of Filipino children, nor is there any evidence to link the running of the male brothels with such a network.

Consequently, there appears no substance at all to the 'understanding' said by Michael Ware's article to be held by the *Courier-Mail*, namely that, 'implicating details of the [Filipino] network was discovered among "client cards" found at the notorious Brett's Boys male brothel at Kelvin Grove.'

The withholding of information from Sturgess

It has been suggested that records which had been seized by police during the raids upon Brett's Boys had not been produced to Mr Sturgess in some attempt to impede his inquiry, and that Mr Sturgess expressed disappointment about these matters in his report, published in November 1995.

Reference to these allegations first appeared in an article published by the *Courier-Mail* on 15 August 1986. That article, called 'Police inactivity on prostitution blasted', purported to quote Mr Sturgess as follows:

What disappointed me was that in December, 1984, after protests against them, some police took possession of the records of the House of Praetorian and made copies of them before returning them. I commenced this inquiry shortly afterwards. Those police knew that, but they made no attempt to bring the records to me or tell me of their existence. I would have remained unaware of them if a young man who had worked at the brothel had not gone to a television station with his story and the records that had been shown to the police. The journalists at the television station at once understood that I should have those records and sent them to me. But it was then June and I had been engaged in the inquiry for six months. I asked a member of the Licensing Branch why no action had been taken against the male brothels. He said that they could not discover evidence for a prosecution.

The comment ascribed to Mr Sturgess by the newspaper article is almost identical to an observation made by Sturgess at paragraph 4.21 of his 1985 report.

Mr Sturgess's observation is an obvious reference to his exchange with Tony Koch and the informant R3-W, which I have already addressed. It is also symptomatic of Mr Sturgess's obvious disquiet with the performance of the then Licensing Branch, which he (correctly) suspected was corrupt.

In light of matters discovered by Project Triton, the criticism implicit in Sturgess's observation can be viewed as somewhat unfair, as Mr Sturgess was clearly unaware of actions taken by police following the raids on the male brothels.

As alluded to previously, a political controversy erupted upon the publication of the Koch and Fynes-Clinton article. Apart from spawning the police raids on the brothels, the Police Complaints Tribunal immediately initiated an inquiry into the allegations.

A press release, dated 10 December 1984, declared that the Police Complaints Tribunal had resolved that it would investigate specific 'allegations that members of the Police Force have been or are involved in conduct of a nefarious nature involving adults and infants'. The investigation, which was to have all the powers of a Royal Commission was, by its terms of reference, to investigate:

1. Allegations that a child pornography and male prostitution racket is operating in Brisbane and on the Gold Coast and that the ringleaders pay off crooked police so that the racket can operate.

The record shows that both Tony Koch and Matthew Fynes-Clinton were reluctant to appear as witnesses before the Pratt Inquiry.

A letter dated 21 December 1984, from the Chairman (Judge Pratt) to the Honourable W H Glasson, Minister for Lands, Forestry and Police, stated:

You will be aware that the said article appearing in the *Courier-Mail* on 10 December 1984 was apparently written by one A Koch and one M Fynes-Clinton. We have orally and, later in writing, invited these gentlemen to appear before us to give evidence as to their specific allegations which appear numbered 1, 2 and three above.

On the first occasion, in response to the oral invitation, our Secretary was told they declined to appear before anything that was not a properly constituted Judicial inquiry. On the second occasion, in response to our written invitation, they replied in the manner you will see in the attached letter dated 18 December 1984. We are concerned that the assertion that it is the task of Mr Sturgess to investigate claims that senior police were aware, two years ago, of allegations against a police officer involving children, persist in the community unanswered and uncorrected by Government. We enclose also the Telegraph's editorial of 19 December 1984 which continues this misconception as you will see by the words that are marked in yellow. We intend pursuing our enquiries in January and there are many witnesses yet to be examined. Among those yet to be examined are the said A Koch and the said Fynes-Clinton ...

... We hope that you will take this matter up at the highest level and clarify it. We hope that it is generally known and acknowledged that this Tribunal is performing a valid statutory function and is possessed of coercive powers which Mr Sturgess does not have. If it is not intended by Government that we exercise those powers, then it is well that you should advise us formally so that we can each consider our position.

Detective Inspector Don Plint was called before the Police Complaints Tribunal Inquiry to give evidence identifying 'action being taken in respect to known homosexual haunts'. Plint (who is now deceased) gave evidence on 17 December 1984. He swore that he was the officer responsible for the conduct of the raids on Brett's Boys and House of Praetorian on 11 December 1984, and he produced the material seized by police at House of Praetorian. That material is still in the holdings of the Police Complaints Tribunal, which were secured by the CJC when that body took responsibility for them after its creation.

There is nothing whatsoever contained in that material which would provide evidence of corruption,

police impropriety, or show the existence of a paedophile network.

Mr Sturgess was unaware that the material seized by police from the raid on House of Praetorian had, in fact, been produced to the Police Complaints Tribunal within six days of the raids. In fact, Mr Sturgess informed Project Triton that he was unaware, at the time, of the machinations of the Inquiry conducted by Judge Eric Pratt, and it is evident that there was poor communication between the two.

The Pratt Inquiry was never completed. The Police Complaints Tribunal's file on the matter carries a note dated 26 June 1991, headed 'alleged child pornography ring' which reads:

The summary of the steps taken by the Tribunal was noted and it was resolved that a notation be placed on the file that one of the reasons that the Tribunal was content not to take any further actions until the completion of the hearing of the outstanding charges was that there was no cogent evidence yet discovered of any police officer having been involved in any conduct of the kind that had been alleged.

Shortly after the Police Complaints Tribunal embarked on its inquiry, Mr Sturgess was tasked by the then Attorney-General, Mr Harper, to conduct an inquiry into the allegations of child pornography and prostitution. Sturgess became Director of Prosecutions on 14 January 1985 and thereafter commenced his investigation.

As is evident from his final report, Mr Sturgess was firmly of the opinion that some members of the Licensing Branch were corrupt. For example, his description of the then head of the Licensing Branch was that he was lazy and 'probably corrupt'. Mr Sturgess's view of the Licensing Branch was ultimately confirmed by the wealth of evidence uncovered during the Fitzgerald Inquiry.

It was undoubtedly Mr Sturgess's lack of knowledge of the work of the Pratt Inquiry, coupled with his view of the Licensing Branch, which caused him to make observations of the sort reproduced at paragraph 4.21 of his report, and in the newspaper article of 15 August 1986.

When interviewed by Counsel Assisting, Mr Sturgess said that he did not consider that his investigation was impeded.

Indeed, a newspaper article published by the *Sunday Mail* on 17 August 1997, entitled 'Sturgess gives police all clear' reports that:

Des Sturgess, the author of a 1985 report into child sex offences and male brothels in Queensland, said he found no evidence that key investigations into 'highly placed' paedophiles were frustrated by police administrators. The former Director of Prosecutions said he received nothing but cooperation from all levels of police during his 10-month investigation. Mr Sturgess, a vocal critic of the corruption-riddled Licensing Branch of the time, said he had attacked their policing of brothels. But he said Licensing Branch detectives of the time had been at pains to keep underaged boys and girls out of brothels. The police Juvenile Aid Bureau of the period appeared to have no shortage of resources and was 'much admired'. Mr Sturgess said rumours always circulated when there was sex involved but 'when you get into them often they burst like a balloon'.

In addition to this newspaper article, Mr Sturgess appeared on ABC TV's 'Stateline' on 12 September 1997, where he again confirmed that police did not interfere in his Inquiry in any way. Mr Sturgess said that the Commissioner of Police (Lewis) did not attempt to exercise any control over the investigation and had made the full resources of the Police Department available. Mr Sturgess was also highly complimentary of the JAB.

It follows from these matters that there is no basis to the claim police deliberately impeded or frustrated Mr Sturgess's Inquiry into sexual offences against children. Indeed, Mr Sturgess himself has acknowledged as much both publicly and during an interview with Counsel Assisting.

Mr Sturgess expressed annoyance at the perceived failure of police to apprise him of the content of confiscated material must be viewed in light of his lack of knowledge of the proceedings conducted

before the Police Complaints Tribunal.

I note that Mr Koch was made aware of the results of the investigations undertaken as part of Reference 3.3 and, through his legal representatives, indicated that he did not wish to be considered a ‘person concerned’, nor did he wish to participate in, or be legally represented before, this Inquiry.

Allegations about a prominent State politician

In late 1996 (prior to the commencement of Project Triton in August 1997), the CJC received information from a journalist (code-numbered ‘R3-V’) suggesting that a Member of the Legislative Assembly had frequented the male brothel, Brett’s Boys, when it operated at Kelvin Grove in 1984, and that the parliamentarian had used a parliamentary credit card to pay for the services of the male escort. The parliamentarian concerned was, at the time the information was presented to the CJC, a prominent political figure. I have given the parliamentarian the code-number ‘R3-T’.

In addition to the above information, it was alleged that copies of the credit card vouchers evidencing R3-T’s activities had been seized by police during the December 1984 raids, and that this incriminating evidence had been surreptitiously copied or removed from police holdings in order to blackmail R3-T. The information suggested that threats to blackmail R3-T might have in fact occurred, and might have resulted in the parliamentarian acting in a particular way in a particular matter of public interest.

It is not possible to refer to any details of the suggested blackmail because to do so would necessarily identify the parliamentarian against whom the allegations have been made. Given that my investigations have revealed that there is no truth to the allegations, it is unnecessary, and would be unfair, to name the parliamentarian. However, it is necessary to reveal that the information provided to the CJC alleged that the incriminating credit card vouchers, or at least copies of them, were given to then priest, Father Walter Ogle, in May 1984, and that it was highly likely Ogle either still possessed those documents or knew of their whereabouts.

