REPORT BY THE HONOURABLE R H MATTHEWS QC ON HIS INVESTIGATION INTO THE ALLEGATIONS OF LORRELLE ANNE SAUNDERS CONCERNING THE CIRCUMSTANCES SURROUNDING HER BEING CHARGED WITH CRIMINAL OFFENCES IN 1982, AND RELATED MATTERS

VOLUME I

APRIL 1994
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Mr Ken Davies MLA  
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Parliamentary Criminal Justice Committee  
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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 its Report on an investigation conducted by the Honourable R H Mathews QC into the allegations of Lorrell Anne Saunders concerning the circumstances surrounding her being charged with criminal offences in 1982, and related matters.  

Yours faithfully  

R. S. O'REGAN QC  
Chairperson  

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8 April 1994

Mr P M Le Grand
Director
Official Misconduct Division
Criminal Justice Commission
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Dear Mr Le Grand

I refer to a resolution of the Commission dated 15 December 1992, resolving to conduct an investigation into the allegations of Lorrelle Anne Saunders concerning the circumstances surrounding her being charged with criminal offences in 1982, and related matters, and further resolving to engage me to conduct such an investigation.

As you would no doubt recall, on 29 March 1994 I forwarded to you my report in the above matter and by letter dated 30 March 1994 Carew and Company were advised of this fact by Counsel Assisting. On 5 April 1994 Carew and Company wrote to the Chairman of the Commission enclosing the final sixty pages of the written submissions. I was provided with a copy of the letter and with the final sixty pages of submissions on 6 April 1994. I decided to study the final written submissions and to amend my report as a result of that study if I considered it desirable to do so.

There were a number of matters in those submissions which caused me to amend my report. My final report therefore was written after careful consideration of all the written submissions from Carew and Company, including the ones supplied on 5 April 1994. Although the report has been amended slightly my views on the substantial issues remain unaffected.

I enclose my report of the investigation in order that, in the discharge of your responsibilities under section 33 of the Criminal Justice Act 1989, you may report to the Chairman.

I have this day written to the Chairman advising that I have furnished my report to you.

Yours sincerely,

R H MATTHEWS
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CHAPTER 1

1.1 The establishment of the investigation and the issues to be addressed

On 5 October 1992 Marshall Irwin, General Counsel to the Criminal Justice Commission (the Commission), advised me that the Commission had been requested by the Parliamentary Criminal Justice Committee to conduct an investigation into allegations made by Lorrelle Anne Saunders concerning the circumstances surrounding her being charged with criminal offences in 1982. I was advised that an "independent" person was being sought to conduct the investigation. The Commission's reasons for seeking an "independent" person are set out in the Resolution of the Commission dated 15 December 1992 which is Appendix 1 to this report. I indicated to Irwin\(^1\) that I would be prepared to conduct the investigation and I accepted the suggestion that C E K Hampson QC appear as counsel to assist me.

It was subsequently decided that the formal resolution of the Commission to conduct the investigation should embody the issues that I, in consultation with Hampson QC, considered were necessary to address to enable full investigation of the allegations of Saunders. Hampson QC and I were then provided with a large volume of material to assist us in determining what issues it was necessary to address to do this. Upon the request of Messrs Carew and Company, the solicitors for Saunders, the Commission provided each of us with copies of:

- all of the Criminal Justice Commission files relating to Saunders. These documented all correspondence between Carew and Company and the Commission;
- the submission (in three parts) by Carew and Company which had been furnished to the Government in February 1990; and
- a copy of the documents submitted to the Parliamentary Criminal Justice Committee by Carew and Company in May 1991.

Each of us was also provided with copies of:

- the transcript of the trial of Lorrelle Anne Saunders on the charge of attempting to procure another unlawfully to kill one Allan Lobegeiger;

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\(^1\) In the interests of economy and consistency, surnames are used without the customary "Mr" or equivalents and, generally, honorifics and titles will be used only once. No discourtesy is intended.
the transcript of the trial of Lorrelle Anne Saunders on one count of stealing and one count of attempting to procure another to steal;

- the depositions of the committal hearing of Lorrelle Anne Saunders, Colin Stanley Cooper and Roy Alfred Coomer on one count of conspiracy to pervert the course of justice;

- as much as was then available of the police brief for the committal hearing of Lorrelle Anne Saunders on her first charges;

- the transcript of the trial of Colin Stanley Cooper on one count of conspiracy to pervert the course of justice;

- the transcript of the trial of Roy Alfred Coomer on one count of conspiracy to pervert the course of justice;

- the police brief for the committal hearing of Douglas Mervyn Dodd on three counts of perjury;

- the depositions of the committal hearing of Douglas Mervyn Dodd on three counts of perjury;

- the appeal record incorporating the transcript of the trial of Douglas Mervyn Dodd on three counts of perjury.

After consideration of all this material and after consultation with Hampson QC and the solicitors for Saunders, I furnished to the Commission on 10 December 1992 a document setting out the issues that I considered necessary to address in order to fully investigate the allegations of Saunders.

Those issues are:

1. Whether any of the evidence against Saunders in respect of any of the charges laid against her on the 29th April 1982 and the 9th September 1982 was fabricated and, if so, by whom.

2. Whether if evidence referred to above was fabricated, did any persons conspire to have the evidence fabricated and, if so, who were the conspirators.

3. Whether any Police Officer (whether still a member of the Police Service or not) or other person directly or indirectly, improperly
influenced or attempted to improperly influence witnesses to be called by the prosecution in the committal hearings and/or trials of Saunders and, if so, who.

4. Whether there is any evidence that any Police Officer (whether still a member of the Police Service or not) or any other person may have been guilty of any criminal offence, official misconduct (within the meaning of the Criminal Justice Act 1989 [the Act]), or neglect or violation of duty in relation to the investigation and/or prosecution of the said Saunders in respect to the charges referred to in 1. above and, if so, whether any such person directly or indirectly received, agreed to receive, or was offered any benefit or favour whether financial or otherwise for or on account of that conduct.

5. Whether the Crown Law Authorities carried out the investigation directed or requested by Mr Justice Shepherdson adequately. If the investigation directed or requested by Mr Justice Shepherdson was not carried out adequately, why was it not carried out adequately.

6. Whether any Police Officer (whether still a member of the Police Service or not) or any other person improperly influenced or attempted to improperly influence the nature and extent of charges laid against Douglas Mervyn Dodd and/or the subsequent prosecution of Dodd.

7. Whether there is any evidence that any Police Officer (whether still a member of the Police Service or not) or any other person may have been guilty of any criminal offence, official misconduct (within the meaning of the Act), or neglect or violation of duty in relation to the investigation and/or prosecution of the said Dodd in respect to three counts of perjury arising from evidence he gave against Saunders and, if so, whether any such person directly or indirectly received or was offered any benefit whether financial or otherwise for or on account of that conduct and from whom or by whom was such benefit received or offered.

8. Whether public records relating to the charges against Saunders and Dodd have been unlawfully disposed of and, if so, what records were disposed of, who disposed of them, and what reason was there for the disposal of them.

9. Whether any person knowingly gave false, misleading, or
unsubstantiated information to the Queensland Government or its advisers when advice was sought on the question of granting Saunders compensation in relation to the charges and subsequent prosecutions brought against her and, if so, what information was given, by whom was it given, and may such conduct have constituted a criminal offence or official misconduct (within the meaning of the Act).

10. Whether Saunders should receive compensation by way of an ex gratia payment or otherwise in respect of her being charged, kept in custody and prosecuted or for any other reason and, if so, in what amount.

On 15 December 1992 the Commission resolved to conduct an investigation into the matter and incorporated into the resolution the above issues I considered necessary to address. On this date the Commission also formally resolved to appoint me as the "independent qualified person" to conduct the investigation.

1.2 Public Hearings

The investigation commenced with an extensive interview of Saunders by Junior Counsel Assisting. Her solicitor Richard Carew, from Carew and Company, Solicitors, was present for the entire interview which was conducted over six days. Upon completion of the interview a draft statement was prepared for consideration by Saunders and furnished to her solicitors on 24 December 1992. On 1 February 1993 a 25 page list of corrections and amendments to the draft statement were forwarded to the Commission for the purposes of correcting the draft. On 3 February 1993 a 120 page statement incorporating the amendments sought was signed by Saunders. As I understand it this was the first full statement by Saunders concerning the events in question. The statement also set out possible improper motives for those involved in the investigation and those Saunders believed bore her ill-will.

After consideration of that statement and all the other material previously provided to me by the Commission, I considered it was necessary to hold hearings to hear oral evidence for the purposes of the investigation.

The provisions of the Act as they were when I commenced the investigation imposed a prima facie obligation upon the Commission to hold open hearings. Section 2.17(4) of the Act provided that a hearing
shall, as a general rule, be open to the public but if, having regard to the subject matter of the investigation, or the nature of the evidence expected to be given, the Commission considered it preferable, in the public interest, to conduct a closed hearing, it may do so. This provision recognised the many benefits of holding hearings in public.

Commissioner Fitzgerald QC to a large extent attributed the success of his Inquiry to the fact that the hearings were held in public. He stated at Page 10 of his report that in order to gain the confidence, co-operation and support of the public, the Inquiry had to be as open as possible so the public, including people with information, could see that it was a genuine search for the truth.

I agree with this observation. In the light of these considerations, the prima facie statutory obligation to hold public hearings and the nature of the allegations made by Saunders, I considered that it was essential that a public inquiry be held with the object of ascertaining the truth and, if necessary, disposing of suspicions, rumours and allegations which may have been unjustified.

There were a few occasions however where it was necessary to take evidence in camera so as not to hinder the ongoing investigation or to cause undue prejudice to any persons.

1.3 Standard of Proof

The very nature of an inquiry under the Act (including, in particular, the fact that the Commission is not bound by the rules of evidence applicable to proceedings in a court) raises the question of the degree of satisfaction which should be attained before considering a finding adverse to any person in the course of an investigation such as this. The Act is silent on the standard of proof required; however after consideration of the authorities I considered that the appropriate standard of proof was the civil standard which varies according to the gravity of the finding to be made. This standard is often called the Briginshaw principle or the standard of "reasonable satisfaction" and in applying it I adopt the statement of Sir Owen Dixon in Briginshaw v Briginshaw (1938) C.L.R. 336 at pp. 361-362 where he stated:

"Reasonable satisfaction" is not a state of mind that is attained or established independently of the nature and consequence on the fact or facts to be proved. The
seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences following 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. In such matters "reasonable satisfaction" should not be produced by inexact proofs, indefinite testimony, or indirect references.

I am comforted in my view that the requisite standard is that of "reasonable satisfaction" by the adoption of that standard in similar inquiries such as the Parliamentary Judges Commission of Inquiry (1989) which examined the conduct and behaviour of the former Mr Justice Angelo Vasta. I note that the same standard was also adopted by the Honourable W J Carter QC in his report of August 1993 on his inquiry into The Selection of the Jury for the Trial of Sir Johannes Bjelke-Petersen.

1.4 Public Hearing Days

The public hearings commenced on 20 April 1993. There was a total of 32 hearing days spread over a four month period terminating on 26 August 1993.

1.5Appearances

C E K Hampson QC was appointed Senior Counsel Assisting the Commission and Stephen Lambrides was appointed Junior Counsel Assisting. Ken Fleming QC and Richard Carew, Solicitor, appeared for Saunders, Michael Quinn, Solicitor from Gilshenan & Luton announced appearances for Brian Patrick Webb, Gregory Wayne Tutt, Graham James Williams, Thomas Terrance Flanagan and Margaret Beverly Godrich. Other appearances were Peter Nolan for Anthony Murphy, Tony Morris QC, and with him, Tony Glynn of Counsel for Shane Herbert QC, Patrick Murphy, Solicitor for Blanche Thompson, and Robert Reed, Solicitor from Goss, Downey & Carne for Barry Krosch.

1.6 Logistics of the Investigation

In all 45 witnesses were called and gave evidence in either the public or in
camera hearings. A further 41 persons furnished statutory declarations to the Commission. These statutory declarations were tendered in evidence with the consent of the legal representatives appearing before me. Without objection a number of reports and other documents were also tendered as evidence before me. As well as the evidence and material generated by the investigation there were tendered before me many thousands of pages of transcript from the plethora of previous proceedings touching upon the subject matter of the investigation. Where available the exhibits to these original proceedings were also tendered.

During the course of obtaining the original statement from Saunders she signed a written document waiving all legal professional privilege and authorising each and every one of her previous solicitors to provide answers to any questions pertaining to her instructions and the circumstances surrounding her defence or claim for compensation and, also, to provide any material in their custody or possession in relation to the matter to officers of the Commission, Counsel Assisting or myself. At the time of signing the document Saunders thought that the majority of her legal defence material which she had last seen at the Public Defender's Office was no longer available. Fleming QC subsequently tendered in evidence a letter dated 27 March 1990 addressed to Carew and Company from the Public Defender's Office which stated:

I confirm that our files in this case were destroyed while Mr Healy QC was Public Defender.

Officers of the Commission approached the Legal Aid Office, the successor to the Public Defender's Office; and sought confirmation that it did not have in its possession any material pertaining to Saunders's matter. Legal Aid Office staff located a number of boxes of material pertaining to Saunders's defence in 1982, 1983 and 1984. These boxes included well over one thousand pages of typed and written instructions to her then solicitors. This material, although resulting in a longer investigation than was first thought necessary, assisted the investigation considerably. At this stage it is worth noting that the waiver of legal professional privilege was not extended by Saunders to her current solicitors, Carew and Company, and some material that they had in their possession which may have been of assistance to me was not forthcoming notwithstanding a written request for it.

Three Commission investigators were engaged in conducting inquiries, interviewing witnesses and serving summonses and notices to produce. One support officer assisted for the duration of the investigation and in the
preparation of the report.

I am indebted to these officers and Counsel Assisting whose efforts materially decreased the difficulties associated with producing a report such as this.

1.7 The distinction between a criminal trial and an investigation under the Criminal Justice Act 1989

In case it is thought that matters determined in a criminal court have some binding effect on me as the fact finder in this investigation it is appropriate that I make the following observations. There is a fundamental distinction between a criminal trial and an investigation under this Act. The primary purpose of a criminal trial is to determine whether the Crown has produced sufficient admissible evidence to satisfy a jury that an accused person is guilty beyond reasonable doubt of the offence with which the accused is charged. That is, it is for the Crown to establish to the criminal standard of proof that the accused is guilty of the offence. An acquittal is not synonymous with innocence. An acquittal means that the Crown has been unable to satisfy the jury that there is sufficient admissible evidence to establish guilt beyond reasonable doubt. I will return later to further discussion of this issue in the context of considering the advice given to the Attorney-General in 1983 by the then Solicitor-General. There is no requirement upon an accused to give evidence at a criminal trial. The accused is entitled to remain silent and not be subject to cross-examination.

On the other hand the primary purpose of an investigation under the Act is to ascertain the truth. The rules governing an investigation under the Act create an environment in which the truth is more likely to be told. In particular, reference is made to the statutory negation of the right to remain silent on the basis of self-incrimination. Subject to matters of form a person is not entitled to refuse to answer questions on the ground that the answer might tend to incriminate. The trade-off is that any answers given by that person cannot be used against him or her in any subsequent criminal, civil or disciplinary proceedings, save perjury arising out of the evidence given before the Commission and contempt of the Commission. Accordingly a person is less likely to conceal the truth where the person knows that any truthful answer given cannot be used against him or her in the future. I am confident that these provisions of the Act resulted in witnesses testifying truthfully in circumstances where otherwise they would not have done so for fear of self incrimination. The most striking example
can be seen in the evidence of Blanche Thompson concerning the making of a tape recording which was said to be a record of a conversation between Saunders and Dodd.