The CJC sought advice from independent senior counsel and, in accordance with that advice, commenced an investigation of the allegations. This investigation included conducting interviews with certain persons, and the calling of witnesses before in camera hearings.

By August 1997, the investigation, while still open, had reached the point where it was evident that the allegations were not capable of being substantiated. However, in that same month, further information was provided to the CJC to the effect that Ms Kim Goldup was in possession of the incriminating credit card vouchers. Goldup was duly interviewed and denied any knowledge of the matters alleged.

At about this time, Project Triton commenced. As part of Reference 5 to Project Triton, the CJC determined that its handling of all previous complaints involving allegations of paedophilia should be reviewed as part of Project Triton.

In his report on sexual offences against children, Mr Sturgess had raised the possibility that at least one underage male had been employed as a male prostitute at Brett’s Boys. Additionally, matters relating to the police raids on Brett’s Boys were made the subject of References 3.1 and 3.3.

For these reasons (although these allegations had a somewhat tenuous link to the terms of reference), it was determined that because of the nexus between the allegations against the parliamentarian and the issues affecting Brett’s Boys, it was necessary to review this matter as part of Project Triton. Indeed, Counsel Assisting formed the view that it was appropriate that the matter be examined as an adjunct to References 3.1 and 3.3, rather than as part of Reference 5. I concurred with that view.

It is necessary therefore to define and examine the allegations as initially made.

Firstly, it was alleged that R3-T had frequented the Brett's Boys brothel and had used his parliamentary credit card to pay for services received.

Secondly, it was alleged that incriminating credit card vouchers, once seized by police, had been placed into the possession of Walter Ogle in May 1988. (Ogle became police chaplain in July 1988.)

Ogle's account was obtained both as part of the CJC's initial investigation, and during the investigation undertaken as part of Project Triton.

Ogle said that the subject documents came into his possession in May 1988 as part of a much larger bundle of documents, all of which were contained in a series of manilla-coloured envelopes. Ogle claimed that the documents were given to him by the late Superintendent Kevin Dorries when Ogle received Dorries's confession, shortly before Dorries's death.

According to Ogle, he did not know of the contents of the envelopes, nor did he, until recently, take any steps to open the envelopes.

Ogle left the ministry in 1994 and travelled to the United Kingdom. He claimed that prior to leaving Australia he took Dorries's envelopes to Mr Neil McLucas, the proprietor of the Sportsman Hotel at Spring Hill, and asked McLucas to secure them. There the envelopes remained until late 1996.

On 4 December 1996, the CJC was provided with the statutory declaration of a journalist who claimed to have received information suggesting:

- that Ogle had told people he was a close friend of former Commissioner Terry Lewis
- that Commissioner Lewis had given Ogle a parcel of five envelopes for safekeeping
- that Ogle had told people that one envelope contained credit card documents which showed that R3-T had been a client of Brett's Boys on several occasions
- that Commissioner Lewis wanted the information released and Ogle was looking for a journalist to whom he could pass the documents.

According to the journalist's statutory declaration, upon receiving this information, he arranged to meet Ogle, but Ogle failed to keep the appointment.

On the other hand, according to Ogle, on 5 November 1996, he received word from a former Church warden suggesting that he should make contact with the journalist. Ogle did so, and the journalist told him he believed that Ogle was in possession of some papers that could assist the journalist to write a story. The journalist asked if they could meet. Ogle agreed, but did not attend.

In evidence on 12 March 1998, Ogle claimed that on 7 November 1996, after having contacted and spoken with the journalist, he decided to go the Sportsman Hotel to see if the papers he had deposited in 1994 were still there. They were. Ogle inspected the envelopes and saw that two were unsealed. He looked at the contents of one of the unsealed envelopes and saw nine or ten typed pages concerning the activities of a right-wing group and the Special Branch.

The second of the unsealed envelopes contained ten green-coloured documents which Ogle recognised as copies of credit card vouchers. Three of the vouchers bore the name of R3-T (with the style 'MP' or 'MLA'), the business name Brett's Boys, and a charge of \$120 for 'laundry'. Ogle said that the vouchers looked like carbon prints.

According to Ogle's evidence, until this time he had told no one of the existence of the envelopes, and had no idea of what the envelopes contained.

Ogle also said that after failing to keep a number of appointments, he finally met the journalist at the Crest Hotel on 25 November 1996. He there told the journalist about the credit card slips bearing R3-T's name and Brett's Boys details and said he would check with a contact in Sydney to see if that

person would release the material.

According to the journalist's statutory declaration, the meeting at the Crest Hotel took place on 26 November 1996. Ogle spoke in detail of the credit card vouchers identifying R3-T, and said he would have to check with a contact in Sydney before releasing the documents.

The journalist said that on 27 November 1996, Ogle telephoned and agreed to hand over the documents on the condition that they were destroyed after use and that no mention be made of Ogle's name. The journalist agreed to abide by those conditions and Ogle instructed the journalist to collect the material from 'the person guarding it' — Mr Neil McLucas. On 28 November 1996, the journalist duly went to the Sportsman Hotel and spoke with McLucas. No documents were produced. The journalist's statutory declaration described the meeting thus:

I met him [McLucas] at the hotel at 1 p.m. and he said he was sorry that he couldn't find it. He said Wal [Ogle] had not told him it was important and that a cleaner had cleaned out the cellar where the material was stored just two weeks previously and it must have gone out then.

McLucas confirmed this version of events before an investigative hearing conducted by the CJC.

Therefore, the documents described by Ogle are said to have been accidentally discarded as rubbish just two weeks prior to the journalist's attendance at the Sportsman Hotel.

With a view to exploring Ogle's claims as part of the CJC's investigation, on 9 May 1997, Mr Michael Scott, Principal Legal Officer, telephoned Mr Sturgess, QC, to ascertain whether, during the course of his 1984–85 Inquiry, Mr Sturgess had encountered any evidence suggesting that any politician had visited Brett's Boys. Mr Sturgess advised that he was not aware of any such evidence, nor even information which might have given rise to that suggestion.

The officer in charge of the raid on Brett's Boys — now former Detective Graham Leadbetter — did not recall any 'worthwhile' documents being seized. His official diary did not report the seizure of any documents, nor did the search warrant contain any notation recording the seizure of documents.

The proprietor of Brett's Boys, Weedon, was interviewed as part of Project Triton. He asserted that he never saw the name of any politician on any cheque or credit card voucher processed by Brett's Boys. Furthermore, according to Weedon, the credit card facility operated by Brett's Boys was in the name of 'Spartacus Tours', so that no genuine credit card voucher of the kind described by Ogle would have existed.

Advice received from the relevant financial institution is that all credit card vouchers (both hard copy and microfiche) are destroyed after seven years. It was not possible, therefore, to search for the 'original' of any credit card transactions processed by Brett's Boys.

Further, advice received from the Clerk of Parliament was that, as at 1984, no parliamentary credit card was issued to backbench Members of Parliament. The allegations concerned a backbencher.

In accordance with the protocol followed during Project Triton, on 10 March 1998, R3-T was approached by Counsel Assisting, and advised of the general nature of the allegations against him, and the nature of evidence likely to be presented at the investigative hearing. At that time, R3-T denied having ever used the services of any male brothel or escort agency. Furthermore, he denied possessing a credit card in the style described by Ogle, and offered to make available to Project Triton the originals of all relevant monthly transaction statements for his credit card.

Accordingly, on the following morning, R3-T duly produced to Project Triton the monthly transaction statements in respect of his credit card for the period 28 June 1983 to 13 June 1986 — covering the time period in which the male brothels operated.

Inspection of those monthly transaction statements confirmed that there was never a transaction of the type evidenced by the credit card vouchers allegedly viewed by Ogle.

The only remaining issue is whether Ogle is mistaken, has told a maliciously false story, or (accepting that Ogle saw vouchers of the type he described), whether what Ogle observed were elaborate forgeries.

In this regard it is useful to compare the provable relevant events with Ogle's account and the journalist's statutory declaration. In the statutory declaration, the journalist claimed to have received information that Ogle was in possession of credit card documents which showed that R3-T had been a client of Brett's Boys. The statutory declaration provides, relevantly:

I was told Ogle was looking for a journalist to give over the material. Ogle told these people that [R3-T] had been a client of Brett's Boys on several occasions. They allegedly showed he paid \$120 for 'laundry' at the brothel at Kelvin Grove and that used his electorate credit card.

There is inconsistency in Ogle's accounts of how he learned of the existence of the alleged credit card vouchers.

In an interview with Inspector Reeves on 5 December 1996, Ogle claimed that it was only after being contacted by the journalist that he inspected the contents of two envelopes. Ogle said:

... from what [R3-V] had told me these would have been credit slips that I was to look for.

In subsequent evidence, Ogle described the sequence of events in the following terms:

[R3-V] told me that he believed that I was in possession of some papers or letters or documents that could help him with a story he was writing and he asked me if I could meet him the following day ...

... he said that he was writing a story and that he had been told I had some documents that may help him. The only stuff that I knew that I had was what I had placed at the Sportsman Hotel ...

The second envelope I opened had a half A4 piece of foolscap paper and to it was appeared to be 10 copies, green copies, of what I thought to be credit card slips. On three of those slips there were the names of Brett's Boys and [R3-T] and a charge for laundry of \$120 and on the fourth one there was the name [of another political figure, code-numbered 'R3-Y'] and 'Touch of' something, I can't remember what it was and I can't remember the amount on that, and the other names didn't mean anything to me.

It was then I conceived in my mind that that's what [R3-V] was looking for.

[Emphasis added]

In the earlier account, Ogle suggested that he was aware, from what the journalist had told him, that he was to look for credit card slips. In evidence, however, Ogle suggested that it was not until he inspected the contents of the second envelope and came upon the credit card slips that he 'conceived ... that that's what [R3-V] was looking for.'