The relevance of the distinction between the two forms of process cannot be overstated in this particular investigation where some persons summoned before me had previously been placed on trial in the criminal courts of this State and some of those persons charged had been convicted.

1.8 The Reporting of the Public Hearings

Throughout the duration of the public hearings legal representatives and lay persons appearing before me brought to my attention on numerous occasions newspaper articles which were inaccurate, unjustifiably sensationalised, and, on occasions, completely erroneous. I am aware that some of these articles caused unwarranted distress to those persons, the subject of the articles, their friends and relatives. This is regretted. I would not normally make reference to such matters except that the frequency with which inaccurate articles were brought to my attention causes me great concern. I consider that I am under some obligation to comment further upon the matter.

Although not the first example brought to my attention an article published in The Courier-Mail on 16 July 1993 titled "CIC hears plot by officers to 'get' Saunders," caused me to express the following sentiments concerning the reporting of the hearings by that particular newspaper:

Well, the disturbing thing about it: I am lucky, I have got the benefit of the evidence. I do not have to rely on The Courier-Mail for my understanding of what has been happening in this room, and I say thank goodness for that because the disturbing thing is that one almost has to wonder whether The Courier-Mail is not deliberately presenting a biased view of that evidence. I have spoken of this before and had very little response, I may say, from The Courier-Mail by way of satisfaction.

This article contained a number of clearly incorrect statements which were arguably defamatory. The first paragraph of the article states:

Two senior Internal Investigations officers were 'out to get' Policewoman Lorrelle Saunders and her former lover, the
Criminal Justice Commission was told yesterday.

Detective Senior Sergeant Barry Donald Krosch told the inquiry that Inspectors Tom Flanagan and Brian Webb fabricated evidence against Saunders.

Krosch made a complaint to the Commission concerning the article.

There was simply no evidence from Krosch that he believed there was a plot to get Saunders as suggested by the headline. He at no time said that Flanagan and Webb had fabricated evidence against Saunders. Krosch had indeed given evidence that he was questioned robustly and in his mind in a manner "very close to being improper," by Flanagan concerning his knowledge of the relationship between Saunders and Lobegeiger. He had also given evidence that in his mind during his interview Flanagan, in particular, "was out to get Saunders." His attention was also brought to a previous statutory declaration he had made in October 1988 in which he accused Flanagan and Webb of "trying to fabricate evidence against Lorrelle Saunders" during their interview of him in 1982. However these statements were qualified first by Krosch confirming his recollection that it was only Flanagan asking the questions whilst Webb typed the answers and secondly by the fact that he was not aware at the time of the information then available to Flanagan and Webb which may have caused them to ask the questions in the manner that they did. Krosch stated that notwithstanding the pressure placed upon him by Flanagan the answers he gave to them during his record of interview were truthful. That is a far cry from a claim by him that evidence was fabricated.

This example highlighted the willingness of the press generally to report any matter which arguably suggested police corruption. Unfortunately there was no such eagerness in reporting critical evidence from pivotal witnesses who claimed no knowledge of police corruption and who gave evidence inconsistent with a 'police set-up' hypothesis. To some extent this may be explained by the press having its appetite whetted by the highly publicised comment in the Fitzgerald Report that Saunders was "to pay a very heavy price for becoming involved" with Fitzgerald "anti-corruption" witness, Basil Hicks. This suggested indeed that police corruption was responsible for Saunders's plight. I will return to this passage of the Fitzgerald Report in greater detail later in the report.

To my mind this unwillingness to report 'both sides of the story' would have left the public with the impression that the Commission was uncovering much evidence of police corruption when in fact it did not.
Another newspaper article referred to me was one dated 24 June 1993 which bore a headline titled "CJC grills Lewis on Saunders." This article was false in two respects. First it gave the clear impression that the Criminal Justice Commission investigators were grilling witnesses. This if accepted as true would no doubt have tended to dissuade witnesses with valuable evidence to come forward for fear of being "grilled" themselves. I did not become aware through the currency of the investigation of any witnesses being grilled by CJC investigators. Secondly former Police Commissioner Terence Lewis was never interviewed by investigators from the Criminal Justice Commission. A series of questions had been provided to Lewis's legal advisers for Lewis's consideration. They supplied them to Lewis for his response. A response was provided to the legal advisers by Lewis and the legal advisers furnished a written response to the Commission. There was no contact with Lewis at this stage by any person from the Commission.

There was also frequent referral in much of the press to Saunders having been acquitted of all charges when she had not been. Reference was also made to her having been incarcerated on false charges or fabricated evidence when the evidence was from the second day of the hearings that she was incarcerated only after being charged with a fourth offence, namely conspiracy to pervert the course of justice; she was incarcerated then because the courts considered that she had breached the conditions of bail which had been imposed in relation to the first three charges.

I am not aware of how or why such errors and inaccuracies continued to occur. It is fair to say that towards the end the reporting did improve. It may well be that in future when an investigation of this nature, namely one of significant public importance and complexity, is conducted one experienced reporter will be assigned by his or her employer to attend the hearing from beginning to end. This would no doubt go a long way to eliminating errors arising from a lack of familiarity with both the oral evidence previously given in the public hearings and the documentary material tendered.

1.9 An outline of the facts giving rise to this investigation

On Sunday 7 March 1982 off-duty Police Constable Lorrelle Anne Saunders and a friend, Roy Alfred Coomer, were dining in Tony's Restaurant at Mt Gravatt when firearms owned by Coomer were removed from the Torana motor vehicle in which they had come to the restaurant. The motor vehicle had been parked in a parking area behind the restaurant.
When they returned to the car and observed that the firearms had been removed from the car they moved the car from the car park to near the post office on the other side of Logan Road.

Initially two uniformed constables, Robert Peter Stalling and Paul Robert Irving, came to the scene and then Inspector Brian Patrick Webb arrived. Detective Sergeant Melvyn Francis Symes and Senior Constable John Caesar Ellsworth arrived and Webb left after he had spoken to the uniformed Constables, Saunders, Coomer, Symes and Ellsworth. Shortly after his departure Webb received a radio message that Saunders had made allegations against Symes and that Symes was making allegations against Saunders. He returned to the scene. He spoke with Saunders and Symes. The motor vehicle was taken by the Police and unsuccessful attempts were made to locate fingerprints on it.

In the afternoon of Tuesday, 9 March 1982 Saunders again saw Webb. The theft of the guns was discussed. Later on that day between 6.00 pm and 9.00 pm Saunders and Senior Constable Barry Krosch met Douglas Mervyn Dodd. Dodd had apparently previously acted as an informant to Saunders. There was talk between Saunders, Krosch and Dodd about recruitment of Dodd as an agent for the Special Branch. Krosch worked in the Special Branch. Saunders had a conversation with Dodd outside Krosch's hearing.

About 10.00 pm on 9 March 1982 at Manly, Joseph Gary Wills stole a motor vehicle into which he and Dodd placed all of Coomer's stolen firearms other than a .22 Smith & Wesson handgun. They then drove the car to a place along the Pacific Highway where they abandoned it. The Beecleigh Police received a telephone call early the next morning in which a woman reported that a car had overturned on the Pacific Highway and had been abandoned. Senior Constable Axel Pfuhl and other police later discovered the car and found a firearm. The car was taken to the police station. It was the car stolen from Manly and the owner, Paterson, was advised. The owner later came and unlocked the boot of the car. In the boot of the car the police found the firearms stolen on Sunday, 7 March 1993 other than the .22 Smith & Wesson.

On 25 March 1982 Detectives attached to the Cleveland Police Station went to a house at 25 Ferry Road, Thornside. The detectives involved were Detective Sergeant Graham Williams, Detective Constable Gregory Tutt, Detective Constable Mervyn Neilson and a late arrival was Detective Constable Graeme Millard. During a search for stolen property a .22 Smith & Wesson was found which turned out to be Coomer's stolen
weapon. At the time of the search there were present in the house Dodd, Wills and Joselyn Spires, together with her two children. These persons were taken to the Cleveland Police Station. Wills confessed to the commission of quite a number of crimes and was charged by Millard with property offences and kept in custody. Dodd was charged with receiving stolen property but not the .22 Smith & Wesson. He was released on bail to appear at the Cleveland Magistrates Court on 29 March 1982. No charges were made against Spires.

On 26 March 1982 Webb came to the Cleveland Police Station. He met Dodd at the police station. Dodd made allegations that Saunders had arranged the stealing of the guns which had been carried out by Wills and himself. It was communicated to Police Headquarters that allegations were being made against a serving Police Officer and Inspector Thomas Terrance Flanagan was told to go to Cleveland to assist Webb. Records of interview were taken from Wills and Dodd commencing at 3.10 pm and 4.38 pm respectively. Webb and Flanagan spoke with Coomer at the Cleveland Police Station. Saunders also later attended the police station where Webb conducted a record of interview with her commencing at about 9.23 pm.

On 27 March 1982 Dodd and Wills were arrested and charged by Webb with stealing Coomer's guns on 9 March and with the unlawful use of the Paterson vehicle. Both were kept in custody. On the same evening Spires rang Saunders and passed on a message from Dodd that she (Saunders) should contact Krosch to go to Cleveland and see Dodd.

Webb and Flanagan continued the investigation which was directed to ascertaining whether Saunders or another or others were involved with Dodd and Wills. Dodd was kept in custody in Brisbane Prison but on 15 April he was returned to the Cleveland lock-up to appear on remand before the Stipendiary Magistrate. While in the lock-up he told Williams that he had a tape recording that he had made of a meeting between himself and Saunders. He said he had tape recorded a discussion between the two of them in which criminal activities were discussed and in particular the theft of the firearms, the theft of a payroll and the murder of a Police Superintendent named Allan Lobegeiger who at some stage was Saunders's lover. He claimed the tape was in the custody of a friend at Stanthorpe. He required bail to get the tape. On the same day Webb, Williams, Dodd, Spires and perhaps her two children drove to Stanthorpe. Dodd then drove away in a car provided by Webb for this purpose to get, so he said, the tape from his friend. He returned and said that the friend was away and he had been unable to get the tape.
On 23 April 1982 Dodd with Webb and Williams again went to Stanthorpe when a similar procedure was followed. Dodd returned to Webb and Williams and produced a tape. Webb rang Brisbane so that when the party arrived at Police Headquarters at about 4.00 pm that day there were already assembled some persons to witness the playing of the tape. Dodd was subsequently to give evidence under oath at Saunders's committal hearings and trials that the tape recording was a genuine recording of conversations between himself and Saunders on 19 March 1982. Webb gave evidence that he identified the female voice as that of Saunders.

In the edition of the Sunday Sun of 25 April 1982 a reporter named Brian Bolton wrote a story suggesting that proceedings were imminent against a woman police officer for plotting with a criminal to murder a senior Queensland policeman. On 28 April 1982 Dodd made two further statements and on 29 April 1982 Saunders was arrested. The arrest took place at her solicitor's office by arrangement between the police and her solicitor. She was refused watchhouse bail. On the following day Saunders was given bail by the Stipendiary Magistrate. It was a condition of her bail that she refrain from making contact with Lobegeiger, Coomer or Dodd. The charges against Saunders were three in number:

(1) Stealing Coomer's firearms from the Torana motor vehicle on 7 March 1982;

(2) Attempting to procure the theft of a payroll from a company of whom the Tucker family were principals; and

(3) Attempting to procure Dodd to conspire with another to murder Lobegeiger.

On 4 July 1982 Dodd was arrested for the unlawful use of a car and, together with Spires, Alan Glanville and some other youths, of stripping it of parts. He remained on bail.

On 9 and 10 August 1982 evidence was called in the committal hearings before the Stipendiary Magistrate on the three charges against Saunders. 11 August 1982 was a public holiday, being Exhibition Wednesday, and on this day Colin Stanley Cooper arrived from Adelaide with his girlfriend, Susan Gray. Cooper was at the time 24 years of age but had met Saunders when at 16 years of age he was arrested by her in Brisbane on a drug charge. He had apparently acted as an informant for her for some time after his initial arrest but in recent times had lived in Adelaide.
Saunders, Gray and Cooper visited Gatton and looked at the farm property of Lobegeiger on 15 August 1982. A second trip was made on 17 August 1982 in the Toyota motor vehicle owned by Coomer with Coomer driving. Saunders, Coomer, Cooper and Gray went for a four day holiday to the Gold Coast. This was between 23 August and 26 August 1982. They stayed in a tent in a caravan park at Miami. On 7 September 1982 Saunders, Cooper and Gray visited the Gold Coast. A letter was put in Lobegeiger's post box. Cooper in an effort to get a close look at Lobegeiger entered his property; he was in an intoxicated state. Lobegeiger apprehended him and he was questioned by police. Finally he was brought to Brisbane where Webb questioned him. He told Webb that Saunders had asked him to help her in her trial by giving evidence that he had been present at Gatton with her in February 1982 when some shots had been fired on Lobegeiger's property. He also told Webb that the trips to Gatton in August had been to ensure they had their stories straight. If he had given this evidence at her trial he would have been committing perjury as he was in Adelaide at the relevant time. The evidence went to the state of the relationship between Saunders and Lobegeiger.

On 8 September 1982 a search warrant was executed at Saunders's home and another search was conducted on 9 September 1982. Located was a tape recording of a telephone conversation between Saunders and Lobegeiger which had apparently taken place earlier that week. Also located was a tape recording in Saunders's voice which seemed to set out in detail the account which Cooper claimed he was to relate of events at Gatton in February 1982. On 9 September 1982 Saunders was arrested on a fourth charge: that, together with Cooper and Coomer, she had sought to pervert the court of justice by manufacturing evidence for use at her trial on the first three charges. She was refused bail.

Saunders was tried in the District Court at Brisbane before His Honour Judge Pratt on the first two charges of stealing firearms and of attempting to procure Dodd to steal the payroll. She was acquitted by the jury on 24 May 1993. Once again she was refused bail.

Just prior to the trial Spires had handed in to the police a letter dated 14 July 1982 in the hand of Dodd in which he claimed that Saunders was innocent and that Webb and Williams had made a deal with him that if he "sunk her" he would get off on a good behaviour bond. Dodd was cross-examined about the letter at the trial but denied that the contents of it were true.

On 4 July 1983 Saunders was granted bail by a Judge of the Supreme
Court.

On 2 August 1983 the trial of the third charge of attempting to procure Dodd to conspire to murder Lobegeiger and the fourth charge of attempting to procure Cooper to commit perjury commenced in the Supreme Court. A nolle prosequi had already been entered on the charge against Coomer. On 3 August 1983 Mr Justice Shepherdson ordered that there be a separate trial on the charge which related to Cooper and voir dire proceedings were held to ascertain whether the tape recording which Dodd had given to police at Stanthorpe was genuine. On 5 August 1983 evidence was given before the Supreme Court that the tape recording could not have been recorded prior to April 1982 although Dodd's evidence was that the conversation was recorded by him on 19 March 1982. The Crown conceded the tape recording was a fabrication and on 8 August 1983 a verdict of not guilty was directed by the trial Judge. The Judge added that he intended to direct that the material before him be referred to the Crown Law authorities for "a full and detailed investigation to try to get to the bottom of this whole rather unsatisfactory sort of affair." Saunders was granted bail.

There remained outstanding the fourth charge of attempting to procure Cooper to perjure himself. Cooper had already been tried for this charge and on 22 April 1983 was convicted in the District Court in Brisbane. He was sentenced to nine months in prison. His defence was that although he had agreed with Saunders that he would give the false evidence requested of him, he had never intended to do so in fact; this meant according to him that there had been no agreement so there could be no conspiracy. The charge against Saunders was changed for this reason to one of attempting to procure Cooper to perjure himself on 2 August 1983. The barristers acting for Saunders made a very detailed written submission to the Attorney General and Minister for Justice to the effect that the Crown should not proceed with the fourth charge. After receiving advice from the then Solicitor-General, The Honourable Neville Harper, Minister for Justice and Attorney-General, issued a press release on 20 January 1984. That press release included the following passage:

'As a result of that submission, having regard to the history of the matters generally and the relationship of the present charge to those on which Miss Saunders has been acquitted, I have decided that no further prosecution should take place', Mr Harper said.

'The legal consequences of my decision and the verdicts in
favour of Miss Saunders are such that she is to be regarded as completely innocent of all charges', Mr Harper said.

The Crown entered a nolle prosequi on the outstanding charge.

After investigation of Dodd's role in the making of the fabricated tape he was charged on 11 April 1984. On 5 February 1985 he was convicted on three charges of perjury and was sentenced to six years imprisonment.

During the Fitzgerald Inquiry former Inspector Basil Hicks gave evidence about a visit he had made to the Brisbane Women's Prison in 1978 to visit a prostitute who, it had been rumoured, had made a statement alleging that Hicks had conducted an affair with her and that she had compromising photographs of them both together. He took Saunders with him on this visit. He gave evidence that shortly after he visited the prison Assistant Commissioner Anthony Murphy rang him and told him that he would deal with Saunders in the future. Saunders was called to corroborate the visit. In the report dated 3 July 1989 of the Inquiry it is said that Saunders was "to pay a very heavy price for becoming involved" with Hicks.

In September 1989 a claim for compensation was made to the Government by Carew and Company on behalf of Saunders. It was rejected.

In 1990 Carew and Company made a detailed written submission to the Government requesting that she be paid compensation in respect of the charges that had been brought against her. This claim was also rejected although $50,000 was paid to her to reimburse her for legal expenses.

The subsequent events leading to the formal Resolution by the Commission to conduct this investigation are set out in the preamble to the Resolution in Appendix 1.

1.10 The submissions from Saunders's solicitors

It is appropriate at this stage of the report to refer to some aspects of the written submissions made by Carew and Company. I have not attempted to refer to every submission made but notwithstanding their late arrival I have considered them all. I was disappointed by the submissions. At times Carew and Company referred me to endless passages of evidence in previous proceedings. Before me those who had given that evidence admitted it had been false. There was no point in referring me to these
passages. For example the submissions detailed for many pages Dodd's previous evidence in which he had claimed that the tape recording produced to police was genuine. Before me for the first time he admitted that it was a fabrication. There was no point in making exhaustive reference to what Dodd had conceded were lies. There were other submissions which I was forced to address in the report when there was no basis for them in the evidence. I will refer to some of these now. There are further references to the submissions throughout the report.

It was submitted on a number of occasions that the investigators of the Commission had shown "incompetence/bias" in conducting their inquiries. Although I was not deliberately looking for either incompetence or bias in the investigation at no stage did it occur to me that the inquiries had been conducted in anything less than a competent and efficient manner. At no stage did it appear to me that the investigators or anyone from the Commission exhibited a lack of objectivity or bias.

In the submissions there was a significant number of references to the solicitors for Saunders having been denied access to certain material by officers of the Commission. A perusal of the correspondence between the Commission and Carew and Company clearly establishes that this claim was completely without basis. During the course of the investigation Carew and Company sought access to certain taped interviews that investigators had conducted with potential witnesses. In only rare circumstances had these taped interviews been transcribed and tendered before me. In relation to those that had not been tendered before me Carew and Company wished to take copies of these tape recordings from the Commission's premises. Counsel Assisting refused to provide copies away from the Commission's premises. Having been advised of the Commission's position Carew and Company wrote to the Commission by letter dated 8 June 1993. In that letter the following passage appears:

Further, Mr Lambrides has already indicated to me that all tape-recordings of interviews with witnesses are available to be heard by us in the precincts of the Inquiry. However, due to the difficulties in relation to non-payment of our costs, it has proved impossible for us to find the time to attend the Inquiry Headquarters for this purpose. For this reason, we now request copies of all tape-recorded interviews and other conversations with Inquiry witnesses or potential witnesses.

Also in that letter Carew and Company advised that it refused to provide
Counsel Assisting with records of further interviews or conversations which Carew had had with a number of persons who had given evidence or were to give evidence before me. The basis of that refusal was that Saunders had not been prepared to waive legal professional privilege in relation to that material.

In response to this letter Carew and Company were advised by letter dated 16 June 1993 in the following terms:

_ In view of your refusal to provide tape recordings and transcripts as requested, on the ground of legal professional privilege, the previous decision to make available to you, in addition to the statutory declarations, all tape recordings between prospective witnesses and officers of the Commission will be reviewed. Certainly, access to them will not be provided to you away from Commission premises._

In response to that letter Carew and Company again wrote to the Commission on 29 June 1993. In that letter the following passage appeared:

_ In view of the fact that our legal costs are not being paid, the decision to refuse access to the material away from the Commission's premises effectively amounts to a denial of access to that material. It therefore effectively denies us access to all previous statements by persons who may be material in the investigation._

By letter dated 2 July 1993 the Commission again responded to Carew and Company. In this letter the following passages appeared:

_ I do not accept the proposition that, because your client is not being legally funded, the decision of the Commission to refuse access to the tape recordings of interviews with prospective witnesses away from the Commission's premises effectively amounts to denial of access to that material. That is clearly not the situation. If your client or yourself wishes greater access to the material at the Commission, arrangements can be made for same. The investigation has been conducted over a period of many months. To date there has not been a single request by you or your client to access that material at the_
Commission's premises.

The recordings made by officers of the Commission led to the preparation of statements or statutory declarations which the witnesses executed after reading and with or without correction. These documents, executed after due consideration, are the evidence not tape recordings of prior interviews. I see no legitimate basis upon which you should have access to these tapes at all.

At no time was access to this material denied at the Commission's premises. Although the solicitors had suggested that because of funding problems they could not devote the time to attend at the Commission's premises, there was nothing to preclude Saunders attending by herself whenever she wished. After all, she was in the best position to recognise any matters of significance. If anything of significance arose she could have specifically brought these matters to the attention of her solicitors. I must add that bearing in mind the spread of the public hearing dates and the many months I made available for submissions to be prepared and furnished to me I cannot accept that there had been "effective" denial of access to the solicitors.

It was also submitted that Counsel Assisting had engaged in "inexplicable leading" especially in relation to the key witness Dodd. It is trite to say that investigations of this nature differ considerably from adversarial court proceedings. It is also trite to say that asking leading questions of witnesses in this type of investigation is not only permissible but sometimes necessary. However, if authority is sought for the proposition that a counsel assisting is entitled to ask leading questions it can be found in the text by Leonard Arthur Hallett titled *Royal Commissions and Boards of Inquiry*. At page 220 the following extract appears:

> Having regard to the different functions of an executive inquiry and a court of law, it is not surprising that counsel assisting do, on occasions, need to resort to a line of questioning akin to cross-examination, e.g. when a witness whom it is thought is in possession of relevant information refuses to co-operate. Sir Charles Lowe acknowledged the possibility in the Communism Royal Commission (1949) and ruled that counsel assisting was not limited to asking non-leading questions. As Epstein has pointed out, the tool of counsel is forensic examination, therefore he must be able to cross-examine.
In view of the effluxion of time since the events occurred and the history of Dodd's previous accounts I did not consider it inappropriate for Counsel Assisting to examine him by asking leading questions. Dodd always had the option to disagree with the question put by Counsel Assisting which on occasions he did. Relevant in the consideration of this matter was the fact that no objection was taken by Fleming QC to the manner of questioning as it was occurring. Furthermore Fleming QC had the opportunity to cross-examine Dodd subsequently which he did at length. Fleming QC was not in any way restricted in the questions he could ask arising from the examination of Counsel Assisting. Much the same could be said in relation to the questioning of the other witnesses.

I assume from this particular submission that an inference to be drawn was that the integrity of the investigation had in some way been adversely affected. I regard this submission as unwarranted in the circumstances and I dismiss any suggestion that the investigation was in any way compromised by the mode of questioning adopted by Counsel Assisting.

It is interesting to note from the correspondence between Carew and Company and the Commission that Counsel Assisting's manner of examination was criticised by the solicitors in the course of the public hearings. They were invited in writing by Counsel Assisting to raise the matter with me on the next hearing day. The matter was not raised until I received the written submissions.

In an extraordinary submission by Carew and Company it was stated that it was not in the public interest for Hampson QC to have accepted the brief as Counsel Assisting. The basis of the submission was the following paragraph:

*Given the controversial history of the matter, including the possibility that senior police (including Lewis and Murphy) were involved in framing Saunders, the concern that those same police may have had a role in preventing a Commission of Inquiry in 1984, a concern that the Crown Law Authorities had not adequately carried out the recommendation of Mr Justice Shepherdson for a "full and detailed investigation into the circumstances" - all of the circumstances warranted an inquiry which observed strictly the highest possible standards to ensure public confidence in its integrity. In the circumstances, we submit that Mr Hampson should not have accepted the brief without ensuring that all principal parties concerned were aware,*
at the outset, of his having represented the interests of Lewis and Murphy (and other commissioned officers and ex-commissioned officers) at the Fitzgerald Inquiry in 1987 and without ensuring that all principal parties had no objection to his very important role at this Inquiry.

Later in the submission the solicitors add that:

Saunders's perceptions are likely to be shared by a significant proportion of the public.

At no stage of the investigation was it raised by Saunders's lawyers that Hampson QC should stand down from his role as Counsel Assisting.

Saunders herself first raised the issue when Hampson QC was in the process of examining her on the last day of the public hearings at which stage she no doubt had realised that her position had become less tenable. He was putting for her comment the accounts of other witnesses which were inconsistent with her evidence. After questioning Saunders about not having read some of the statutory declarations of other witnesses the following exchange took place:

You have not bothered reading them, in fact?---As I said, I've gone through some of them. I can't really recall.

All right. I mean, has not this been important to you, this particular inquiry?---Well, I've got to the stage, I'm just totally fed up.

See, I mean, you, through your solicitor, pressed, for a long time, for an inquiry, did not you?---I certainly did.

And then, because, I think, in 1990, it was not going to be on your terms, you disagreed with the way it was going to go ahead then. It was nearly set up then and I think Sir Max Bingham was going to do it, was not he?---I think so.

Yes. Anyway, that did not get off the ground. But since the last three years, at least, you have been clamouring for an inquiring; insisting on an inquiry?---Well, yes. Sure.

Now, we have the inquiry and you are saying that, in
effect, you are too tired, or whatever it happens to be, to read the statutory declarations that the CJC investigators have got in relation to your particular matter?---Mr Hampson, I'll say one thing. If I'd known you were going to be Counsel Assisting, I - if I'd known at the time that you'd represented Mr Murphy and Mr Lewis, I would have, again, refused the inquiry. That's one.

I am getting the poisoned pen, now, too, am I?---No, that's quite true.

All right. Go on - - -?---That's quite true. I certainly didn't know that at the time I agreed to you being Counsel Assisting.

Where did I represent Mr Murphy and Mr Lewis?---I believe that you represented them, at some stage, at the Fitzgerald Inquiry.

I see. Okay. And that makes - - -?---And I didn't have that knowledge.

- - - me corrupt and - - -?---No, just the knowledge you would have had from them. I would have felt that there may be a conflict, if I'd known that. That's one thing. This has put me under tremendous strain. I don't know when I'm supposed to have read all these documents.

In response to Saunders's having raised this matter Hampson QC placed on the record his involvement in the Fitzgerald Inquiry:

HAMPSON QC: Your Honour, in view of that statement from the witness about my appearing in the Fitzgerald Inquiry, I think I should put on the record this: that I received a - it was a public brief; it really came from the Government, and because the Crown Solicitor's office was briefing a number of people and things of that kind - the solicitors engaged were Morris, Fletcher, and Cross, as they were then called, and I was briefed then to appear for the Commissioners and Acting Commissioners of Police, existing and past, and I think the past went back for something like 20 years. And I did appear for that collection of people for a time. I withdrew from the
Commission after some period of time, and the junior, a Mr Bowden, continued. But so far as Mr Lewis was concerned, my recollection was that allegations were made against Mr Lewis after a few months of the hearing - I cannot remember - and then the Government withdrew his name from representation, so he did not continue to be represented.

So far as Mr Murphy was concerned, I do not think I ever had a conference with him or anything of that particular kind. I just say that because in my mind, there is not the slightest suggestion of conflict, absolutely, between this inquiry and what happened there, but I thought it might be necessary to - sorry - I said Commissioners apparently and Acting Commissioners; it was Commissioners, Acting Commissioners, Deputy Commissioners, and Assistant Commissioners - the whole people who had commissioned rank, because they did not have a union. That was the point. The ordinary policemen had a union; the officers had a union; these people --

THE JUDGE: Did not.

HAMPSON QC: No, the administration did not have it. So I just thought I would just mention that, because otherwise people might misunderstand it.

THE JUDGE: Yes. Thank you, Mr Hampson. I think, speaking for myself, that it was a pity it was ever raised. If there was some suggestion of conflict, I have no doubt Mr Fleming would have spoken to you about it.

HAMPSON QC: Well, I do not want to go further. Thank you, your Honour. I just thought I should put it on the record.

When the written submissions were made by Carew and Company I caused checks to be made on the public transcript of the Fitzgerald Inquiry. On 12 June 1987 Hampson QC was granted leave to appear with Mr Bowden for:

Sir Terence Lewis, the Commissioner of Police, Mr McDonald, the Deputy Commissioner of Police and the five
Assistant Commissioners, Redmond, Braithwaite, Parker, Donoghue and Walker, and also persons who within the time span named in the terms of reference formerly occupied those positions.

This therefore included Murphy as well as Lewis. Hampson QC continued to appear in the Inquiry until 7 March 1988. After this date his junior only remained. Hampson QC did not further appear. The Hicks/Saunders package of evidence was not led until 14 March 1988 on which date funding for Murphy was withdrawn. In the meantime Lewis's funding had been terminated on 4 November 1987. Hampson QC ceased to act for him at this time.

I have no doubt that no conflict of interest existed in his role of Counsel Assisting. In view of Carew and Company's submission that it was not in the public interest for Hampson QC to accept the brief as Counsel Assisting at this investigation, surprisingly the following was conceded by the solicitors:

Incidentally, we do not submit that Mr Hampson did have a conflict of interest in the sense used in the courts of law.

They did not (and could not) point to any part of the evidence where a conflict of interest arose.

It is clear that the public perception in matters of conflict of interest is irrelevant. The question is whether or not there is a conflict of interest. There was no conflict of interest as a matter of law and the matter should have stopped there. No reasonable member of the public with knowledge of the facts could have even suspected that the brief of Hampson QC in the Fitzgerald Commission could have given him information about Saunders which could be used to her detriment in this investigation. Once again the inference to be drawn from the submission was that the integrity of the investigation had been undermined. I reject this completely and I repeat what I originally stated when the matter first surfaced on the last day of the public hearings. It was a pity the matter was ever raised.