On Ogle's account the credit card vouchers detailed transactions processed by Brett's Boys, which operated between October 1984 and 11 December 1984 (when it was closed following police raids). At that time, R3-T was a relatively low-profile backbencher.

The credit card vouchers are said to have somehow then found their way into the hands of Superintendent Dorries, who parted with them when in hospital in July 1988. Thereafter, until they were inspected for the first and only time by Ogle (after he had spoken with the journalist) in November 1996, the credit card vouchers (and other documents contained in the unmarked envelopes) lay undisturbed either in Ogle's personal possession, or secreted away in a cellar at the Sportsman Hotel where, shortly after Ogle's inspection, they were discarded as rubbish.

Superintendent Dorries had nothing to do with the raid on Brett's Boys and no credit card records were seized during that raid. (The documents in the possession of R3-W pertained to the House of Praetorian, not Brett's Boys.)

On 8 May 1986, Dorries was transferred from Brisbane to Cairns, returning to Brisbane suffering from cancer in about May 1988.

The journalist's statutory declaration asserts that in late October, or early November 1996, he was told by a public servant that Ogle claimed to possess credit card vouchers showing that R3-T had frequented Brett's Boys, and that Ogle was seeking to provide those documents to a journalist.

The journalist declined to reveal his source and did not give sworn evidence before me. Notwithstanding, there can be no doubt that the journalist was informed by somebody of the alleged existence of the credit card vouchers and the fact that they were in Ogle's possession. There is no obvious reason for the journalist to claim falsely that his source identified details of the alleged credit card vouchers. Indeed, it cannot be sensibly suggested that the journalist simply guessed that Ogle might possess such documents.

The difficulty is that the journalist's statutory declaration is inconsistent with the account offered by Ogle to explain how he came into possession of the documents. On the basis of Ogle's explanation, it is most unlikely that anyone other than he was in a position to know of the contents of Dorries's envelopes. Of course it is possible that McLucas accessed the envelopes, but there is no reasonable basis to suspect that he did. Further, it is possible that Dorries told somebody that he had handed the documents to Ogle, or intended so to do, but this presupposes that that person (or whomsoever was in turn told by that person) would believe that Ogle still possessed the documents over eight years later.

For both Ogle's version and that contained in the statutory declaration to be correct, it would necessarily mean that a third person, who was aware of at least some of the contents, knew that Ogle had been given the envelopes and that Ogle, too, was aware of at least some of the contents, and knew or suspected that Ogle still possessed the envelopes eight years after he had received them. Significantly, one would question why such a third person maintained silence through all the intervening political events when it might have been opportune to reveal the alleged credit card vouchers. The intervening political events included three general elections (1989, 1992 and 1995) and a contentious by-election in February 1996 which caused a change of government. Yet, no mention of the credit card allegations surfaced until late 1996. (The fact that the information, had it been known, would have been used for political ends was borne out by the fact that flyers detailing the very allegations were indeed printed and distributed prior to the 1998 general election — after the matter had received some degree of publicity.)

As a matter of logic, I find it difficult to accept that Ogle's account of how he came by the alleged documents is reliable. In addition to the difficulty I have already identified, there are other aspects of Ogle's account which may be considered illogical.

Mr Dorries's widow was interviewed by Project Triton on 3 March 1998. She said that:

- she had no knowledge of her late husband possessing important documents around the time of his death
- her husband was not a religious man and, as far as she was aware, he had not returned to religion prior to his death
- she had no knowledge of Ogle visiting her husband in hospital, and her husband had never spoken of Ogle
- her husband was aware, at least from the time of his transfer from Cairns to Brisbane in April or May 1988, that he was suffering from terminal cancer
- her husband was not in hospital for any continuous period prior to his death in July 1988 but, rather, was in and out of hospital for short periods for medical tests
- she first met Ogle after her husband's death, and Ogle never mentioned having spoken to her husband prior to his death
- Ogle never visited her husband at their residence and her husband never mentioned Ogle.

Ogle contended that Dorries made a confession in contemplation of death in May 1988. However, according to Mrs Dorries, her husband was aware of the terminal nature of his cancer at least from April/May 1998, and went in and out of hospital for tests between then and his death in July 1988.

Ogle claimed that he witnessed Dorries's confession and was given the envelopes by Dorries in contemplation of death. Yet he neither sought nor obtained Dorries's instructions as to what he should do with the envelopes in the event of Dorries's death which, at that time, appeared imminent.

On Ogle's account, not only did Dorries apparently not instruct what was to be done with the envelopes in the event of his death, but Ogle never offered the envelopes to Dorries's widow or executor (and did not even open the envelopes to determine if the contents were of importance to the widow or the estate). Furthermore, having held on to the envelopes year after year for some six years following Dorries's death, Ogle made an apparently conscious decision to put them into the safe custody of McLucas while he travelled overseas. Why?

Ogle claimed that he stored the envelopes in an old cardboard apple carton, cutting and folding the carton, before sealing it with tape. He placed the carton upon a shelf in the cellar of the Sportsman Hotel. At that point, he still had not opened the envelopes, and had no idea of their contents. (Upon his return to Australia, Ogle checked that the carton was still in the hotel cellar. Satisfied it was, he left it there.)

According to Ogle, it was the contact with the journalist in November 1996 which prompted him to go and inspect the contents of some of the envelopes. Having discovered significant documents, he resealed the carton and left it in the cellar, taking no additional step to ensure the security of it. Then, having met with the journalist in late November 1996, Ogle decided to hand over all of the envelopes, notwithstanding that some of the envelopes remained unopened.

I have considerable difficulty in accepting Ogle's account on this point. He did not know whether the contents of other envelopes were detrimental to Dorries, his widow, or some other innocent person. Knowing nothing whatsoever about the contents of the envelopes which he had safeguarded for eight and a half years, Ogle decided to hand them over to a journalist whom he had only just met.

Ogle said in evidence that he suspected the balance of the documents (in the sealed envelopes) might relate to the subject matter of Dorries's deathbed confession. He refused to tell Counsel Assisting what that confession related to, claiming the 'privilege' of the confessional. However, he could not then explain why he had been prepared to reveal the same subject matter to a journalist.

It is common ground that Ogle had told the journalist that before he could hand over the documents, he needed to speak with his principal, who was in Sydney. Ogle freely admitted that this was a lie. There never was a principal, in Sydney or anywhere else.

The contention that the envelopes were accidentally mistaken as rubbish and were thrown out between 7 November 1996, when Ogle inspected the envelopes, and 28 November 1996, when the journalist endeavoured to collect them, beggars belief.

It was suggested in argument by both Counsel for Ogle and Counsel for the *Courier-Mail* and Mr Ware, that the credit card vouchers seen by Ogle might have been forgeries (it having been generally accepted that the documents described by Ogle could not be authentic).

There are several problems with this theory. Most notably among them is the fact that Brett's Boys operated for only a few months in 1984. For all of that period, R3-T was a low-profile backbencher. He had achieved a degree of prominence by 1988 when Dorries allegedly gave the vouchers to Ogle, but did not gain a high degree of prominence until much later.

There was, in other words, no obvious value in forging documents to embarrass R3-T either at the time that the vouchers are purported to have been created in 1984, or by the time at which they are

said to have reached Ogle.

Why, then, go to the trouble of forging such documents in 1984 or even by 1988, if there is no guarantee that the documents will ever be discovered, much less publicised, or have any significant political impact at all?

The suggestion that the documents purportedly viewed by Ogle were, in fact, elaborate forgeries, is nonsensical. The evidence clearly establishes that there could never have been authentic credit card vouchers of the type described by Ogle, and, as I have said, I think it a nonsense that such documents could have been forged. I reject Ogle's story.

Assuming that Ogle told a contrived story, what then might his motivation have been?

It is possible that Ogle set out to promote a deliberate falsehood out of the most base of motives: a desire to damage a political cause to which he is/was opposed.

It is also possible that having told a false story to a friend or colleague, Ogle was simply caught out when approached by the journalist to whom the story had been related. Rather than admit to the falsity of the tale, he has endeavoured to maintain the allegation.

Was the Parliamentarian blackmailed?

The journalist claimed that during their meeting at the Crest Hotel, Ogle said he was convinced that R3-T was being blackmailed by police over the Brett's Boys credit card vouchers:

Ogle said to me at the Crest meeting that he was convinced [R3-T] was being blackmailed by police over the material. He did not elaborate.

On Ogle's account, he could only have come to such a conclusion after inspecting the vouchers on 7 November 1996, and before meeting with the journalist at the Crest Hotel.

Furthermore, accepting for the moment that Ogle made such a statement, it is necessarily presupposed that Ogle believed that other copies of the vouchers were in existence — something about which he would have no knowledge (on his account).

Ogle was interviewed by the CJC on 5 December 1996. During that interview, he said that the present leadership of the Queensland Police Union of Employees had photographs and information concerning R3-T and boys in toilets at a provincial city in Queensland, and that R3-T was being blackmailed over such issues.

At no time did Ogle adduce any evidence to support these claims. For his part, the journalist has declined to reveal his source and has not provided any evidence to confirm the blackmail theory.

All of this makes it impossible to investigate this aspect of the allegation productively. I have no intention of wasting the community's money in seeking out every police officer who has served at the provincial city since 1984 to ask whether he or she saw incriminating photographs of R3-T and young boys, and whether or not that officer is aware of attempts to blackmail R3-T over the photographs. Nor do I intend to pursue every past and present member of the Police Union Executive. As it stands, there is no evidence whatsoever to suspect that this allegation is well founded.

This all reminds me of the days of witch-burning. Some poor woman was accused by anyone at all of being a witch: she was then required to prove that she was not a witch and when, invariably, she was unable so to do, she was put to death.