As part of the attack upon the conduct of Counsel Assisting reference was made in the submissions to the fact that Saunders was examined on two separate occasions over a total of eight days. It was submitted that no other witness was questioned by Counsel Assisting for more than a day. Saunders was originally questioned for four days in order for her to exhaust her concerns and raise all allegations known to her concerning the
subject matter of the investigation. Her testimony covered events which
spanned many years. There were many incidents, suspicions and
allegations which Counsel Assisting correctly wished to elicit exhaustively
from Saunders. No doubt if Hampson QC had not questioned her for so
long he would have been criticised for diminishing the importance of her
evidence. After all other witnesses had given evidence it was apparent that
Saunders's original position was no longer convincing. It was necessary
for Counsel Assisting to put to Saunders the inconsistent accounts given by
other persons either in oral evidence or by way of statutory declaration. If
Counsel Assisting had not done so he would have been correctly criticised
for not affording Saunders the opportunity to respond to these matters.
Because of the great disparity between Saunders's account and those of
many others this examination took nearly four days. I do not see how the
length of this examination could have been reduced.

To suggest that something adverse can be inferred from the fact that no
other witness was questioned for more than a day by Hampson QC ignores
the fact that all other witnesses could only give evidence in relation to a
relatively small part of the narrative.

Further criticism of Counsel Assisting was made in the following
submission from Carew and Company:

Throughout the questioning by Mr Fleming, Dodd claims
on a number of occasions that he is 'telling the truth'. But
if the transcripts of his previous evidence and statements
are examined, it appears as if Dodd has always claimed
that the particular version he is giving when being
questioned 'is the truth'. The fact that Dodd claims to be
telling the truth is perhaps more a cause for concern than
anything else. Yet, the Criminal Justice Commission has
presented Dodd at this Inquiry as if he is, finally, telling
the truth. Without a thorough examination of Dodd by the
CJC (and this did not occur) whereby he is asked to explain
all of his previous inconsistent versions, in our
submission it is extraordinary for the CJC to be submitting
to you that you could find that Dodd was telling the truth
when giving evidence at the Inquiry.

This is an extraordinary submission. At no stage did the Criminal Justice
Commission, Counsel Assisting or anyone else present Dodd to the
investigation "as if he is, finally, telling the truth." I imagine that Carew
and Company were here referring to a letter dated 27 August 1993 sent to
Fleming QC by Counsel Assisting. It commenced:

As per my previous advice, to assist you in directing your submissions to Judge Matthews I have prepared a 'worst case scenario' concerning your client, arising from the evidence before him. I consider that there is evidence from which the Judge could, but not necessarily should, come to the following findings concerning your client's conduct in 1982 and 1983.

The letter then listed a number of possible "findings." At the end of the letter this paragraph appeared:

Needless to say, this document cannot bind the Judge as he may consider there are other matters in evidence before him from which he may make adverse findings concerning your client. This 'worst case scenario' should be seen as merely my view of the adverse findings which His Honour might make.

I took this document to be nothing more than an aid to Saunders's lawyers in directing their submissions. No doubt when Counsel Assisting decided to furnish such a letter he had considered the rules of natural justice. There is nothing in the letter which suggests that Counsel Assisting was putting forward Dodd as a witness of credit.

The criticism of Counsel Assisting in not putting to Dodd all his previous inconsistent versions is beyond comprehension. The reason that one cross-examines a witness on a previous inconsistent statement is to shake his present testimony. Where the present testimony is that he is now telling the truth but that he lied on previous occasions it is pointless to put to him that his previous evidence differs from his present evidence. No benefit would have been gained by taking Dodd through these previous inconsistencies. I should note that this matter was raised with Counsel Assisting by Carew and Company in the course of the public hearings. Counsel Assisting by letter dated 2 July 1993 invited the solicitors to raise the matter with me at the next hearing date. They did not.

Carew and Company submitted that the integrity of the investigation was undermined by the failure of the Commission to bring to my attention the decision of the Court of Appeal in Whiting's case. A decision in that case was handed down on 8 April 1993. It was stated that prior to the decision in Whiting "it was believed" that pursuant to section 3.23 (as it then was)
of the *Criminal Justice Act* a witness could engage any legal practitioner he or she chose and that legal representative had the right to appear for that witness with the Commissioner having no say in the matter. It was further stated that prior to Whiting it was only a conflict of interest in the traditional legal sense which could prevent a solicitor from representing more than one party. It was said that it had been thought that it was a matter for the legal representatives themselves to determine the limits having regard to the professional and ethical standards expected of them. It was also said that Whiting created new ground in that a Commissioner had the power to refuse to allow a particular legal representative to represent a witness appearing before the Commission on the grounds that the Commission believed that the refusal was necessary to maintain the integrity of the inquiry. It was submitted that the case was relevant in this particular investigation because a significant number of witnesses and persons who supplied statutory declarations to the investigation were represented by Gilshenan and Luton, the solicitors for the Queensland Police Union.

The first point I should make is that it may have been "believed" by Carew and Company that until Whiting's case the Commissioner had no power to refuse to allow a particular legal representative to represent a witness appearing before the Commission but it certainly was not the view of the Commission. After all, they had made such a ruling in an investigative hearing against which the appeal was made to the Court of Appeal. Of course Whiting's case was a private investigative hearing not a public hearing. The solicitors there sought to appear not only for the person the subject of assault allegations but also for prospective witnesses. The prospective witnesses were to be examined in the absence of the person against whom the assault allegations had been made. It was feared that if the solicitors were present for the cross-examination of the prospective witnesses they would gain information which could quite innocently be communicated to the person against whom the allegations had been made when they later sought instructions from him. Such a situation did not arise here but I should add that the case had been brought to my attention by Counsel Assisting.

A further criticism of Counsel Assisting related to some questions asked by Fleming QC of Dodd when Dodd gave evidence before me. Dodd in evidence in chief had for the first time on oath admitted that the tape recording was a fabrication. He was questioned as to whether he had advised Counsel Assisting of this fact in the pre-hearing conference that morning. Dodd replied that he did not tell Counsel Assisting whether the tape was "good or bad." He told Fleming QC that Counsel Assisting had
merely explained to him how things were and "he has more or less left it up to me."

It was suggested by Carew and Company that Dodd was evasive and was lying in his response. By implication it was submitted that Dodd had told Hampson QC what he was intending to say when giving evidence on oath before me. The submission went on to indicate that despite requests the solicitors had not been given a version of the discussion between Hampson QC and Dodd prior to the hearing. The submission continued that at the District Court trial it was clear that the defence had been told about prior discussions with Dodd and had been provided with a copy of Dodd’s statement of 4 May 1983 which related to the letter dated 14 July 1982. They claim that no such statement was provided to them before Dodd gave evidence at the investigation.

At the time I did not consider that Dodd was evasive or had been lying concerning his prior discussions with Hampson QC. Had Dodd been lying Hampson QC would have raised the matter with me. Counsel Assisting did not do so and I assumed that the evidence Dodd had been giving was not inconsistent with the events that occurred in the pre-hearing conference.

Upon receipt of the written submissions I requested a memorandum be prepared for me by Lambrides who was present during the pre-hearing conference. He confirmed that Hampson QC had explained to Dodd his rights under the Criminal Justice Act 1989 and specifically referred to the ramifications of his perjuring himself before me. He was advised that any answers he gave before me could not be used in evidence against him in any subsequent criminal or civil proceedings. It was brought to his attention that Blanche Thompson had admitted providing the female voice on the tape recording. He was reminded that this account had been inconsistent with all Dodd’s previous evidence on oath. At no stage did Dodd confirm or deny that the tape recording was genuine.

I can only reiterate my previous belief that if Dodd had been lying on oath the matter would have been brought directly to my attention by Counsel Assisting at the time. I am disappointed that Carew and Company did not have the same expectation of Counsel Assisting bearing in mind his undeniable reputation for acting ethically and with integrity.

In the submissions of Carew and Company they on a number of occasions made claims such as:
All of the relevant documentation was not produced by the CJC to this inquiry.

The implication was that material was held from me by either Counsel Assisting or officers of the Commission. In relation to Webb’s diaries Carew and Company submitted:

Webb’s diaries and notebooks were not produced by the CJC. Apparently they could not be located.

Later in the submissions the following appeared:

Webb claims that on 26 March 1982 he took notes in his notebook prior to the record of interview which was typed. The notebook cannot be located according to the CJC.

It was not "according to the CJC" that this material was not available. It was according to a letter dated 14 April 1993 from the Queensland Police Service. This letter was tendered before me. It stated that the Police Service was unable to locate notebooks and diaries of a number of police officers including that of Webb. The allegation is mischievous in the extreme.

A further example can be seen in relation to submissions concerning the evidence given by a witness named Mark William Woods. Carew and Company after submitting that a certain part of Woods’s evidence was significant made the following statement:

It is interesting to note that this aspect of his interview with the CJC was not included in the statutory declaration with which we were originally supplied but it was in the transcript of the tape recorded interview. [The underlining appeared in the original submission.]

Once again the inference was that information was being withheld. When one looks at the transcript however one can clearly see that Counsel Assisting at the time of tendering the statutory declaration had shown Woods the transcript of the tape recorded interview. As Woods had not had an opportunity to read the transcript to confirm that it was an accurate one the transcript was not tendered at that stage. As soon as Woods had the opportunity to do so and confirmed on oath that it was a fair account Counsel Assisting tendered the transcript. The submission does no credit to Saunders’s solicitors.
It was further submitted on a number of occasions by Carew and Company that certain relevant information "was not brought out into the open at the inquiry." One of these references was to a number of entries in the Cleveland watchhouse charge book. The original Cleveland watchhouse charge book was tendered before me very early in the investigation. Fleming QC cross-examined a number of witnesses at length on entries in the book. He did not cross-examine on the entries which Carew and Company had submitted were "not brought out in the open." That was a matter for Fleming QC and his solicitors. The entries were there for all to see. It is an astounding submission. The same comments can be made concerning the other references to material not having been "brought out in the open."

I saw no evidence of relevant documentation having been held back from me by either Counsel Assisting or officers of the Commission.

It was submitted that the actions, or inactions of the Criminal Justice Commission were "a disgrace" in that Murphy was not asked to be interviewed. They claim that the Commission's failure to do so was inexplicable. Carew and Company also submitted that attempts to interview Webb were "feeble" and he should have been interviewed by the Commission prior to giving evidence. Counsel Assisting was also criticised for calling persons such as Murphy and Webb late in the investigation after they had access to transcripts and time to reflect on the answers that they would give when finally questioned.

When Murphy first appeared in the witness box the following exchange took place between him and Counsel Assisting:

_HAMPSON QC:_ Mr Murphy, you declined to be interviewed by investigators from the CJC, but you provided to the Commission your own statutory declaration, is that correct?---I don't think there was ever any request of me.

_You do not think so?_--- _- - - by the CJC officers to interview me.

_Oh, I see?_---_I certainly attended at the office on a number of occasions. I found them most courteous, but again I don't accept that I was ever asked to be interviewed._
All right. Well, I just - - - ?--Initially, had I been so, I may have declined.

Yes. Does not matter much, but what has happened with most witnesses at this stage, there has been some reference to a statutory declaration made to the investigators you see. In your case there was none made to the investigators, but you provided your own?---Yes, sir.

And for the purposes of preparing that statutory declaration you did have access to certain documents from the Commission office here, is that right?---I certainly did.

When Murphy was examined by his own counsel the following exchange took place:

NOLAN: Thank you. Mr Murphy, if I could take you back to clear up what may be a misapprehension on the part of those instructing Mr Hampson, to the first question he asked you regarding your refusal to be interviewed by officers from the Criminal Justice Commission. If you remember back to that?---Yes, I do.

Perhaps if I could just recap something for you and tell me whether you agree with what I am putting to you. Is not it the case that the officers from the Criminal Justice Commission offered to interview you, but it was decided that the more helpful thing for you to do would be to look at the material they had and then for you to in effect put together a statement answering most of the allegations. In other words, saving them the time of sitting down with pen and paper?---That - that's what actually happened, but I can't recall any offer from them to interview me. I think that when I - - -

Just bear with me. It may not have been made directly to you, but if you could - - -?---It certainly wasn't made directly to me. As I recollect it, I became very concerned on reading media reports on the matter. I contacted my solicitor who contacted you, and then I understood that you made the approach to the - to the CJC.
Well, it is a bit hard for me to give evidence, but - the point is, Mr Murphy, it is not a case of you refusing to be interviewed in an attempt to be unhelpful. It is more the case that - - - Not - not one bit.

- - you were trying to be as helpful as you could? - Yes. And they were also very helpful every time I've been near the place.

It is clear from a file note dated 27 April 1993 that arrangements had been made at that time with Murphy's counsel for him to be interviewed in the week ending 30 March 1993. In a memorandum to me by Lambrides after written submissions were received by Carew he (Lambrides) advised that it had been Murphy's counsel who had determined that it was in his client's best interests not to be interviewed and that he had advised Lambrides that his client would not participate in an interview but would supply a written statement. If it was then necessary to question Murphy further it could be done in the witness box. Lambrides further advised that on 3 March 1994 Murphy's counsel confirmed that this was correct. On 5 May 1993 a statutory declaration was furnished to the Commission by Murphy. That statutory declaration addressed most of the matters raised by Saunders in her statement to the Commission. It was simply not true that Commission officers did not seek to interview Murphy. Of course he was always to appear before me and be subjected to examination and cross-examination.

In the case of Webb another file note dated 27 April 1993 from Investigator B A Pitman to Lambrides records that at 5.56 pm on Friday, 23 April 1993 Webb was contacted by Pitman on the telephone. After having been advised of the substance of the request for Commission officers to interview him Webb declined. He indicated that he did not wish to be interviewed about the matter advising that it was over ten years since the events. As far as I am aware at no stage did Webb indicate a change of heart to the Commission, although in his evidence it seemed that his objection was to that particular investigator interviewing him. No matter what Webb's position was the Commission's investigators were entitled to conclude that Webb was not prepared to be interviewed.

Commission officers of course could not force either Webb or Murphy to be interviewed. The Commission could have summoned Murphy and Webb to appear earlier in the investigation however it is clear to me that this was not done until all the "allegations" and relevant evidence had been adduced concerning Murphy and Webb. To have called them earlier would have been pointless. Once again it is disappointing that Carew and
Company used such inflammatory language as "a disgrace" when there was in my opinion no basis for them to do so.

Further implied criticism of the conduct of Counsel Assisting was made in the submissions in relation to the calling of Lewis as a witness before me. Lewis had refused to be interviewed by Commission officers. His counsel advised however he was prepared for Lewis to answer written questions. A series of written questions were prepared for the response of Lewis and his legal advisers were provided with the list. A response to all the questions was received from Lewis in the form of an affidavit.

Upon receipt and consideration of the affidavit Counsel Assisting formed the "provisional" view to rely on the affidavit rather than call him before me to give oral evidence. In a letter dated 21 June 1993 this decision (which applied to twenty eight other named witnesses as well as Lewis) was communicated to Carew and Company which was informed that:

As presently advised Counsel Assisting does not see any useful purpose in examining these persons merely to repeat their account orally or for cross-examination.

Lewis was merely one of these twenty eight persons who fell into the same category. The name of each of these persons was also communicated to Carew and Company in the same letter.

The letter continued:

Please furnish to me in writing particulars of reasons why you contend that any person named in part C [the list in which Lewis was included] or part D should be called to give evidence orally. Counsel Assisting will then study the particulars to decide whether there is sufficient value in calling any witness and you will be promptly advised of his decision. You can then raise the matter with the Honourable R H Matthews QC if you are dissatisfied with Counsel Assisting's decision.

In response to this letter Carew and Company advised by letter of 7 July 1993 in the following terms concerning Lewis:

Further, the witness, Lewis, should be called to give evidence or be made available for cross-examination for the following reasons:-
He made a significant number of entries in his diaries relating to Sergeant Saunders including an apparent discussion with Tony Murphy concerning Hicks' visit to the jail in 1978 in the company of Lorrelle Saunders, discussions held with Lobegeiger concerning his relationship with Saunders (before Saunders was arrested and before Dodd made many of his allegations against Saunders) and with Tony Murphy concerning a committee of inquiry after it was discovered that the tape recording was a fabrication.

He has refused to be interviewed by the Criminal Justice Commission. The Statutory Declaration that he has provided came as a result of a series of questions being issued apparently to his legal advisers. He therefore had the benefit of legal advice in preparing the Statutory Declaration as well as answering them in a comparatively relaxed atmosphere and without any pressure or testing of his recollections.

It should not be forgotten that Lewis is a criminal who was jailed for the maximum period of 14 years after he was convicted by a jury of numerous counts of corruption. That sentence reflected the fact that he betrayed the trust placed in him by the public of Queensland.

In our submission it is clearly in the public interest for Lewis to be called and publicly cross-examined particularly in view of the fact that he has not yet even been questioned by the Criminal Justice Commission.

On 15 July 1993 Hampson QC raised the matter before me in a private hearing. Carew was present. Counsel Assisting submitted the following:

Now, with relation to that request, your Honour, it was not really our intention to call Lewis, because there did not seem to be sufficient evidence, particularly in view of his sworn denial, that actually got to him, but we would be prepared to try to make arrangements for him to be cross-examined but not that he be publicly cross-examined.
In relation to this matter I wish to make two comments. First, it was clear that Counsel Assisting had been trying to minimise the number of days required for public hearings. In fact of the twenty eight persons referred to in part C, Carew and Company only wished three to be called. In view of the detailed response by Lewis in his affidavit I was not surprised that Counsel Assisting had made the "provisional" decision that he had taken. It is clear however that as soon as Carew and Company indicated the desire to cross-examine Lewis Counsel Assisting immediately acceded to that request. The matter was brought before me not because Counsel Assisting had refused to call Lewis but rather so that any hearings could be in camera. No doubt the basis for Counsel Assisting's request for having the examination of Lewis in camera was the tenor of Carew and Company's letter which to my mind gave every indication that a public 'flogging' and nothing less would be appropriate for Lewis. In view of the letter and previous misleading media coverage to which I have already referred I decided that the matter should be heard in camera. I should add that once Lewis had given his evidence at the Wacol Correctional Centre the transcript was available for public scrutiny.

In the written submissions Carew and Company made the following statement:

If it weren't for the funding difficulties which the Police Union Executive imposed on us throughout the Inquiry we would have pursued this matter (and others) in more depth.

The matter in question was the association between Dodd and officers of the Special Branch.

I am startled and astounded that a firm of legal practitioners would submit that because of funding difficulties they did not pursue with the witnesses all those matters they considered relevant. I should add that I do not believe that the question concerning the association between Dodd and the officers of the Special Branch could have been advanced any further. The same applies to the other matters that Carew and Company claimed that they could not further pursue because of funding difficulties. In saying this I should not be taken to have accepted that funding difficulties had been imposed by the Police Union Executive. It is not my position to comment on this issue, especially when I have heard only from Carew and Company and not from the Police Union Executive concerning it.
1.11 Observations on some aspects of the report

In this report I have discussed at length a significant amount of the evidence that was led or tendered before me which bears on the original questions for consideration. In view of the bulk of the material before me and the growing size of the report it was not possible to mention all the evidence, although I did consider it all. I have included reference in the report to those matters which I considered were most relevant. There was a large amount of material such as much of Dodd's testimony and much of Saunders's Legal Aid material which I rejected as having been false or unreliable. There was also a considerable body of material to which I did not refer that was equivocal or otherwise added minimally if at all.

In a number of cases witnesses had given previous conflicting evidence on oath. I did not refer to all these inconsistencies. In fact I referred to relatively few. To my mind they were of little relevance and nothing more than one would expect when a truthful witness had given a number of accounts over a considerable period of time. For example in the report a number of references will be seen to witnesses having given "a similar account," "a consistent version" or the like. I have used phrases such as these although minor conflicts may have existed because I considered that in the context of all the evidence the inconsistencies were of no moment. I do not apologise for this approach as to have done otherwise would have extended the report substantially and added little.

In their written submissions Carew and Company made numerous references to inconsistencies between different accounts given at different times by witnesses. The submissions argue that these inconsistencies are evidence of "deals" having been struck or of some other steps in a police conspiracy. The submissions seldom suggest a motive for what is asserted to be a deliberate lie and never put the inconsistency in a context with other evidence to support the existence of a conspiracy. I should therefore point out that in considering the evidence overall and in assessing the reliability of witnesses I have not failed to take into account these inconsistencies. In most cases however they are readily explained as I have said as honest failures of recollection by witnesses endeavouring after the lapse of so many years to tell the truth. I had the opportunity of seeing and hearing witnesses give evidence and was able to assess them in the light of their own accounts of events and in the light of other evidence.

Carew and Company in their written submissions suggested that further enquiries could assist me in my investigation. For example it was suggested that the two crown prosecutors at Saunders's trial in the District
Court be interviewed. I am firmly of the view that interviews of these persons and the others suggested by Carew and Company would not have advanced the investigation in any significant manner. Considerable time and money had already been expended on the investigation and no further expenditure was warranted on 'fishing' expeditions. The same can be said for some documentation which Carew and Company suggested may have been able to assist me. It should be noted that during the public hearings Carew and Company were invited in writing on a number of occasions to raise with counsel Assisting the names of other persons they wished to have called as witnesses in the investigation. The Commission in a letter dated 27 July 1993 confirmed advices that had been received from Carew and Company concerning this question. In that letter this paragraph appeared:

*I confirm your following advices ...*

*Other than those in Category A (persons who Counsel Assisting had determined to call to give oral evidence yet to be called), there is no other relevant person that you require to be called to give oral evidence.*

1.12 The "poisoned pen"

In the report reference will be found to my conclusions concerning the psychiatric and psychological problems which beset Saunders. The evidence suggested to me that Saunders had continued to harbour unwarranted suspicions and to display an extraordinary tendency to ascribe improper and even evil motives to others. To my mind the attacks upon the Commission investigators and Counsel Assisting were an extension of this. It seemed to me that the attacks became more virulent as the evidence which proved to be inimical to Saunders's position mounted. I mention this because I foresee that upon the handing down of this report which will no doubt displease Saunders the attacks which have previously been levelled upon Counsel Assisting and the investigators will be directed at me and my investigation.

1.13 The delay in furnishing the report

Regrettably the report was not furnished as early as I had hoped. A significant factor in this was the necessity to consider the voluminous transcripts, documents, statements and other evidence which were tendered
before me. A more significant factor in the delay was the fact that submissions were not received from Carew and Company until many months after public hearings had ceased on 26 August 1993. On that date Fleming QC had accepted as a reasonable time six weeks within which to provide written submissions. No suggestion was then made that the provision of the submissions was conditional upon payment of Saunders's costs by the Police Union. By letter dated 20 September 1993 from Carew and Company I was advised that that firm was unable to complete the submissions within the stipulated time and indeed preparation of the submission had not yet commenced. A funding problem with the Police Union and its solicitors was the stated cause for the delay. By letter dated 21 September 1993 I advised that I noted the position in which the firm and its client were found but that I was under an obligation to prepare a report and furnish it to the Commission as expeditiously as possible. I stated that the original six weeks allocated for the preparation of the submissions was, to my mind, generous and that it had been settled upon after consideration of the possibility of delay caused by the exigencies of a legal practice. Notwithstanding this, after consideration of all the circumstances I agreed to extend the period for submissions by a further four weeks thereby requiring the submissions to be furnished to me no later than 5.00 pm on Monday, 8 November 1993.

By letter dated 28 October 1993 Carew and Company advised that the legal costs issue had not been resolved and as a result it would not be able to complete submissions by 8 November 1993. On 29 October 1993 Counsel Assisting responded in the following terms to this letter after discussing the matter with me:

Your client was given six weeks to provide written submissions and Mr Fleming QC then accepted that as a reasonable time. No suggestion was then made that the provision of the submissions was conditional upon payment of your client’s costs by a third party. When you sought an extension of time beyond six weeks it appeared you had not even commenced the submissions. This was surprising in view of the fact that your counsel earlier stated (page 570 of the transcript) that he and you, even in the absence of funding, would remain representing your client as long as you were able to for the duration of the inquiry. I understand that your client later received funding and it seems a great pity that you continued to represent her through the inquiry but are unable to make written submissions. Nevertheless, your client was given an
extension until 8 November 1993 in the belief that you would be able to provide written submissions within that extended time.

Your present request is for another extension beyond 8 November 1993 of virtually three weeks on the assumption that it will take a week to finalise your negotiations with the Police Union Solicitors. To grant this extension means that it will be impossible for the Judge to present his report before Christmas as he had hoped to do. As I pointed out in my letter there are persons other than your client who are no doubt hoping that the report is published as soon as possible as their reputations are involved. I should also observe that the resolution of differences with the Police Union is not a matter which involves the Judge and it would in my opinion be improper for him to write to the Police Union or its solicitors. He will not be doing so.

After anxious consideration of your latest request the Judge has instructed me to advise you that he will give a four weeks' extension beyond 8 November 1993 on the clear understanding that no further extension will be granted. I hope you are able to resolve the matter of payment with the Police Union speedily but if you are not able to do so, I respectfully suggest you give serious consideration to providing the written submissions and settling the differences with the Police Union afterwards. You will readily appreciate how important it is that your client have submissions made on her behalf. If you find yourself unable to make them might I suggest that you inform her that the Judge would accept written submissions from her.

A new deadline of 6 December 1993 was set.

When it became obvious that submissions were not going to be received on 6 December 1993 I reconvened the hearings with a view to offering a hearing day for oral submissions to be made in lieu of written submissions. On that date I advised Fleming QC that I would set aside 21 December 1993 to enable him to make oral submissions. Fleming QC advised me that neither he nor his solicitors would be in a position to make oral submissions on 21 December 1993 and declined the offer. I then advised Fleming QC that I could wait no longer for the submissions and I would commence to prepare the report without them. However I explained that if
before the report was concluded I had received the written submissions I would consider them.

Prior to the completion of my report I received a letter dated 14 February 1994 from Carew and Company attaching the first 371 pages of the submissions. The firm sought a re-opening of the public hearings or further detailed investigation in relation to a matter which it categorised as "fundamental." The submissions were relied upon in support of the application and in particular the section dealing with the Cleveland watchhouse charge book. Carew and Company advised that it would conclude the remaining sections of the submissions upon a decision by me as to whether there should or should not be a re-opening of the public hearings or further investigations conducted. The solicitors noted that they anticipated that the further submissions would take only "a few days." The basis for the re-opening was a number of entries in the Cleveland watchhouse charge book for the period 25 March 1982 to 29 March 1982. The watchhouse charge book had been in evidence for almost a year. Carew and Company submitted that these entries proved that Wills and Dodd had been released from custody during the period and not transferred to the Wynnum watchhouse as claimed in evidence. Carew and Company relied in particular upon the fact that the Cleveland watchhouse charge book had noted a time of release from the watchhouse without a corresponding time noted in the Wynnum watchhouse charge book for their transfer from Cleveland to Wynnum. In particular it was submitted that Wills and Dodd had been released at 2155 hours on 27 March 1982 contrary to court orders requiring both be kept in custody.

As far as I was concerned on the evidence to that time it had been accepted that Dodd had been kept in custody from the morning of 27 March 1982 until 15 April 1982 and Wills had been kept in custody from the evening of 25 March 1982 until 15 April 1982. Certainly on all the evidence this was what I understood the case to be. When this matter was raised by Carew and Company it was decided to seek further documentation to put the matter beyond issue. As part of these inquiries Commission investigators located another Wynnum watchhouse charge book in which it would seem that only transfers to and from the Cleveland watchhouse had been recorded. They also located a Prisoners' Meals Voucher which established that Wills and Dodd had been at the Wynnum watchhouse from 2230 hours on 27 March 1982 to 0930 hours on 29 March 1982 during which time they were fed four meals. The authenticity of the Prisoners' Meals Voucher and the newly produced Wynnum watchhouse charge book was apparent on their face. They were telling evidence confirming the previous evidence that Dodd and Wills had been
transferred to the Wynnum watchhouse rather than released. There was no basis for a re-opening and by letter dated 21 February 1994 Carew and Company was so advised and provided with photocopies of the relevant documentation.

On 25 February 1994 a further application for re-opening largely on the same basis was received from Carew and Company. Carew and Company submitted that I should reject the entries in the Wynnum watchhouse charge book and the Prisoners' Meals Voucher as having been created as part of the conspiracy against its client. Carew had visited the Commission's premises and examined the Wynnum watchhouse charge book and the original carbon copy of the Prisoners' Meals Voucher. The basis for the rejection of the Wynnum watchhouse charge book was as follows:

No officer had signed for receiving either Dodd or Wills.

No officer signed the transfer back to Cleveland.

No date or time was recorded in relation to this transfer to Cleveland.

The handwriting did not appear to be similar to any of the handwriting in the main Wynnum watchhouse charge book for the same date.

This submission ignored all the evidence supporting that the entries were genuine and in particular the fact that the watchhouse charge books were replete with such omissions. It also rejected the authenticity of the Prisoners' Meals Voucher. In relation to that document these submissions were received:

Whilst the copy of the claim in respect of the prisoner's meals records the names of Dodd and Wills, it is questionable because:

- it is a copy only;
- it has not been certified correct within the meaning of the Audit Act in the space provided;
- it is unclear as to where S/Sgt Boland, assuming he
signed the form, obtained the information eg. it records that Dodd and Wills were at Wynnum until 9:30 a.m. on 29 March 1982;

on its face it records Dodd and Wills as having four meals which in the ordinary course would include breakfast on 29.3.82 - yet the Cleveland Watch House book also records them being given breakfast at Cleveland on their arrival.

This submission, I thought, was quite irresponsible. The document was not a "copy"; it was an original carbon copy which was held at the watchhouse after the original had been forwarded to Headquarters for payment to be made to the watchhouse keeper. Of course it had not been certified correct within the meaning of the Audit Act because that was not the copy that was subject to audit. The original forwarded to Headquarters would have been the document subject to audit. There is simply no basis to suggest that Senior Sergeant Boland had not signed the form. It was clear that Boland was certifying that for the periods referred to on the form Dodd and Wills were at the Wynnum watchhouse. On its face and in conjunction with all the other evidence it was clear the document was a genuine one accurately setting out Dodd's and Wills's incarceration at that time. Submissions like this did not assist me at all. In relation to this issue there was no basis for re-opening.