In light of R3-T's claim to Counsel Assisting that he had never visited a male brothel, the possibility of there being substance to this allegation is remote. There is literally no evidence whatsoever that this allegation is correct.

The matter does not end there. According to the journalist's statutory declaration, information available to him suggested that R3-T had a history of homosexual behaviour, that police were aware of that history, and that police in the location concerned were in possession of incriminating photographs of the parliamentarian with which they had threatened him.

It may be that this statement is based upon information given to the journalist by Ogle — the allegation being remarkably similar to that made by Ogle to the CJC.

In any event, the journalist identified a male person, code-numbered 'R3-X', who the journalist understood had been the victim of sexual assault at the hands of R3-T (and in respect of whom the photographic evidence exists). R3-X was interviewed in the presence of his legal representatives by Project Triton personnel on 26 June 1998.

R3-X confirmed the allegation that, as a youth, he had been the victim of sexual assault at the hands of some adult males. He declined to say whether one of the perpetrators was R3-T, although he did say that he had never himself claimed that R3-T had committed any offence against him. Furthermore, R3-X denied that there would exist any photographic evidence of the acts to which he had been subjected, much less that there would exist photographs of that type depicting R3-T.

R3-X said that he had never heard it suggested that R3-T was being or had been blackmailed over the alleged sexual contact with him.

At the time of the interview, R3-X also provided Project Triton with a written statement outlining allegations he had previously made to police in or about 1984. These allegations concerned a particular person whom R3-X has identified. The suggestion is that R3-X made a complaint about this person during a telephone call to a particular police station, but that he heard nothing more concerning the matters he had alleged. R3-X's statement read, in part, as follows:

I outlined this complaint to the police officer over the telephone and said words to the effect that if they wanted to interview me about it I was happy to be interviewed and they could contact me.

R3-X was unable to identify the police officer to whom he had spoken. Significantly, it was not suggested by R3-X that the person about whom he had complained in 1984 had any public standing or notoriety, nor that police had protected that person from investigation.

The impracticability which attaches to the investigation of matters such as this is obvious. The events in question occurred 14 years ago. The available information is scant. There is no ready way to identify the officer (assuming it was a police officer) to whom R3-X spoke, nor whether that person failed to act upon the complaint. In any event, R3-X's statement will be treated as a complaint to the CJC and shall be addressed by me as part of Reference 5.

Conclusions for Reference 3.3

Reference 3.3 relates to allegations that originally arose during the currency of Operation Clean Up, which ran from about November 1984 until 18 March 1985. Police officers suspected at that time that two of the primary targets of Operation Clean Up might have been involved in bringing Asian children into Queensland for sexual exploitation by a paedophile network. Apart from discovering that the suspects frequently travelled overseas, no evidence was obtained of any such activity, nor of any serious criminal offence.

Subsequent inquiries — namely the Police Complaints Tribunal investigation, and Mr Sturgess's investigation — failed to find any evidence of the exploitation of Filipino children by a Queensland paedophile network. Regardless, it has been suggested by Michael Ware's article, published by the *Courier-Mail* on 19 August 1997, that 'implicating details of the network was discovered among "client cards" found at the notorious Brett's Boys male brothel at Kelvin Grove.' Ware's source for these comments appears to be Mr Koch's newspaper article published in the *Courier-Mail* 12 years

previously, on 5 June 1985. That article, entitled ‘Vice files accuse Customs Officer’, was undoubtedly based on information supplied by R3-W, who at one time was employed as a male escort at the House of Praetorian — not Brett’s Boys. R3-W was apparently an informant or ‘source’ for Mr Koch. R3-W is alleged to have stolen business records pertaining to House of Praetorian. He was described by Mr Sturgess as self-interested, exploitative and an inveterate liar.

Mr Sturgess was of the opinion that there was nothing of any investigative value in R3-W’s information. Mr Sturgess told Project Triton that if the allegations apparently made in June 1985 had had any substance, he would have included details of them in his report, published five months later.

It follows that the allegations concerning the exploitation of Filipino children — as initially raised by Mr Koch in 1985, and adopted by Mr Ware’s article of 19 August 1997 — lack credibility.

Similarly, claims that police officers deliberately withheld material from Mr Sturgess are baseless. Unbeknown to Mr Sturgess, shortly after the raids, the Officer in Charge of the raids had produced confiscated material to the Police Complaints Tribunal.

There is no evidence whatsoever to suggest that those involved in the raids acted improperly. Indeed, Mr Sturgess was highly complimentary about the level of support given to him by the then Queensland Police Department during his inquiry.

In summary, therefore, police officers did not impede Mr Sturgess in his 1984–85 investigation. Not only is there no evidence to support such a contention, but Mr Sturgess has made public statements refuting the claim. There is no reason to suspect that documents seized from Brett’s Boys (or the House of Praetorian) provided evidence of a trade in Filipino boys. Finally, in respect of the allegation that credit card vouchers detailing visits of a state parliamentarian to Brett’s Boys were seized by police, I am satisfied that no such documents have ever existed. This, and the further allegation that the parliamentarian has been blackmailed over his homosexual tendencies, is based upon the evidence of Walter Ogle, whose testimony I am unable to accept. There is no evidence that credit card receipts were seized by police officers from Brett’s Boys, much less that such credit card receipts detailed visits by a parliamentarian.

Witnesses/Persons with Leave to Appear

The following witnesses gave sworn evidence before me in respect of Reference 3.

Graham Williams	Assistant Commissioner, QPS (formerly in charge of SOS)
Christopher Reeves	Detective Inspector, CJC
R3-B	Formerly Secretary of the Government agency, R3-A)
Robert George Sawford	Sergeant, QPS (formerly Sexual Offenders Squad)
Gerald George Biazos	Detective Sergeant, QPS (formerly Sexual Offenders Squad)
John William Huey	Formerly Detective Superintendent, Metropolitan CIB
Garnet Alexander Dickson	Senior Sergeant, QPS
Kym Joanne Graham (née Goldup)	Formerly Sexual Offenders Squad
Walter John Ogle	Formerly Police Chaplain
Gilbert John Trant Aspinall	Detective Inspector, CJC
R3-P	A high-ranking police officer
R3-R	A social worker

The following persons were granted leave to appear in respect of Reference 3:

Mr M M Stewart (instructed by Messrs Thynne & Macartney) for Queensland Newspapers Limited (The Courier-Mail) and Mr Michael Ware

Mr R A Perry (instructed by Messrs Gilshenan & Luton) for the Queensland Police Union of Employees — in particular, Senior Sergeant Dickson

Mr W M Potts (Price & Roobottom, Solicitors) for Kym Joanne Goldup

Mr T P O’Gorman (Robertson O’Gorman) for Walter Ogle

Mr J A Douglas, QC (instructed by Inquiry Legal Representation Office) for R3-P

Chapter 4: The Whitsundays (Reference 4)

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

The allegations

This reference had its origin in certain remarks made by Mrs Lorraine Bird MLA, the then Member for Whitsunday.

On 18 August 1997, Mrs Bird was interviewed on ABC Radio by journalist Anna Reynolds. During the course of the interview, Mrs Bird confirmed having passed to the Children's Commissioner, Mr Alford, allegations of paedophilia that had been raised with her in her constituency, and about which she suspected local police had protected paedophiles from detection and punishment.

No transcript is available of Mrs Bird's comments on ABC Radio. However, in the days following her radio interview, several newspapers published articles purporting to summarise Mrs Bird's statements, and directly quote her. A table of those articles, identifying relevant extracts, was prepared.

By way of summary, Mrs Bird was reported as alleging, among other things:

- That she had evidence of a range of paedophilia-related activities in the Whitsunday resort area, and that she suspected police had protected the racket since the early 1990s.
- That she had information from social workers that street children as young as 10 were offered money to pose for photographs and were being taken to island resorts for the sexual pleasure of tourists.
- That she had given information to local police in the early 1990s, but was told that the evidence could harm an ongoing inquiry, which she later discovered was non-existent.
- That the QPS and CJC had previously refused to investigate secret files.

On 20 August 1997, the Children's Commissioner was interviewed on ABC Radio by journalist Anna Reynolds. The following exchange occurred during the course of the interview:

Reynolds	... do you think that there is actually – that there is inaction because of corruption at the moment?
Alford	I have had one allegation to that effect.
Reynolds	And is that in the south-east corner?
Alford	No.
Reynolds I	t's in another region of Queensland?
Alford	Yes.

A short time after Mrs Bird's interview was broadcast, Superintendent Robert Retrot (District Officer of the Mackay Police District) conducted a telephone interview with Mrs Bird.

On 19 and 20 August 1997, officers of the Professional Standards Unit of the QPS conducted interviews with Mrs Bird and the Children's Commissioner.

By letter of 28 August 1997, the Children's Commissioner formally referred Mrs Bird's allegations to the CJC. The relevant part of that letter reads:

Allegations by Member for Whitsunday:

Lorraine Bird, MLA has alleged police inaction regarding allegations of paedophile activity in the Whitsunday area. These centred on the activities of a now deceased paedophile named Theo Brown and his associates. No doubt you will be seeking information direct from Ms Bird in relation to her allegations of police inaction.

Shortly after receiving this letter, the Chairperson of the CJC had a conversation with Mr Alford, and Mr Alford provided some further particulars of the information proffered to him by Mrs Bird.

By letter of 2 September 1997, Mrs Bird's solicitors, Messrs Carne & Herd, forwarded to police a short statement prepared by Mrs Bird.