In the same letter Carew and Company pointed to the issue of Wills having been released on bail in circumstances which they submitted pointed to "deals" having been made. As a result of this submission further documentation was sought. This documentation established beyond any doubt that when Wills first appeared before the court on 26 March 1982 he was remanded in custody and not permitted to go at large without bail as submitted by Carew and Company. It also established beyond any doubt that Wills when he appeared before the Magistrates Court on 15 April 1982 was released on bail subject to a number of conditions including one that required his mother to place the deeds of a Queensland property in the hands of the court as security for the release of her son. This clearly refuted the possibility which had been submitted by Carew and Company that Wills had been released in suspicious circumstances.

In the documentation which had been recently obtained I noted a number of inconsistencies between the evidence given before me and that given on oath in 1982. It has now been submitted by Carew and Company that these inconsistencies were a basis for re-opening the hearings. On
consideration of all the evidence I dismissed these inconsistencies as having been caused by the effect of the passage of time on the witnesses's memories. In any event I considered the matters to be insignificant when looked at in the context of the whole investigation. To my mind this documentation added very little to the overall picture. It was substantially confirmatory of evidence previously before me. I have no doubt that any fair minded person who has carefully read this report will understand the decision not to re-open.

In the submissions of Carew and Company received on 5 April 1994 it was submitted that:

It might have been embarrassing for the Commission to have reconvened the Inquiry.

If by this submission it is suggested that this was a consideration in determining not to re-open the public hearings I regard the submission as offensive. The basic reason for not extending the investigation was that it was unnecessary in all the circumstances to do so.

Once again there was no basis for re-opening and Counsel Assisting by hand delivered letter dated 8 March 1984 advised Carew and Company that I had no intention to re-open the hearings or conduct any further detailed investigations. Counsel Assisting also advised Carew and Company that I was disappointed that I had not received the balance of the submissions. Photocopies of all relevant documentation was again forwarded to Carew and Company.

Carew and Company was advised that unless I received the final submissions by 5.00 pm on 18 March 1984 I would be unable to consider them.

On the morning of 21 March 1994 a letter dated 18 March 1994 was hand delivered to the Commission. In it Carew and Company advised that they were unable to deliver their final written submissions for the following reasons:

- The new material produced by Counsel Assisting last week is so significant that we have been unable to complete the submissions, having regard to the content and nature of that material and the time limit imposed;
As a result of the manner in which the Inquiry has been conducted, Sgt Saunders has instructed that she wishes to make application to the Supreme Court for appropriate orders, particularly in relation to your recent decision not to reopen the public hearings or conduct any further investigations.

I was requested not to proceed any further.

After consideration of the delays to that time and the fact that I considered the material added very little to the total picture; I determined that I would work to finalise the report until such time as the Commission was served with the appropriate process required by the Supreme Court Rules.

On 29 March 1994 I completed my report and furnished it to the Director of the Official Misconduct Division. By letter dated 30 March 1994 Counsel Assisting advised Carew and Company that I had furnished my report and that further correspondence should be addressed to the Commission.

On 5 April 1994 Carew and Company wrote to the Chairman of the Commission advising that an application had been made to the Police Union for further funding to enable an application to be made to the Supreme Court. It was requested that the report not be released until the Supreme Court had had an opportunity to consider the matter. Attached to the letter was the final sixty pages of the written submissions. I was provided with a copy of the letter and with the final sixty pages of submissions on 6 April 1994. I decided to study the final written submissions and to amend my report as a result of that study if I considered it desirable to do so.

My final report therefore was written after careful consideration of all the written submissions including the ones supplied by Carew and Company on 5 April 1994. In these latter submissions Carew and Company referred to the inconsistencies apparent in the material provided to them under cover of Counsel Assisting's letter of 8 March 1994. It was partly upon these inconsistencies that the application to the Supreme Court for a re-opening was apparently to be made. I had anticipated that reference would be made to these inconsistencies as I had previously considered all of them before deciding that no re-opening was warranted. The report as furnished to the Director on 29 March 1994 dealt with them.
1.14 Chronology of dates and events referred to in evidence

<table>
<thead>
<tr>
<th>DATE</th>
<th>EVENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>21.9.78</td>
<td>Hicks and Saunders attend the Brisbane Prison and interview Katherine James.</td>
</tr>
<tr>
<td>23.12.81</td>
<td>Dodd is arrested for being in possession of a concealable firearm.</td>
</tr>
<tr>
<td>24.12.81</td>
<td>Dodd is granted bail on his own undertaking.</td>
</tr>
<tr>
<td>29.1.82</td>
<td>Saunders introduced to Dodd at the Garage of Bernie Hannigan.</td>
</tr>
<tr>
<td>2.2.82</td>
<td>The camp site at Lobergeiger's property at Gatton is ransacked.</td>
</tr>
<tr>
<td>19.2.82</td>
<td>Saunders sees Lobergeiger on his property at Gatton.</td>
</tr>
<tr>
<td>23.2.82</td>
<td>Saunders sees Lobergeiger at Gatton and at his property.</td>
</tr>
<tr>
<td>Early March 1982</td>
<td>Dodd is introduced to Coomer by Saunders.</td>
</tr>
<tr>
<td>7.3.82</td>
<td>Saunders and Coomer go to the Belmont Rifle Range in a car owned by Coomer's sister and later go to an Italian restaurant. While at the restaurant Coomer's car is broken into and a number of weapons are stolen by Dodd and an associate of his, Wills.</td>
</tr>
<tr>
<td></td>
<td>At 9.20 p.m. Constable Stalling and Constable Irving attend at the Mount Gravatt Post Office and speak to Saunders. Inspector Webb arrives.</td>
</tr>
<tr>
<td></td>
<td>At about 10.20 p.m. Detective Sergeant Symes and Detective Senior Constable Ellsworth arrive to continue the investigation. Webb departs the scene. A dispute between Saunders and Symes occurs and Webb is asked by both persons to return. He does so.</td>
</tr>
<tr>
<td>9.3.82</td>
<td>At 4.15 pm Webb speaks to Saunders concerning her conduct with Symes on 7 March 1982.</td>
</tr>
<tr>
<td></td>
<td>At some time between 6.00 p.m. and 9.00 p.m., a meeting takes place between Dodd, Saunders and Detective Krosch concerning recruiting Dodd as an informant. This is Krosch's first meeting with Dodd.</td>
</tr>
<tr>
<td>DATE</td>
<td>EVENT</td>
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<tr>
<td>9.3.82</td>
<td>At approximately 10.00 p.m. Dodd and Wills steal a car from a person named Paterson at Manly and deliberately crash it. Inside the car the stolen firearms, other than the .22 handgun, are abandoned.</td>
</tr>
<tr>
<td>10.3.82</td>
<td>At 12.30 a.m. Spires telephones Beenleigh Police to report that a car had crashed on the main highway.</td>
</tr>
<tr>
<td></td>
<td>At 2.00 a.m. the stolen car in which the stolen firearms have been abandoned is located by Constable 1/c Pfuhl.</td>
</tr>
<tr>
<td>25.3.82</td>
<td>The Cleveland Police raid a house at 49 Ferry Road, Thorneside at which Dodd, Wills and Spires were living. Coomer's .22 handgun and other property is located at the premises.</td>
</tr>
<tr>
<td></td>
<td>Wills is charged at 4.25 p.m. by Constable Millard with a large number of property offences (not the theft of the firearms) including an armed robbery. He is remanded in custody.</td>
</tr>
<tr>
<td></td>
<td>Dodd is charged with receiving stolen property by Millard. He is not charged with the theft of the firearms.</td>
</tr>
<tr>
<td>26.3.82</td>
<td>Dodd is released on bail at 12.40 a.m. to appear at the Cleveland Magistrates Court on 29.3.82.</td>
</tr>
<tr>
<td></td>
<td>At 8.00 am Webb interviews Krosch.</td>
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<td></td>
<td>Wills appears before the Cleveland Court House and is remanded in custody to appear before the Court on 29.3.82.</td>
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<tr>
<td></td>
<td>Webb travels to the Cleveland Criminal Investigation Branch where Detective Sergeant Williams introduces him to Dodd and a conversation ensued.</td>
</tr>
<tr>
<td></td>
<td>Williams and Webb have a conversation with Wills at the Cleveland Police Station.</td>
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<tr>
<td></td>
<td>Webb telephones senior officers and Inspector Flanagan is directed to assist in the investigation.</td>
</tr>
<tr>
<td>DATE</td>
<td>EVENT</td>
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<td>------------</td>
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</tr>
<tr>
<td>26.3.82</td>
<td>At 3.10 p.m. Flanagan and Webb take a record of interview from Wills at the Cleveland Police Station.</td>
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<tr>
<td>(cont.)</td>
<td></td>
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<tr>
<td></td>
<td>At 4.38 p.m. Flanagan and Webb take a record of interview from Dodd at the Cleveland Police Station.</td>
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<tr>
<td></td>
<td>Flanagan and Webb interview Coomer at the Cleveland Police Station.</td>
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<tr>
<td></td>
<td>At 9.23 p.m. Flanagan and Webb take a record of interview from Saunders at the Cleveland Police Station.</td>
</tr>
<tr>
<td>27.3.82</td>
<td>At 2.13 a.m. and 2.24 a.m. respectively Dodd and Wills are charged and arrested by Webb in relation to the stealing of the guns and the unlawful use of the Paterson vehicle. Both are kept in custody.</td>
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<tr>
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<tr>
<td></td>
<td>Wills is charged with a further 8 offences at 9.30 p.m. by Millard.</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Spires rings Saunders and passes a message from Dodd requesting her to telephone Krosch. Saunders is asked to tell Krosch to contact Dodd or otherwise Dodd will implicate her.</td>
</tr>
<tr>
<td>29.3.82</td>
<td>Wills and Dodds appear before the Cleveland Magistrates Court and are remanded in custody until 15.3.82. They are transferred to Boggo Road.</td>
</tr>
<tr>
<td>15.4.82</td>
<td>Dodd is granted bail after claiming to have a tape recording incriminating Saunders. He is driven to Stanthorpe by Webb and Williams to obtain the tape recording. The tape recording is not produced by Dodd on this day.</td>
</tr>
<tr>
<td></td>
<td>Wills is granted bail.</td>
</tr>
<tr>
<td>Between</td>
<td>Dodd provides to Webb a number of documents which have come from Saunders and which suggest something more than a police officer/informant relationship existed between Dodd and Saunders.</td>
</tr>
<tr>
<td>15.4.82</td>
<td></td>
</tr>
<tr>
<td>and 23.4.82</td>
<td></td>
</tr>
<tr>
<td>DATE</td>
<td>EVENT</td>
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<tr>
<td>23.4.82</td>
<td>In the morning Dodd is taken by Webb and Williams to Stanthorpe to obtain the tape recording. On this occasion he produces a tape recording in a sealed envelope. This tape recording is subsequently established to be a fabrication.</td>
</tr>
</tbody>
</table>
| 29.4.82  | Saunders is arrested and charged with three offences:-  
|          | 1. Stealing firearms (from Coomer's car) - (Charge 1);  
|          | 2. Attempting to procure the theft of a payroll - (Charge 2); and  
|          | 3. Attempting to procure Dodd to conspire with another to murder Lobergeiger - (Charge 3).  
<p>|          | Saunders is kept in custody overnight in the watchhouse.                                                                            |
| 30.4.82  | Saunders is granted bail by the Magistrates Court. The conditions of bail require that Saunders refrain from making contact with Coomer, Dodd and Lobergeiger. |
| 4.7.82   | Spires and Dodd are arrested and charged with the unlawful use of a motor vehicle. Dodd and Spires are released on bail.          |
| 9.7.82   | The committal hearings of Dodd and Wills are conducted and they are committed to the District Court and the Supreme Court respectively on their outstanding charges. Dodd and Wills are released on bail. |
| 14.7.82  | The letter exculpating Saunders and involving Webb and Williams in fabricating evidence against Saunders is supposedly written on this date by Dodd. |
| 9.8.82   | Committal proceedings against Saunders on all three charges commence.                                                               |
| 11.8.82  | Cooper and his girlfriend, Gray, arrive in Brisbane. They meet Saunders.                                                            |
| 12.8.82  | Saunders's committal proceedings are adjourned.                                                                                     |
| 13-16.8.82 | Saunders, Cooper and Gray go to Gatton.                                                                                           |
| 17.8.82  | Saunders, Cooper, Coomer and Gray go to Gatton. Gray's dog becomes ill and they go to a local veterinary surgeon.                |</p>
<table>
<thead>
<tr>
<th>DATE</th>
<th>EVENT</th>
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<tbody>
<tr>
<td>23.8.82</td>
<td>Saunders, Cooper, Coomer and Gray book into a caravan park at Miami for four days.</td>
</tr>
<tr>
<td>25.8.82</td>
<td>Cooper, Coomer, Saunders and Gray take a cruise on the Lady Lindeman on the Gold Coast.</td>
</tr>
<tr>
<td>7.9.82</td>
<td>A letter written by Saunders is delivered to Lobergeiger's home at Miami by Cooper and Gray. Cooper is apprehended near Lobergeiger's home.</td>
</tr>
<tr>
<td>8.9.82</td>
<td>At 4.25 a.m. Webb and Flanagan interview Cooper. A search is conducted by Webb on Saunders' home. Located there are a taped telephone conversation between Lobergeiger and Saunders and a tape recording of Saunders describing Cooper's supposed presence at Gatton in February 1982. Webb and Flanagan interview Gray.</td>
</tr>
<tr>
<td>9.9.82</td>
<td>A further search is conducted on Saunders's home. Saunders and Cooper are arrested and charged with conspiring with Coomer to pervert the course of justice in respect of Charge 3 above (Charge 4). The Crown case is that Cooper was to lie about the two visits by Saunders to Lobergeiger in February 1982. Coomer is alleged to have been assisting in getting the false story straight. Bail is refused Saunders by the Magistrate.</td>
</tr>
<tr>
<td>16.9.82</td>
<td>An application for bail to Macrossan J in the Supreme Court is refused.</td>
</tr>
<tr>
<td>23.9.82</td>
<td>Coomer is arrested in relation to Charge 4.</td>
</tr>
<tr>
<td>7.10.82</td>
<td>Dodd is sentenced in the Brisbane District Court to eighteen (18) months imprisonment after pleading guilty to: stealing guns on 7.3.82; receiving stolen cigarettes between 19.3.82 and 25.3.82; the unlawful use of a motor vehicle on 9.3.82; the unlawful use of a motor vehicle on 1.7.82; stealing parts from a motor vehicle on 1.7.82.</td>
</tr>
<tr>
<td>DATE</td>
<td>EVENT</td>
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</tr>
<tr>
<td>28.10.82</td>
<td>Dodd is served with a Summons by Detective Baker in relation to an unlawful carnal knowledge offence allegedly committed in late 1981.</td>
</tr>
<tr>
<td>8.11.82</td>
<td>Committal proceedings on the first three charges against Saunders are resumed.</td>
</tr>
<tr>
<td>15.11.82</td>
<td>Committal proceedings on the first three charges conclude (other than submissions) and are adjourned.</td>
</tr>
<tr>
<td>16.11.82</td>
<td>Committal proceedings against Saunders, Cooper and Coomer commence on Charge 4.</td>
</tr>
<tr>
<td>19.11.82</td>
<td>Committal proceedings concerning Charge 4 conclude and are adjourned to 22.11.82.</td>
</tr>
<tr>
<td>22.11.82</td>
<td>Saunders is committed for trial on all four (4) charges. Bail is refused. Cooper and Coomer are also committed for trial. They are granted bail.</td>
</tr>
<tr>
<td>12.12.82</td>
<td>An application for bail by Saunders is refused in the Supreme Court before D M Campbell J.</td>
</tr>
<tr>
<td>26.1.83</td>
<td>Wills is sentenced in the Supreme Court to 6 years imprisonment with recommendation for parole after 9 months.</td>
</tr>
<tr>
<td>6.4.83</td>
<td>A nolle prosequi is entered in the charge against Coomer.</td>
</tr>
<tr>
<td>7.4.83</td>
<td>An application for bail by Saunders is refused in the Supreme Court before Andrews J.</td>
</tr>
<tr>
<td>18.4.83</td>
<td>Trial of Cooper in relation to Charge 4 commences in the Brisbane District Court.</td>
</tr>
<tr>
<td>22.4.83</td>
<td>Cooper is convicted of conspiracy with Saunders and sentenced to nine (9) months imprisonment.</td>
</tr>
<tr>
<td>3.5.83</td>
<td>Saunders' trial for stealing firearms and attempting to procure the theft of a payroll commences in the Brisbane District Court. Dodd gives evidence and the alleged tape recording of the conversation between Dodd and Saunders is relied upon.</td>
</tr>
<tr>
<td>24.5.83</td>
<td>Saunders is acquitted on both charges.</td>
</tr>
<tr>
<td>25.5.83</td>
<td>Bail is refused by the trial judge.</td>
</tr>
<tr>
<td>DATE</td>
<td>EVENT</td>
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</tr>
<tr>
<td>1.6.83</td>
<td>Dodd is convicted in the District Court of an offence of unlawful carnal knowledge committed between 25.11.81 and 8.12.81. He is sentenced to 3 years imprisonment. (On appeal it is reduced to 18 months.)</td>
</tr>
<tr>
<td>7.6.83</td>
<td>Dodd is convicted of an offence of possession of a concealable firearm on 23.12.81. He is sentenced to 3 months imprisonment.</td>
</tr>
<tr>
<td>4.7.83</td>
<td>Saunders is granted bail in the Supreme Court by McPherson J.</td>
</tr>
<tr>
<td>2.8.83</td>
<td>Saunders's Supreme Court trial commences before Shepherdson J on charges of:-</td>
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</tr>
<tr>
<td>3.8.83</td>
<td>After legal argument the second count relating to Cooper is severed from the indictment.</td>
</tr>
<tr>
<td>4.8.83</td>
<td>A voir dire regarding the admissibility of the Dodd tape recording commences.</td>
</tr>
<tr>
<td>5.8.83</td>
<td>The tape recording is played in full and a member of the Public Defender's Office makes inquiries regarding a radio broadcast recording at the end of the tape.</td>
</tr>
<tr>
<td>8.8.83</td>
<td>The Crown concedes to the Court that the tape was a fabrication and after legal argument Shepherdson J directs a verdict of not guilty. The Judge indicated that he would forward the papers to the Crown to investigate the fabrication of the tape. Saunders is granted bail on the remaining charge relating to Cooper.</td>
</tr>
<tr>
<td>23.9.83</td>
<td>The Solicitor General verbally requests the Deputy Commissioner to commence an investigation into the fabrication of the tape.</td>
</tr>
<tr>
<td>21.11.83</td>
<td>The District Court trial of Saunders on the counts relating to Cooper is adjourned because Gray, a vital witness, was in hospital in South Australia. The original count is converted into three alternative counts.</td>
</tr>
<tr>
<td>28.11.83</td>
<td>Counsel for Saunders make a submission to the Solicitor General that no further proceedings be taken.</td>
</tr>
<tr>
<td>DATE</td>
<td>EVENT</td>
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</tr>
<tr>
<td>20.1.84</td>
<td>The Attorney-General announces that a nolle prosequi would be entered.</td>
</tr>
<tr>
<td>23.1.84</td>
<td>A nolle prosequi is entered.</td>
</tr>
<tr>
<td>26.1.84</td>
<td>Saunders is reinstated as a Senior Constable.</td>
</tr>
<tr>
<td>21.2.84</td>
<td>Saunders is interviewed by Detectives Youngberry and Ingham concerning allegations of corruption and malpractice by police.</td>
</tr>
<tr>
<td>11.4.84</td>
<td>Dodd is arrested and charged with one (1) charge of fabricating evidence and four (4) charges of perjury.</td>
</tr>
<tr>
<td>31.4.84</td>
<td>Coomer and Saunders go to Lobegeiger's property at Mount Berryman.</td>
</tr>
<tr>
<td>19.7.84</td>
<td>Dodd's committal commences. On 20.7.84 it is adjourned to 13 August 1984.</td>
</tr>
<tr>
<td>13.8.84</td>
<td>Dodd's committal resumes.</td>
</tr>
<tr>
<td>14.8.84</td>
<td>Dodd is committed to trial on all charges.</td>
</tr>
<tr>
<td>11.1.85</td>
<td>Dodd's trial commences on three (3) charges of perjury.</td>
</tr>
<tr>
<td>5.2.85</td>
<td>Dodd is convicted on all three charges. He is sentenced to six years imprisonment.</td>
</tr>
</tbody>
</table>
PART A - SAUNDERS - THE EARLY YEARS