To identify and refine Mrs Bird's concerns, as conveyed in these various forms, accurately, Project Triton personnel travelled to Proserpine and interviewed Mrs Bird on 22 December 1997. As a result of the matters raised by Mrs Bird during that interview, the following select matters were identified as requiring examination by Project Triton:

- A telephone call said to have been made to Mrs Bird by Superintendent Loveridge on 14 or 15 November 1991.
- The handling by police officers of an investigation in respect of Theo Watts Brown.
- An allegation of an organised trade involving the importation of Filipino children to Whitsunday island resorts for the sexual pleasure of adults.
- An allegation that street children in Mackay had been recruited for indecent purposes.
- Various additional matters or complaints requiring individual investigation.

I propose to address each of the above matters separately.

It will be noted that I have not listed Mrs Bird's allegation that the QPS and CJC had previously refused to investigate 'secret files' — that is because the 'secret files' to which Mrs Bird referred were matters which touch upon Theo Watts Brown.

Telephone call from Loveridge

On 14 November 1991, an article was published in the *Whitsunday Times* featuring Mrs Bird's concerns regarding alleged child sexual abuse within the Whitsundays. (A copy of the article became Exhibit 57 in the proceedings before me.) The article reads in part:

Child abuse comes to light

Concerns over child sex abuse were more prominent from Proserpine than anywhere else in Whitsunday electorates, Member for Whitsunday Lorraine Bird said.

However Mrs Bird said last week that most people who had contacted her initially now seemed reluctant to pursue their complaints.

She said initial complaints and concerns from the Airlie–Cannonvale area had numbered around 10. Some had complained more than once.

'Since we've gone public, the feedback is not coming back from Airlie,' Mrs Bird said.

'In the last week we've had to sort out the genuines from the kooks. You always get the kooks.

'I think it's having a detrimental effect on this family-based tourism area and I think it should stop now.'

She said people could be wary of speaking out on moral issues and they question their own integrity.

According to Mrs Bird, on the day after the publication of this article, or the following day, she received a telephone call from then Superintendent Bob Loveridge, the District Officer of the Mackay Police District, advising her that her public comments had interfered with a current police

operation and strongly requesting her to cease her public statements.

In her written statement of 1 September 1997 (also part of Exhibit 57), Mrs Bird said:

During October and early November 1991 I received several anonymous complaints concerning:

1. film being made on a remote beach with young dark-skinned, naked boys posing in 'a seductive way';
2. paedophile activities in the Proserpine-Whitsunday region.

As the information was coming to my office anonymously, I made an appeal on radio and in newspapers for people to come forward. Within 24 hours I received a telephone call from Superintendent Bob Loveridge in Mackay who was quite curt and told me that he had been advised by the 'boys at Cannonvale' that I had interfered and destroyed a police operation.

He then strongly requested that I make no further comment.

I immediately contacted Cannonvale Police and apologised to Officer in Charge Sergeant Hodgson who confirmed Sgt Loveridge's claims that his detectives had complained of disruption to an operation.

In 1992 when I became a member of the Parliamentary Criminal Justice Committee, I inquired as to the results of the operation. Some weeks later I was advised that there did not appear to be any operation at the time of my press release.

During her interview with Project Triton personnel, Mrs Bird confirmed the information contained in her statement. However, she denied that Superintendent Loveridge had been curt, saying, 'in retrospect I realise now he was telling me in a nice way to back off.'

- Aspinall Can you just tell us how he started off the conversation, to the best of your memory, how it just---?
- Bird I mean it was, the phone call was made to advise me, for that purpose, to advise me that he'd just received a phone call from the boys in Cannonvale who had told him that I'd interfered, that press statement of mine, had been interfering with whatever they were doing, the project that they were doing.
- Pearce Was it a project or an investigation?
- Bird An investigation, operation.
- Pearce Investigation?
- Bird I think he said an operation.
- ...
- Pearce Just as the tape cut off you were, I asked you whether or not you would know whether Mr Loveridge would be intending to be curt with you and you said he wasn't curt?
- Bird No, no he wasn't. He was telling me in an advisory capacity and I took it that way that, and in fact I was very apologetic. I mean it occurred to me that I had interfered with something very important and probably done some damage to that and I was fairly embarrassed by that.
- Pearce So he was speaking to you as if, you like, an acquaintance whom you knew, and he was simply telling you in friendly---
- Bird Yeah.
- Pearce in a friendly way---
- Bird Yes.
- Pearce --- 'look, you may have interfered with this investigation'.
- Bird Yeah, yeah.
- ...

Pearce It's not the case that he was on the phone sounding aggressive or ---
Bird No.
Pearce --- expressing his displeasure at what you'd done?
Bird No. I mean in retrospect, I realise now he was telling me in a nice way to back off.
Pearce And that's the way you took it?
Bird And I told him that I won't make any further statement.

Mrs Bird told Project Triton that after becoming a member of the Parliamentary Criminal Justice Committee following the 1992 general election, she approached CJC Executive Director Graham Brighton to seek information concerning the police operation spoken about by Loveridge. She was informed by Mr Brighton that there appeared not to have been any such operation.

Mr Brighton was interviewed on 27 January 1998. For his part, he did not recall the events described by Mrs Bird, although he did not deny the possibility that conversations of the type described by Mrs Bird may have occurred.

Whether or not her conversations were with Mr Brighton or some other party, the investigations conducted by Project Triton have confirmed that Mr Loveridge did speak with Mrs Bird to the effect described by her, and that a police operation of the type described by Loveridge to Mrs Bird was in fact being conducted at the time.

Mr Loveridge (now retired) was initially interviewed about this matter on 15 September 1997, and former Senior Sergeant Hodgson (formerly the Officer in Charge of Cannonvale Police Station) was interviewed on 22 September 1997. Both men accepted Mrs Bird's account of the matter, but neither could recall with precision the nature of the investigation being conducted at the time.

Inquiries subsequently undertaken by Project Triton confirmed that, as at November 1991, four detectives worked out of the CIB at Cannonvale. Those officers were Detectives Featherstone (who was acting as Officer in Charge), Costello, Shillington, and Paterson. Of those officers, Featherstone, Costello and Shillington were unable to recall any investigation fitting the known circumstances.

However, after consulting his police diary, Detective Paterson confirmed that as at 13 November 1991 — that is, the day immediately before the newspaper article — he had commenced an investigation concerning general allegations of paedophilia. The police file on that investigation was obtained by Project Triton and it is apparent that the investigation is of the type apparently referred to by Loveridge in his telephone call to Mrs Bird.

The police file was shown to Featherstone and Loveridge, neither of whom was prepared to state with certainty that this was the matter which prompted Loveridge's call to Mrs Bird.

However, on 28 January 1998, Project Triton personnel interviewed Inspector Paul Wilson who, as at November 1991, was the officer in charge of the Mackay CIB, and had formerly been the Officer in Charge of the Cannonvale CIB. Upon being shown Paterson's investigation report, Wilson said that he could recall speaking with Loveridge about Mrs Bird's public comments. He also confirmed that he had advised Loveridge to contact Mrs Bird and suggest that her comments might harm Paterson's investigation.

There is no doubt that Superintendent Loveridge telephoned Mrs Bird in November 1991 and suggested that she refrain from public comment on matters then the subject of investigation. Whatever his telephone demeanour at the time, in my opinion, no basis has been shown to question Loveridge's conduct, much less to suspect that his conduct demonstrated an attempt to protect acts of paedophilia.

Theo Watts Brown

Matters relevant to the alleged activities of Theo Watts Brown have previously been considered by the CJC — as recently as 25 August 1997. The CJC file on this matter details past efforts of the QPS to investigate complaints regarding Brown's alleged improper conduct with juveniles.

According to the CJC file, Brown was born on 11 October 1934. At the relevant times, Brown described himself as the Director of the Australian Division of the 'World Life Research Institute'.

On 1 February 1993, Brown was arrested at Mackay and extradited to New South Wales to face charges relating to alleged sexual offences involving a 12-year-old-boy. The offences had allegedly been committed some 10 years previously. While in Grafton Prison awaiting the bringing of an application for bail, Brown slashed his wrists.

Brown was later granted bail and travelled home to the Mackay district. Before returning to New South Wales to attend court proceedings on 25 February 1993, he learned that further disclosures had been made in that State alleging acts of sexual molestation by him. On the evening of 24 February 1993, he cancelled his travel arrangements to return to New South Wales, and shortly afterwards drove his motor vehicle at high speed into a tree, killing himself instantly.

Brown had been a constituent of Mrs Bird's. On 23 March 1993, Mrs Bird (then a member of the Parliamentary Criminal Justice Committee) contacted the Director of the CJC's Official Misconduct Division regarding the alleged paedophile activities of Brown. Mrs Bird's concerns and the CJC's response to those matters are recorded on the CJC file.

It is apparent that Brown's activities had been the subject of QPS investigations from as early as 1989. Details of one of those investigations — conducted by Detective Sergeant Garnet Dickson — are contained on the CJC file. An earlier investigation, conducted by officers of the Mackay JAB in October 1989, was also identified.

During the interview with Project Triton personnel on 22 December 1997, Mrs Bird was asked to clarify her concerns about the Theo Brown issue. The following extract is taken from the transcript of that interview:

- Aspinall Can you just tell us what your concerns are in relation to that matter there?
- Bird Well my concerns with Theo Watts Brown was that Theo Watts Brown um was well when he was killed um the police went to his unit and ah they found boxes and boxes of papers. Um the only papers that were taken away by the police were photographs um and the things that Col Wilson took. Um but the rest was dumped. Now I'm not s' or burnt, I'm not sure what the relatives did with it, where they dumped it, but it's probably ah y'know the question needs to be asked why didn't they go through them.
- Pearce Perhaps I can just summarise, your concern is that this man who was suspected at least of being involved in sexual---
- Bird He was on charges at the time.
- Pearce And on charges, um when he died, a great um wealth of material that might've had some intelligence value if nothing more, should've been kept by the police but was handed over to the journalist and otherwise lost. Is that your concern in a nutshell?
- Bird Yes but those concerns don't come out of my viewing those boxes, my concerns came out of a whole series of ABC stories on that, that occurred at that time on Theo Watts Brown and um ah Col Wilson's involvement in the whole thing.
- Pearce All right I think we understand that. Is there anything else you wanted to know about?
- Bird But I mean it really is curious to me as to why someone didn't go through that information or at least take it away.
- Aspinall You supplied a briefcase with some documentation ah which I understand you got from Colin Wilson, and he in turn got it from Theo Brown's place of residence. You

- handed that on to I think Mr Alford did you?
- Bird Mm
- ...
- Pearce Did you have any reason to believe when he was alive that the police were covering up for his activities or is your concern limited just to their their disinterest, if you like, in the events after his death?
- Bird Well I mean I just can't understand how he was b' he was being charged in the south and yet nothing was happening locally, nothing.
- ...
- Pearce But your concern as I understand it stems from what they did or didn't do after his death with all of this?
- Bird Yeah.

It was possible therefore, to confine Mrs Bird's concerns to two issues, namely:

- Concern that police did not take possession of Brown's personal property after his death in order to follow-up any suspected paedophilia information that it may have been contained.
- Concern that although Brown had been charged in New South Wales, no action had been taken against him in Queensland.

Brown's personal property

The background to Mrs Bird's concern stems from the fact that, following Brown's suicide, his personal property, including a briefcase containing address books and the like, was not seized by police.

In fact, the briefcase of documents found its way into the hands of an ABC journalist, Colin Wilson, who later gave them to Mrs Bird. In turn, Mrs Bird delivered the documents to the Children's Commissioner.

On 28 August 1997, Brown's briefcase was delivered to Project Triton so that the contents might be photocopied. A list of the contents was then prepared (and was tendered as part of Exhibit 51).

A study of the contents of the briefcase reveals nothing suspicious. The fact that Brown's address book contains numerous names and addresses does not, of itself, give rise to any particular suspicion about any person named therein. (This matter is addressed in further detail later in this chapter.)

The evidence before me on this issue indicates that police officers understood that the title to Mr Brown's personal possessions had passed to his landlord in lieu of outstanding rental. In any event, it is doubtful that police officers would have had any lawful authority to seize any of Brown's possessions after his death.

Action taken by Queensland Police

The fact of the matter is that the QPS was active in its investigations of Brown. The fact that no charges were brought against him in Queensland was due to lack of evidence. In this regard, it is of note that the proceedings ultimately brought against Brown in New South Wales were for conduct alleged to have been committed by him 10 years previously. Such passage of time is itself demonstrative of the difficulties faced by those investigating complaints of this nature.

Filipino (and dark-skinned) children

During the interview of 22 December 1997, two apparently distinct allegations were made by Mrs Bird concerning the sexual abuse of Filipino children.

An incident on Hamilton Island

Mrs Bird provided information, said to have been communicated to her by members of the Filipino community at Mackay, concerning an unnamed Australian man who had allegedly arranged for a young Filipino boy to holiday at Hamilton Island, where he was sexually abused.

Most stories have their origin in something. Police records confirm that there was in fact a boy abused at Hamilton Island, but he was not a Filipino. (I shall deal with this later.)

However, to proceed — Mrs Bird said she was told that the Australian man convinced the boy's Filipino parents to allow their son to holiday in Australia. Upon his return to the Philippines, the boy's parents took him to a doctor, who established not only that the boy had been sexually abused, but had already received medical attention in Australia for injuries sustained as a result of the sexual abuse.

According to Mrs Bird, the Filipino relatives of the abused boy did not make any formal complaint. Mrs Bird referred Project Triton to a Filipino lady named 'Rosa', who Mrs Bird suggested might be able to assist with any investigation of the matter. All efforts to locate 'Rosa' were unsuccessful.

On the information presently available, and accepting that the incident described by Mrs Bird had in fact occurred, there is no basis to suspect that the alleged conduct was other than an isolated event, nor — given that no offence was reported — that there was any failure by police officers to investigate the matter.

Dark-skinned boys

Mrs Bird said she had no further information concerning Filipino children, beyond what she had been told by fishermen working the Whitsunday waters who alleged to her that dark-skinned boys (possibly Filipino) had posed for photographs and films made on beaches on the Whitsunday islands.

Mrs Bird said she had received the information from at least three local fishermen. She provided a physical description of one fisherman, who she said was employed by Mr Alan Bauer of Bowen. According to Mrs Bird, she met the unnamed fisherman at a fishing industry meeting attended by then Deputy Premier Tom Burns, in the Bowen Emergency Hall. (Mrs Bird said she had also spoken to a second fisherman from Bowen, but could not give a description of the person, other than to say that he was a bigger man than the former.) During the interview, Mrs Bird was asked the following:

- | | |
|--------|--|
| Pearce | Can you recall as best you can what that fisherman said to you that day? |
| Bird | No, the only thing I can remember was I'd come away from him thinking from our conversation that there were children available on boats or being used on boats and yachts for sexual purposes. |
| Pearce | What sort of children, Australian children or foreign children? |
| | Bird Well dark-skinned but they may well have been very sunburnt. Very tanned. |

Mrs Bird also identified one of the fishermen as 'R4-A' of Sarina. She said she had spoken to R4-A over the telephone where R4-A confirmed to her that the conduct alleged (by the other fishermen) had been 'going on for bloody years.'

Efforts to locate the Bowen fishermen were unsuccessful. When Mr Bauer (the proprietor of Bowen Fishermans Seafood Co. Pty Ltd) was interviewed, he recalled the fishing industry meeting about

which Mrs Bird had spoken. However, he indicated that very few fishermen who attended the meeting fitted the description given by Mrs Bird and that no-one employed by him fitted the description. Mr Bauer added that one fisherman in the employ of his son might match the description; however, that fisherman, who *did* generally match the description provided by Mrs Bird, was subsequently interviewed and denied having ever spoken to Mrs Bird.

Furthermore, Mr Bauer, who has been involved in the fishing industry at Bowen for the past 40 years, claimed never to have heard allegations of the type raised by Mrs Bird.

R4-A was interviewed on 20 January 1998. He acknowledged having discussed paedophilia-related issues with Mrs Bird, but claimed to have no knowledge or evidence of children posing for photographs or films on beaches, nor of children being available on boats or yachts for sexual purposes.

In addition to the three local fishermen, Mrs Bird referred Project Triton to a former fisherman at Port Douglas, who had contacted Mrs Bird claiming to have been sacked for 'not cooperating' in the Filipino children racket. This person has been code-numbered 'R4-B'.

R4-B was interviewed by telephone on 3 February 1998. It was readily apparent from the information he gave during that interview that he did not have any information relevant to this investigation.

It follows, therefore, that no information has been identified which supports the allegations said to have been made to Mrs Bird concerning offences against Filipino (or dark-skinned) children. Furthermore, during the course of her interview with Project Triton personnel, Mrs Bird herself readily acknowledged that both allegations 'seemed preposterous'.

Street children

Mrs Bird acknowledged having made public statements alleging that street children as young as 10 years have been taken to the Whitsunday island resorts for sexual purposes.

She advised Project Triton that this information came to her attention when she was working as a volunteer with female counsellors at a community-based organisation (code-numbered 'R4-C') at North Mackay. The information predates the newspaper article of 14 November 1991.

Mrs Bird suggested that Project Triton would be assisted by contacting two particular counsellors, whom she was subsequently able to identify. One of the counsellors identified by Mrs Bird was 'R4-D' and the other 'R4-E'.

R4-D has been interviewed by telephone and is unable to further Mrs Bird's allegations. She said that she had not had conversations with any youth concerning paedophilia, nor does she possess information suggestive of police inaction in paedophilia investigations.

'R4-E', and was also interviewed by telephone. She had no evidence of organised paedophilia, and claimed that the instances of child abuse she encountered were generally the result of a dysfunctional family environment. Furthermore, she did not believe that police had been inactive in their investigations.

In addition to this information, Mrs Bird directed Project Triton to 'R4-G', the former manager of a community-based organisation at Cannonvale (code-numbered 'R4-F'), whom she believed may have spoken about issues of paedophilia. R4-G was interviewed by telephone and did not support Mrs Bird's allegation.

Mrs Bird also suggested that 'R4-H', who worked arranging crisis accommodation at Cannonvale, might have been present at a meeting of the R4-F organisation when relevant matters had been disclosed, and that R4-H might therefore be able to assist.

R4-H had already been interviewed by Project Triton personnel on 20 November 1997. At that

time, she said that she had heard many rumours concerning alleged paedophilia in the Whitsunday–Mackay areas, but had no evidence that would support those rumours. She also said that it was her belief that paedophilia did exist in the district, just as it existed in other areas of Australia. She also said that she had no evidence of inaction or cover-up by police officers investigating paedophilia allegations in the Whitsunday area.

R4-H was interviewed again, by telephone, on 29 January 1998. She claimed to have no specific recollection of discussions regarding children going to the Whitsunday islands for the sexual pleasure of tourists.

Finally on the issue of street children, Mrs Bird referred Project Triton to information she had recently received from a lady who cleans public toilets at Airlie Beach, to the effect that messages had been left on the walls of the public toilets seeking children. That lady ('R4-K') was subsequently identified and was interviewed by telephone on 23 January 1998. She confirmed the information provided by Mrs Bird of writing appearing on the walls of public toilets at Airlie Beach. Significantly, however, there was no suggestion from her of any inaction by police officers in investigations of any of the matters to which she referred.

Additional matters raised by Mrs Bird

A number of further allegations have been made by Mrs Bird, relating to more specific offences or issues.

The Lindeman Island incident

During the course of the interview of 22 December 1997, Mrs Bird referred to information given to her regarding a police investigation conducted in the mid-1980s into the activities of a person on Lindeman Island.