CHAPTER 2

2.1 The relevance of the early years

Since first charged Saunders has maintained her innocence in relation to the four charges brought against her. She stated in evidence before me that she had been framed in relation to the initial charges and believed that there were corrupt police involved in her "framing."

She claimed to have been outspoken in relation to corruption in the late 1970's and early 1980's. She stated that at this time Lobegeiger had advised her that she was perceived to be highly dangerous to Lewis's administration. In particular she stated that she may have been seen as aligned with those police officers who had furnished information to journalists resulting in the broadcasting of a Nationwide Programme on 3 March 1982, four days prior to the theft of the guns. She suggested that in order to discredit those making the allegations against the corrupt administration it was necessary for the corrupt to arrange for the levelling of false criminal allegations or charges against the corruption fighters or perceived corruption fighters; that is, it was necessary to direct the controversy away from the real issues of corruption.

Alternatively Saunders suggested that corrupt police may have been trying to get at Lobegeiger through her, his lover, because Lobegeiger was stepping on the toes of corrupt police.

An assessment of these claims and suspicions requires an examination of Saunders's career in the Police Service up until being charged. It also requires close examination of the associates she had and the enemies she may have made. In this process a close analysis is necessary of those incidents put forward by Saunders as possibly evidencing ill-feeling towards her or, alternatively, which could have created a motive for those alleged to be corrupt to "frame" her.

2.2 Joining the Queensland Police Department

Saunders left school at the age of sixteen and just after her seventeenth birthday joined the Australian Army. There she remained for seven years working as an administrator until she decided to join the Queensland Police
Department in 1972. She commenced her probationary training in May of that year and on 18 August 1972 was sworn in as a Constable of Police.

2.3 Her first postings

She was first attached to Brisbane Mobile Patrols performing uniform duties on southside patrols. At the end of November 1972 she was seconded to the Juvenile Aid Bureau performing plain clothes duties. The officer in charge was Senior Sergeant Terence Murray Lewis. She recalls that Anthony Murphy was in charge of the southside section of the Juvenile Aid Bureau and Boyd Barrett was in charge of the northern side. The Commissioner of Police at the time was Ray Whitrod. Saunders remained in the Juvenile Aid Bureau for only a couple of months as it was the norm for trainee female police officers to be rotated through the Bureau.

Having completed the brief stint at the Juvenile Aid Bureau she started performing uniform duties at Woolloongabba from the end of January 1973. She was then transferred to the City Police in March 1973 where she remained until in April 1973 she was again seconded to plain clothes duties at the Juvenile Aid Bureau in Brisbane.

Saunders gave evidence that whilst she was at the Juvenile Aid Bureau on the first occasion there was a major dispute between Whitrod and Murphy and Lewis over the treatment of juveniles. Whitrod had directed that if officers detected juveniles committing more than one offence they were to be charged and not cautioned, as had previously occurred. Saunders claimed that Lewis was very critical of Whitrod because of this change in policy. She added that Lewis advised her that if a juvenile admitted a previous offence she was not to record it but to continue to caution the youth. Saunders could not recollect whether she obeyed the direction of the Commissioner or of Lewis although she stated that having come from an Army background she found it amazing that a Sergeant was giving directions contrary to that of the Commissioner.

In Lewis's affidavit to the Commission dated 18 June 1993 he acknowledged that he had been in dispute with the Commissioner over the charging of juveniles. Lewis maintained the view that juveniles should be cautioned rather than arrested. Lewis however questioned whether he would have advised any of his officers to ensure that they did not obtain admissions of guilt from juveniles, adding that as a police officer he would have been interested in finding out what offences the juveniles had
committed. He maintained that provided they were in police custody for the first time he would not have wished to see juveniles charged.

I do not see that much turns on this divergence of evidence. It was not suggested that any dislike of Saunders arose from the disagreement between Whitrod and Lewis. Saunders herself did not see anything sinister in the differences expressed by the two and conceded that both seemed genuine, as far as she could see, in their expositions of what they believed was the correct philosophy.

Whilst at the Juvenile Aid Bureau Saunders claimed that Murphy and Lewis were openly critical of the Commissioner and did not believe that he should have been made Commissioner. Although she could not recall all of the criticisms they made there were two themes which were prevalent. One was the existence of the Crime Intelligence Unit which she stated they claimed was set up by Whitrod to spy on police and charge police with offences and the other was that Whitrod had been incompetent as a Police Commissioner in Papua New Guinea and as a Senior Police Officer in the Australian Federal Police and should not have been appointed as Queensland Police Commissioner in the first place.

Lewis in his affidavit to the Commission could not recall criticising Whitrod for the existence of the Criminal Intelligence Unit, although he did concede that there were conflicts of view between himself and Commissioner Whitrod. He added that any conflicts of view that he may have had with the Commissioner did not cause him to take any improper action against Saunders nor cause him to dislike her.

In case it is thought the criticism of Whitrod by Lewis should lead one to conclude improper behaviour on the part of Lewis, I include two exchanges between Counsel Assisting and Saunders in which "factionalism" within the Police Service was discussed. At page 73 of the transcript the following exchange appears:

"All right. You see, you have got a lot of people might not appreciate it but, in fact, you have got a continuing warfare in the police force, is that correct?---Yes, that's correct.

That is your experience, that that has gone on when you started back in the seventies, and it still continues today, is that what you are saying?---That's what I'm saying."
At page 74 of the transcript the following appears:

All right. And that, of course, is the way it always goes, is it not? You have the police force in this division, I mean, there are personalities, there is mud thrown at the person personally, but also there are other arguments which seemed that they might have a more, how would you call it, important practical basis, as to whether a unit is doing its job, or whether it has been put up for a, to carry out a secret agenda?---That's correct.

All right. And did that sort of thing, in your experience, continue to the force? Different people I mean, but did it continue?---I think it has.

It would seem that such criticism of policy and personnel widely existed and still widely exists in the Police Service. Saunders put the figure as high as fifty percent of officers when describing those critical of Whitrod.

Saunders claimed that a major disagreement arose between Murphy and Lewis concerning arrangements for a Christmas party for officers of the Juvenile Aid Bureau. She stated that she recalled that Murphy was angry with Lewis for arranging for the function to be held at the National Hotel as they should not be seen to set foot in the hotel. She added that she could recall having a discussion with other officers of the Bureau concerning this matter and heard for the first time about allegations that Murphy, Lewis and another police officer named Hallahan were corrupt and were being described as "the rat pack" and further that the alleged corruption related to their dealings with the National Hotel. Lewis denied that the alleged disagreement occurred. I do not see that anything turns on it. I have included it for the sake of completeness as merely another of the matters raised by Saunders as occurring in her early years in the Force.

2.4 The Education Department Liaison Unit

Sometime in early 1973 Whitrod set up the Education Department Liaison Unit (EDLU). The EDLU was part of the Break and Enter Squad in the CIB and was housed at Selby House in Upper Roma Street. The function of the EDLU was to investigate all offences committed in relation to Department of Education property and necessarily involved extensive investigation of juveniles. Saunders gave evidence that she believed that Lewis saw the EDLU as opposition to the Juvenile Aid Bureau. Saunders
claims that Lewis expressed the view that by going to the EDLU one was aligning oneself with Whitrod. This was because the EDLU was mainly dealing with juvenile offenders and charging them with offences of stealing property or damaging property of the Education Department, rather than merely cautioning them when criminal offences were being detected. Saunders gave evidence that she could recall Lewis talking to Murphy, condemning Constable Hilary Huey for being disloyal in leaving the Juvenile Aid Bureau and going to the EDLU.

In his affidavit to the Commission Lewis conceded that he may well have expressed the view that officers in the EDLU were aligning themselves with Whitrod; however he rejected the possibility that he ever said it to Saunders. He did state that it was conceivable that she overheard him expressing this view to another officer. He also denied condemning Huey for leaving the Juvenile Aid Bureau. He stated that he considered Huey was not cut out for that type of work as her attitude was to charge juveniles with whatever offences they had committed rather than to caution them.

In her statutory declaration to the Commission dated 15 June 1993 Huey stated she had no knowledge of Lewis's alleged comments to Murphy concerning her transfer to the EDLU.

The significance of this alleged incident arises from the fact that Saunders claims that when she transferred to the EDLU in the mid 1970's Lewis went "crazy" in front of her, stating that she was disloyal. She added that Lewis told her to get all her stuff out of the Juvenile Aid Bureau and not to set foot in the door again.

Lewis in his affidavit to the Commission denied going "crazy" in front of Saunders when she transferred to the EDLU. He also denied the conversation referred to above occurred.

Saunders claimed that during this period at the EDLU she started to become identified as a person who was "pro-Whitrod." She stated that her friendship with Ken Hoggett, who also worked in the EDLU, brought her into contact with persons like Jim Voigt and Basil Hicks who were perceived to be "pro-Whitrod." Saunders acknowledged that although being "pro-Whitrod" she did not disassociate from persons who were "anti-Whitrod." It was during this period at the EDLU that she became the first female officer to be appointed to the grade of Detective in the Queensland Police Department. She was also the first female officer to be issued with a departmental firearm. She stated that there was a lot of
opposition to her becoming a detective and also to her obtaining a firearm and Whitrod intervened on her behalf to champion her cause. Saunders added that as well as the specific opposition to her becoming a detective there was also general opposition by male officers to policewomen becoming active officers. Saunders claimed that her achievement in becoming the first detective may well have made her less favoured by a lot of male police officers.

At this stage I should refer to one incident to which Saunders referred which occurred while Saunders was at the EDLU. I do not see that it is of great significance but for the sake of completeness I will include reference to it. Saunders claimed that Detective Senior Sergeant Sid Currey, who was the Reception Officer, gave her a file and asked her to go and have a look at it, stating that she might get "a murder" out of it. The file related to a complaint by the Children's Services Department that a woman who had a child out of wedlock had failed to report the whereabouts of the child so that it could be visited on certain days by staff of the Department. A senior officer known to Lewis and another detective had been assigned to interview the woman but she had failed to keep her appointment and the Department had become very suspicious. Saunders claimed that these two officers had taken no action against the woman. Saunders further claimed that she had located the woman, with the assistance of Bob Dallow and Greg Early, within a day. This woman confessed that she had killed the child and directed the detectives to the body. Saunders claimed that it made the two officers who had not taken action against the female look pretty stupid. Saunders conceded that the senior officer had to her knowledge never done anything to her. He had not rung her up and abused her about the matter or discussed it with her. Furthermore he never showed any animosity towards her from that time on. As I have previously stated I do not place any importance on this incident. I should add that Saunders herself did not seem to place great reliance on it either.