Well I was told by a taxi driver who ... used to pick me up from the airport who's now not working for that company, Black and White Taxis in Brisbane, that, John his name was. John told me that when he was either managing or supervising on Lindeman Island that there had been a raid done of a young fellow who used to do child minding on the Island and certain information came out of that as well as many photographs and that a deal was done between the management and the police as to the fact that as long as the guy got off the Island in a way there'd be no publicity.

Inquiries identified the taxi driver referred to by Mrs Bird as 'R4-L', a resident of Redcliffe. He was interviewed by telephone on 3 February 1998, at which time he confirmed having given Mrs Bird information of the type referred to by her. He also identified former Detective Senior Sergeant Graham Leadbetter as the police officer who had told him of the matters alleged by Mrs Bird.

On 4 February 1998, telephone interviews were conducted with Leadbetter and Inspector Gary Binding, who, with Leadbetter, had been involved in the relevant investigation. Both Leadbetter and Binding proffered an account of the investigation which makes it clear that no evidence had been gathered during the investigation to implicate any person in offences involving paedophilia.

I have found repeatedly in this investigation that a rumour or urban myth has its origin in some happening which has been subsequently adapted and expanded and changed. Take this Lindeman Island rumour:

Leadbetter and members of the Drug Squad had been in the Proserpine area. What in fact occurred was summarised in the evidence of Detective Inspector Aspinall, one of the Project Triton investigators. The following is an extract from Inspector Aspinall's evidence on the point.

Whilst they were there the then officer in charge of the Proserpine CIB, now Inspector Binding, received information from National Parks officers who were on Lindeman Island ... for the purpose of culling wild goats. Whilst they were on the island they came across a camp site away from the resort, and there were a number of small marijuana plants growing in the vicinity of this camp site, about half

a dozen or so. They subsequently notified Binding. Binding and Leadbetter then travelled by boat to Lindeman Island, took up with the manager there, and they were shown where the camp site was. They also took up with the National Parks people there. They eventually located a chap who was on the island. At that stage, Your Honour, you may recall that Lindeman Island was being promoted as the family island. It was owned by P & O Lines at that time, and the idea was that husbands and wives could go up there and have time, and they could leave their children with a child minding service that had been developed up there, and that was apparently fairly unique for that area at that time. This chap was with the child minding service, and he had this camp which was away from the resort, and he would take the kids for a couple of days, and they would go swimming and hiking and whatever across Lindeman Island and, of course, it was established that he had been growing these marijuana plants. They subsequently located him, interviewed him and subsequently charged him with cultivation of these marijuana plants. The island, itself, didn't particularly want it to be known that the police had been on there and taken away their child minding person. He was due to be taken out on the normal flight from Lindeman Island back to Proserpine. The then manager asked if they wouldn't mind not going on that flight, and that he would organise a charter flight for them to be taken across to the mainland. That subsequently occurred. He was taken back on a separate charter flight, back to Proserpine, subsequently processed and appeared before the Bowen Magistrates Court.

On drug offences?-----On drug offences only.

Is there any aspect of this where possible offences against children arose?-----No. It was never ever suggested that this chap was in any way involved with anything improper in that regard. The police conducted a thorough search of his camp site and his premises on the resort, itself. They located some photographs of him with the groups of children that he used to mind.

Yes?----- Nothing improper about them whatsoever, just ordinary photographs.

Holiday snaps?-----Holiday-type snaps, yes. Nothing of any impropriety whatsoever.

It is obvious that this is the origin of the taxi driver's story to Mrs Bird.

The Mackay Man

Mrs Bird claimed to have received anonymous information alleging that a Mackay man, code-numbered 'R4-M', was committing sexual offences against children. Mrs Bird's information suggested that he could be involved in the taking and developing of pornographic photographs.

Mrs Bird first raised these allegations with Counsel Assisting during an interview conducted on 24 November 1997. Mrs Bird said that she personally knew R4-M and harboured no suspicions about him.

On the basis of the material provided by Mrs Bird, there is limited scope to investigate. Nonetheless, inquiries did reveal that in 1991, while detectives attached to the Mackay JAB were investigating another person, they had cause to conduct an unannounced search of R4-M's residence and place of work. The search revealed no evidence of pornographic material. Sergeant Gary Langford, who was involved in that investigation, verified to Project Triton that no pornographic material was found during those searches.

The Proserpine Man

During the course of the interview of 22 December 1997, Mrs Bird relayed information concerning a then recently deceased Proserpine resident.

It was alleged by Mrs Bird that this person attempted to take advantage of disabled young females. He had previously sent a letter to a young disabled woman who had worked as an electorate officer in Mrs Bird's electorate office.

Mrs Bird did not suggest that this person was a paedophile, merely that he followed young disabled women.

Project Triton has recovered an extract of the file held by police at Proserpine in relation to an investigation into the man's alleged activities. The investigation concerns the correspondence sent by the man to Mrs Bird's staff member. The file demonstrates that the investigation was thorough.

Operation Firefighter

During the interview of 22 December 1997, Mrs Bird said she had received an anonymous telephone call alleging a cover-up of the police investigation named Operation Firefighter.

The conduct of Operation Firefighter was investigated as part of Reference 3 of the work of Project Triton and my conclusions on that matter are to be found in chapter 3.

Mrs Bird's response to Project Triton

On 4 February 1998, a draft of a report prepared by Project Triton investigators of the investigation to that date was given to Mrs Bird, together with a copy of relevant exhibits. Mrs Bird was invited to read the draft report so as to ensure that her various concerns had been accurately identified and appropriately investigated.

A copy of the draft report in the form in which it was provided to Mrs Bird on 4 February 1998 was later tendered as an exhibit in the proceedings before me (Exhibit 51).

Having considered that draft report, Mrs Bird requested that two areas receive further consideration:

- The apparent failure by police to inspect personal belongings of Theo Watts Brown.
- That an examination be made of the security systems in place on the various Whitsunday islands.

Other than these two issues, Mrs Bird acknowledged that her complaints had been identified 'quite clearly' and that the investigation had been 'very thorough'.

Failure to inspect Brown's personal property

I have previously made some mention of this issue.

During the interview of 4 February 1998, Mrs Bird again expressed her concern over the apparent failure of police to secure the personal belongings of alleged paedophile Theo Watts Brown following his suicide on 24 February 1993. Mrs Bird suggested that such belongings may have included 'documents that may well have indicated some intelligence for other existing operations.'

A search of QPS records reveals that Brown's residence was searched, with his consent, on 1 February 1993 — that is, only three weeks before his death.

As part of Reference 5, I have been obliged to review and consider all previous complaints that have come before the CJC involving allegations of sexual offences against children. One of those complaints involved Mrs Bird's previous complaint concerning Brown. Upon considering that matter, I came upon a report by Detective Sergeant Harth, dated 18 February 1993. This report details how Brown was arrested on 1 February 1993 by a warrant issued in the first instance in New South Wales. Brown then consented to his premises being searched and during that search, some articles were taken away by Detective Dickerson of Parramatta Detectives.

As Brown was being taken away by New South Wales detectives in relation to sexual activities with a young boy, it can be taken for granted that if anything had turned up in the search suggesting that Brown had been improperly concerned with young children in Queensland, it would have been quickly brought to the attention of the QPS.

Additionally, as a result of interviews conducted with police officers involved in the investigation of

Brown's alleged paedophile activities, it has been ascertained that Brown's premises were searched again on 24 February 1993, following his death. It transpires that Sergeant Dan Graham, Officer in Charge of the Marion Police Station, was investigating the road incident in which Brown was killed. A summary prepared by Inspector Aspinall of an interview conducted by him with Sergeant Graham includes the following passage:

[Sgt Graham] claimed that he believed that, because of the circumstances of the matter, the car crash was not an accident but was suicide. As a result, he went with Mr 'S' who owned the premises Brown rented and conducted a search of it to locate a suicide note. He did not find one nor did he find anything amongst his belongings which would indicate that Brown was a paedophile. He was concerned about his authority to search Brown's property, and acknowledges that the search was not thorough. The premises were locked up and arrangements made for relatives to travel to Mackay to deal with his belongings.

[Graham] advised that Brown's sister was contacted in NSW and advised and she came to Mackay. [Graham] picked her up from the airport and drove her to Brown's residence and inspected his belongings, which would have had minimal value. Again, no improper materials were located amongst his belongings. [Brown's] sister advised that Brown's family did not want the belongings so she relinquished title of it to the 'S's' to do what they wanted with it. Brown owed money to the 'S's'. [Graham] advised that [Brown's] sister was aware that Brown had been charged with child sexual offences and, as a result, she gave the impression that she did not want anything to do with the belongings. [Graham] then returned her to the Mackay airport for her return to NSW.

On the night of the accident, [Graham] sent messages to the Mackay CIB, Detective Sergeant Peter Shields at the Brisbane CIB and Detective Dickerson at the Parramatta Detectives advising them of Brown's death and offering to give any assistance they might require. However, he did not hear back from any person.

[Graham] claimed that since Brown had died, and with the media attention given to his past, no person had come forward in that area claiming to have been sexually abused by Brown.

This would appear to satisfy Mrs Bird's concern over the handling of the Theo Watts Brown issue.

Security systems on the Whitsunday Islands

In response to the concerns expressed by Mrs Bird on 4 February 1998, Mr Pearce proceeded to the Whitsunday area, where, on 12 February 1998 he attended at the office of the Whitsunday Visitors and Convention Bureau at Airlie Beach. He conducted interviews there with the general managers of some of the resorts in the Whitsunday Passage, including:

- Mr Simon McGrath, Assistant General Manager, Hamilton Island.
- Mr Kevin Collins, General Manager, Coral Sea Resort, Airlie Beach (formerly General Manager of South Molle Island Resort).
- Mr Rodger Powell, General Manager, Whitsunday Visitors and Convention Bureau (formerly Resident Manager of Daydream Island Travelodge Resort).
- Mr Chris Robson, Resort Manager, Long Island Resort (formerly Resort Manager of Club Crocodile Resort, Cannonvale).

The men were interviewed individually, then collectively. Transcripts were tendered into evidence before me.

These men, who possess considerable experience within the tourism industry in general, and the Whitsundays in particular, were able to give first-hand accounts of the present and past management and security operations of Whitsunday island resorts.

Although the resorts on Hayman Island and Lindeman Island were not represented, it was suggested, and I accept, that the principles identified would have equal application to both Hayman Island and Lindeman Island.

Issues identified at interview

The following matters were identified by the general managers as indicative of the security systems — both formal and informal — operating on island tourist resorts. I express no opinion as to these matters.

Whether or not a particular island resort has tight security systems does not determine one way or another if there has been an organised trade in paedophilia, nor does it answer speculation that such paedophilia has been protected by police officers. As a matter of logic, however, the tighter the security systems, the less likely it would be that paedophilia could flourish unnoticed.

I merely report these matters so that it can be demonstrated that Mrs Bird's concerns were acted upon.

Loss of personal privacy. The nature of daily business on an island resort necessarily results in a significant loss of privacy for staff members and resort guests alike. Staff and guest accommodation is regularly visited, inspected and cleaned by resort staff.

Invariably, any untoward or unusual conduct on the part of guests or staff is quickly reported to management and/or otherwise becomes the stuff of rumour and speculation among staff. (As an example, it was suggested that homosexual couples are quickly exposed by staff, as is other 'unusual' sexual behaviour.) Management relies upon such interaction as a valuable management/security tool.

It was contended that the behaviour of staff and guests was generally subject to strict control on mainland hotels and resorts, and that such controls were stronger in the case of island resorts, where there is a greater control over access. Further, guests can simply be removed from an island if management deems their conduct unacceptable, without reference to any such concept as 'natural justice'.

In the case of resort staff, there is invariably a strict vetting procedure employed to ensure that staff enjoy a respectable background. Misbehaviour by staff members is dealt swift sanction, and the sacking of a staff member is notified to management of other island resorts.

Strict control of access to Island resorts. Entry to island resorts is strictly monitored, with all staff and guests registered with management. In the case of Hamilton Island, which operates a relatively busy airport, all people staying on the island are registered with management, as all staff and guest accommodation is controlled by resort management. Furthermore, in the case of private dwellings, it is Island policy that all permanent residents are registered and are also required to register any private visitor.

It was suggested that any organised paedophilia would be easily detected because of the fact that holidays are almost invariably 'packaged', with guests carrying prepaid vouchers. A 'pattern' of unusual holiday packages (i.e. single adult males with children) would quickly draw suspicion, as would the payment of accounts by alternative means, such as large cash sums.

Rarity of visits by adult males in the company of children. It is rare — although not unknown — for single adult males with children to visit an island resort. This will usually occur when an estranged father has access to his children and takes them on an island vacation. No instance was recalled of a Caucasian adult male in the company of Asian children.

Security operations. The island resorts employ full-time security officers. The number and qualifications of security officers vary according to the size of the resort.

It was suggested that the degree of security employed by an island is proportionate to the business enjoyed by that resort. In other words, experience has shown that Island guests prefer resorts offering higher levels of security.

There is also a fair proportion of turnover among security staff. This has the indirect effect of making more difficult the establishment and maintenance of any corrupt system in security.

Close liaison with QPS. All island resorts recognise it as essential that they maintain a close liaison with police at Cannonvale.

Misconduct of staff and/or guests is never tolerated and, where appropriate, is immediately reported to police. Police have previously taken action in respect of child exploitation. (See below.)

Commercial unreality. The notion that paedophilia would, if detected, go unreported, was rejected as illogical, not only because it is unlikely that management would put at risk the various statutory licences and permits required to operate in the business, but because such conduct would have a detrimental commercial effect.

All Whitsunday resorts are traditionally marketed as family destinations. Any suggestion that a particular resort was ignoring or encouraging paedophilia would be immediately known throughout the tourist industry and would be commercially devastating to the resort involved.

It was pointed out that this fact was recognised by Mrs Bird herself, as was reported in the newspaper article of 14 November 1991, wherein Mrs Bird was quoted:

I think it's [i.e. concerns over child sex abuse] having a detrimental effect on this family-based tourism area and I think it should stop now.

Previous action by police in respect of child sex offenders. Mention was made of police taking action in respect of the sexual exploitation of a child on Hamilton Island in 1988. This investigation had already been identified to Project Triton by Inspector Wilson. I propose to refer to it in some detail.

In 1988, Inspector Paul Wilson, then the Detective Sergeant in charge of the Whitsunday CIB, arrested three males for sexual assaults on a male juvenile. The three males were, 'F' (the father of the complainant child), 'T', and Hugh Wallace McDermott.

At the time of his arrest, the accused 'T' was employed on Hamilton Island, and can be said to have had a close professional association with the developer and then owner of Hamilton Island. (I mention this purely to demonstrate that 'T' could be said to have at least some connection to the management of Hamilton Island. It is not the case, nor is it suggested, that the developer and owner had any knowledge of the alleged offences.)

'F' and McDermott were convicted of various of the offences charged and sentenced to periods of imprisonment. There is no criminal history recorded for 'T'.

Inspector Wilson also referred Project Triton to the dozens of investigations and arrests made by the Whitsunday CIB during the mid-1980s as evidence of the falsity of the claim that paedophiles were protected from prosecution.

I accept that this prosecution in particular establishes that police officers not only pursued complaints of sexual misconduct in the Whitsundays, but also arrested and charged an alleged offender who was relatively highly placed in the management of Hamilton Island.

Further matters

There are two further matters that require comment.

On 7 January 1998, Mrs Bird telephoned Mr Pearce claiming to have that day been told by a journalist within her electorate that a particular person (whom Mrs Bird named) was a paedophile. Mrs Bird said that this person had formerly been a resident of Hamilton Island.

I shall refer to the person identified by Mrs Bird as 'R4-N'.

R4-N was in fact then awaiting trial on criminal charges before the District Court at Bowen. The charges included nine counts of indecent dealing with a child under 16 years and a count of attempted anal intercourse.

It is understood that R4-N has since been convicted but may not yet have been sentenced, the proceedings having been adjourned to a date to be fixed pending the psychiatric assessment of R4-N. When R4-N was convicted, a Whitsunday newspaper reported the matter as one in which the CJC had received information from Mrs Bird, but had done nothing.

The offences for which R4-N has been convicted had been committed between 30 September 1996 and 8 March 1997 — somewhere between 10 and 16 months prior to Mrs Bird's contact with the CJC. Furthermore, the offender had been arrested and charged for offences on 23 March 1997 — nine months before Mrs Bird contacted the CJC.

The offences were committed at Proserpine. They involved the sexual assault of a child who had from time to time been in the care of the offender. There is absolutely no suggestion that the offences had been committed as part of any organised paedophilia network, or that any police officer in the Whitsunday area had protected the offender from detection and punishment.

The matter is clearly not relevant to any of the terms of reference, but I make this brief mention of it so that the newspaper report suggesting inaction by the CJC is answered.

Finally, on 19 January 1998, the CJC was telephoned by a resident of Proserpine, who sought to complain about the alleged inaction of police at Whitsunday in investigating a complaint made by his 11-year-old daughter some six months previously. This had been a complaint alleging that she had been sexually assaulted.

I have given the complainant the code number 'R4-O', so that if required, this matter might be identified in the future.

R4-O told the CJC that he had previously spoken with Mrs Bird about the matter and that it was upon her advice that he had contacted the CJC.

The allegation made by R4-O was that police had failed to properly investigate his daughter's complaint. Such an allegation, if established, may amount to misconduct on the part of the police officer/s concerned. Accordingly, the matter will be investigated and shall be considered by me as part of Reference 5.

In this case the alleged offence was committed at Proserpine by a man who was known to the victim. It is not suggested that the conduct alleged was part of any organised network.

Conclusion

I find that the matters alleged by Mrs Bird have been properly investigated and that there is no basis to suspect that, since the early 1990s, in the Whitsunday area, police have protected paedophiles from detection and punishment.

No basis exists to doubt the genuineness of Mrs Bird's sympathy for the victims of paedophilia, nor her concern at the possibility of conduct of that kind. Her reported comments in the newspaper article of 14 November 1991 demonstrate that her interest in these issues is long-standing.

Mrs Bird first took her concerns to the Children's Commissioner. It was more that fact, together with the general (rather than specific) detail of her allegations, which was publicised. This can be contrasted with Mr Bottom's actions in respect of Slade's allegations.

Mrs Bird cooperated fully with Project Triton and attempted to provide all assistance sought by investigators. From the outset of her contact with Project Triton, Mrs Bird acknowledged the

‘preposterous’ nature of some of her information, and the likelihood that some matters would be difficult to substantiate.

One cannot criticise Mrs Bird for passing on information given to her by her constituents. That was part of her responsibilities as a Member of Parliament. However, the public reporting of such allegations without prior investigation, places the efficacy of any subsequent investigation at risk. The merest suggestion of paedophilia is a matter which, understandably, often attracts immediate public comment and condemnation. Those reporting such matters should take great care that unsubstantiated allegations are not unnecessarily placed into the public arena.

Witnesses/Persons with Leave to Appear

The following witnesses gave sworn evidence before me in respect of Reference 4.

Gilbert John Trant Aspinall Detective Inspector, CJC Police Group

Russell Alfred Pearce Executive Legal Officer, CJC

No person sought leave to appear in respect of Reference 4. Mrs Bird was invited to seek leave to appear, but declined that invitation.