Although Saunders claimed that by the end of her term at the EDLU she was clearly recognised in the "pro-Whitrod" camp, Lewis could not recall whether he perceived her to be such. Lewis did concede that at the time he probably assumed that she was.

2.5 Saunders's transfer from the EDLU to uniform duties at the Inala Police Station

In February 1976 Saunders was transferred to uniform duties at Inala. She had not applied for the transfer as she wanted to remain in plain clothes as
a detective. Saunders was particularly dissatisfied with the reason given for the transfer. She claimed that her senior officer, Detective Inspector Noel McIntyre, had alleged that she was having an affair with a married Sergeant. He had initially attempted to have her transferred to Ayr but Saunders appealed against that transfer because of the illness of her mother and was sent by Superintendent Vern MacDonald to Inala instead. Saunders denied that there had been a relationship between herself and the married Sergeant. Saunders claimed that the actual transfer was merely an administrative transfer with no reference to the alleged affair. She also claimed that the transfer to Ayr was fought on compassionate grounds, that is the illness of her mother rather than any question of establishing that the affair did not exist. Saunders put this matter forward as being a clear example of at least one male officer acting to her detriment because he believed that as a female she was unsuitable for detective duties.

Documents on Saunders's personal file shed some light on this incident. A report dated 16 October 1974 signed by Detective Sergeant 1/c R Rigney stated:

Whilst attached to this office P/C Constable Saunders has carried out her duties in a most competent and outstanding manner. She is keen and conscientious, punctual in starting work and her conduct is good.

I consider P/C L A Saunders is capable and a suitable person to carry out criminal investigation.

A similar report was endorsed on 3 July 1975 by McIntyre himself. An additional one dated 17 June 1975 was signed by Detective Sergeant 2/c P R Galwey. It would seem that Saunders's work at the EDLU was initially considered good.

A memorandum dated 4 February 1976 under the hand of V A MacDonald, Acting Assistant Commissioner (Administration and Training), however considered the possibility of transferring Saunders from the EDLU. In this report MacDonald referred to a report by McIntyre in which he claimed that he was given verbal advices by Saunders in relation to a physical association that she was having with a Detective Sergeant. McIntyre is reported as saying that Saunders had advised him that she had decided to cease her association with the Detective Sergeant, although he, the Detective Sergeant, was prepared to leave his wife and family to live with her. The report further stated that McIntyre advised Saunders against such a course of action if she wished to stay in the Police Service. (It
would seem McIntyre then acted to have Saunders transferred.)

The report recorded that MacDonald interviewed Saunders in relation to her application for reconsideration of the decision to transfer her to Ayr and she explained that McIntyre had misunderstood the form of association between herself and the Detective Sergeant. The report then observed that the author, MacDonald, was satisfied that McIntyre could not have made the mistake, as suggested by Saunders, as he was one of the most experienced investigators in the State, adding that it would naturally be in Saunders's interest to deny any illicit association with the Detective Sergeant. The report concluded that no matter what the close association between Saunders and the Detective Sergeant had been it was now over and it was not in the best interests of the Department for Saunders to be transferred to Ayr. He then recommended a transfer to Inala in uniform.

I do not consider it necessary for me to make any comment as to whether or not there had been a relationship between Saunders and the Detective Sergeant which caused the attempt to have her transferred to Ayr. Suffice it to say that McIntyre's previous favourable report of 3 July 1975 concerning Saunders was inconsistent with a capricious act on his part on the basis that Saunders was a female detective as was suggested in evidence by Saunders. It should be added at this stage that when Lewis gave evidence before me he stated that McIntyre and Saunders did have a dislike for each other. Lewis could not recall the basis for the dislike.

Saunders gave evidence that she was not aware of any events which occurred whilst at the Inala Police Station or at the Oxley CIB where she relieved for two months as a detective which would have caused any person to wish her any harm or wrong. She added that as far as she was aware she was not involved in any controversy during that period.

2.6 The South Brisbane Area Office

In January 1977 Saunders was transferred to the Metropolitan CIB at the South Brisbane Area Office. By this time Lewis had become Commissioner. Saunders claimed that Superintendent MacDonald had indicated when he had set aside the transfer to Ayr and sent Saunders to Inala that as soon as he had the opportunity he would ensure she was back relieving in plain clothes. It would seem that he honoured his word by transferring her to the South Brisbane Area Office in January 1977. Saunders acknowledged that this was an indication that some people in the force were not against policewomen. It was whilst at the South Brisbane
Area Office that Saunders met on one occasion Webb who was later to play such a significant part in the investigation of the charges against her. On this occasion Webb relieved another Sergeant as Reception Officer on a shift.

Saunders claimed that she was only at the South Brisbane Area Office for a short period before she received a phone call from her superior officer, Bert Cross, advising her that she had been transferred to Mackay. She claimed that Cross told her that McIntyre, who was by now an Assistant Commissioner, had arranged for her transfer to Mackay in uniform.

An entry in the Lewis diaries for 21 March 1977 records:

Assistant Commissioner McIntyre reported Policewoman Saunders unsuitable on detective work.

This is consistent with Saunders's stated belief; however documents on Saunders's personal file shed a different light on the matter. A memorandum dated 21 March 1977 from an Inspector (whose name I am unable to decipher) addressed to the Commissioner of Police stated that:

It appears that Detective Constable I. A. Saunders is quite inexperienced, is not responsible to proper advice and the quality of her work is not good.

It appears that she is very difficult to place in so far as work mates are concerned.

Under the circumstances as outlined in this report it seems that Detective Constable Saunders is not a suitable type for Criminal Investigation Branch duties.

Attached to that memorandum was a report of Inspector A J Cross (no doubt the Bert Cross referred to by Saunders). In that report the following passages appear:

This member has only performed duty under my supervision for a very short period and this was when she commenced duty at the South Brisbane Area Office. As a result I am not in a position to form an opinion of my own in relation to the quality of her work, however, I have been informed that briefs prepared by her leave a good deal to be desired. It is well known that she will seek the advice
of several other members in the service relating to a particular matter and will accept the advice which suits her best, whether it be right or wrong.

One of the greatest problems with her is obtaining someone to work with her for any length of time, and it appears that this has been brought about by her morals. It is known that she was responsible for the near break-up of a non-commissioned officer’s marriage, but I understand that the association has ceased and the matter has been settled.

The Detective Constable has stated that she does not want to work with another female as this does not command the necessary authority desired in carrying out an investigation and interrogation. Senior detectives have stated that if they were detailed to work with her, they would have no hesitation in applying for a transfer. This has been told to me in total confidence.

It has been suggested to me that in the past she has been responsible for the origin of a number of rumours which have circulated within the CI Branch. Such rumours could have a detrimental effect on the morale of members of this Branch.

In view of the above information perhaps some consideration could be given to transferring her to another position where she could be more suitably employed.

The memorandum dated 21 March 1977 is personally endorsed by Lewis on the same date. The notation in the margin is:

"A/C (A&T) Please arrange a suitable transfer."

Below that appears the following notation by S M Hale, the Assistant Commissioner responsible for administration and training. It says:

Inspector Vidler. Please arrange for a suitable position (uniform). I understand that there is a vacancy at Mackay.

Another document dated 23 March 1977 under the hand of Hale, who was then acting as Commissioner of Police, noted the transfer of Saunders to Mackay.
A submission by Saunders dated 12 April 1977 sought to have the transfer to Mackay cancelled. The significant reason given by Saunders was her mother's infirmity and her mother's reliance on her. It is interesting to note that on the last page of the report Saunders requests:

*I respectfully request that this report be forwarded to the Commissioner of Police for his consideration.*

This is hardly the action of a person who feared the improper interference of Lewis. Hale, who was still Acting Commissioner of Police, cancelled the transfer to Mackay and approved a transfer to Woodridge in uniform. There is no reference to Lewis questioning the decision to cancel the transfer to Mackay. There is no reference in the documentation to McIntyre although it seems from the entry in Lewis's diary that McIntyre was the conduit for passing the information to Lewis from the Inspector in charge of Saunders. These documents seem to show that McIntyre was merely acting when he made the report to Lewis on his Inspector's report.

### 2.7 Woodridge Police Station

Saunders was stationed at Woodridge from May 1977 to May 1978. The Senior Sergeant at the station at that time was Bill Hannigan, who was the father of Mick, Garry and Bernie Hannigan, to whom further reference is made later in the report. Saunders claims that she got on very well with him. Documents on Saunders's personal file show that another Senior Sergeant, A R Walker, did not consider her work satisfactory whilst at Woodridge. In a report dated 20 March 1978 to the Inspector of Police, Beenleigh, the following observations appear:

*I have to report that I am not satisfied with the work performance or general conduct of Constable 1/c L A Saunders (F) attached to Woodridge Station.*

*Constable 1/c Saunders is one of the senior members attached to this station and as such she is required to perform duty with and guide and train trainee constables who are detailed to perform duty with her. I have ascertained that the Constable shows a marked reluctance to comply with normal standards of discipline and often displays a strong anti-department attitude. It would be possible to share a harmonious existence with her if she was granted her wishes in respect to hours of duty she*
performed, type of work she was to perform, etc., at all times. She attempts to be most demanding in all things.

I have also found that the Constable has little, if any, regard for the truth ...

In addition to the matters outlined above, I find that a continual driving process is required to get her to deal with correspondence which has been detailed to her.

She appears to have some persecution complex in regard to the Department and it is obvious that she considers she has been unfairly treated.

I do not consider that she is a suitable person for the type of duties required of her at this station, particularly in relation to the training of young members. I recommend that consideration be given to transferring her to a larger centre.

This report was endorsed by Inspector Gray on 27 March 1978 with the recommendation that Saunders be transferred to a larger centre. It was also endorsed by the Superintendent of the South Eastern Division, L J Voigt, who also recommended that she be transferred from Woodridge. A further note on that report indicates that other factors had already intervened to cause her transfer from Woodridge. That note records "Saunders already transferred to Mt Isa" and is signed by Assistant Commissioner Hale on 31 March 1978.

2.8 The Lesbian Investigation

Whilst at Woodridge Saunders had been questioned as part of an investigation which became known as the "Lesbian Investigation."

It would seem that the "Lesbian Investigation" commenced after a Constable Brian Marlin furnished a report recording his observations of female officers in nightclubs around town. He had been carrying out covert surveillance of male homosexual haunts. The matter was assigned to Murphy and Inspector F G Donaghue to investigate in October 1977. They interviewed Saunders in March 1978. She denied any lesbian associations.
Saunders originally claimed in evidence before me that just "about every policeman that was doing any active work or stirring to get active work was interviewed in relation to the issue." She added that "something like thirty-eight to forty policewomen" were interviewed. A perusal of the confidential Police file makes it clear that only seven policewomen were the subject of the investigation. Each policewoman was interviewed and some of them immediately left the Police Department. It also shows that the seven policewomen were interviewed as a direct response to the report made by Marlin. There is nothing on the file which suggests that "active" policewomen were targeted. When the figure of seven was put to Saunders as the correct figure for the number of policewomen interviewed she responded by saying that she may have obtained the figures of thirty-eight to forty from gossip, a newspaper article or some other source.

The file shows that those policewomen who did not leave the Police Department had been recommended for transfer. A passage from a report of Donaghy dated 11 January 1978 sets out his views concerning Saunders:

She states that her mother is very ill with T.B. and other illnesses. In spite of this, an immediate transfer to a location away from Brisbane, may be in the best interests of Constable Saunders, and I recommend accordingly.

The recommendation to transfer Saunders was adopted by Assistant Commissioner, Crime and Services, McIntyre, on 17 March 1978 as part of his recommendation to transfer other policewomen the subject of the investigation.

Following a meeting on 20 March 1978 involving the Commissioner, Deputy Commissioner V A MacDonald, Assistant Commissioner Hale and other Assistant Commissioners, it was agreed that it would be in the best interests of the Department to transfer certain officers. By memorandum dated 20 March 1978 addressed to Assistant Commissioner Hale, Personnel and Training, the Deputy Commissioner, MacDonald, advised that Saunders should be transferred from Woodridge to Mt Isa and that the Inspector in charge of the District to which she was being transferred should be advised that wherever possible she should be used on inside duties and under no circumstances be placed on youth work or in a juvenile aid field.

Documents on Saunders's personal file show that she objected to the transfer and sought cancellation of the transfer or, alternatively, a transfer
to metropolitan centre to enable her to carry out domestic and medical duties for her mother without undue hindrance and hardship. By endorsement dated 11 April 1978 on Saunders's memorandum of objection of transfer L J Voigt, Superintendent of the South Eastern Region, recommended that Saunders be transferred from Woodridge.

After considering a report by Acting Inspector J M Quinn, who recommended that Saunders's transfer to Mt Isa be cancelled and that she be transferred to the Information Bureau, Lewis by memorandum dated 16 May 1978 confirmed that her transfer to Mt Isa should stand. When she heard of this Saunders, by memorandum dated 25 May 1978 attaching a medical certificate from a Doctor I M Salkield relating to her mother, once again sought that the transfer be cancelled. Doctor Salkield was interviewed by Acting Inspector Quinn who was advised that the doctor considered that the best person to look after Saunders's mother was Saunders. On 5 June 1978 Acting Commissioner of Police V A MacDonald cancelled Saunders's transfer to Mt Isa and instead transferred her to the Police Store.

It would seem that Saunders at no stage was aware that the attempt to transfer her to Mt Isa had arisen as a result of the "Lesbian Investigation". She gave evidence that she had been told by Senior Sergeant Hannigan that once again Assistant Commissioner McIntyre had orchestrated the transfer just before he left the Police Force. It is true McIntyre had some involvement in the "Lesbian Investigation". As well as the memorandum referred to above an entry in the Lewis's diaries for 20 December 1977 records:

_Saw Assistant Commissioner McIntyre re police lesbian investigation._

This involvement however was purely in his capacity of the Assistant Commissioner responsible for Crime and Services. I am unable to conclude that the action taken against Saunders derived from any spiteful act of McIntyre designed to seek out and victimise Saunders.

Saunders stated that she believed that the reason the transfer was ultimately cancelled was because at that time she was the Secretary of the local branch of the National Party and she had made representations to the Minister which resulted in the transfer being cancelled. Although this is completely inconsistent with the documents on her personal file an entry in the Lewis diaries on 29 March 1978 suggests that political attempts were made to have the transfer cancelled. That entry records:
John Goleby MLA phoned re Senior Sergeant Hannigan making repeated requests on behalf of Policewoman Saunders.

There is no evidence to establish what was the effect of these representations by the member for Redlands. The documentary evidence suggests that Deputy Commissioner MacDonald acted on the views of Dr Salkfield to cancel the transfer quite independently of any earlier communications from Goleby to Lewis.

Lewis in his affidavit to the Commission denied that Saunders's involvement in the "Lesbian Investigation" caused him to dislike Saunders.

Murphy in his statutory declaration denied that he ever disliked Saunders because he suspected that she had been a lesbian. Saunders however denied that she ever held the view that Murphy disliked her because he suspected she had been a lesbian. I am not sure why this investigation was referred to by Saunders in evidence other than to show some antipathy towards her by Murphy or the police administration generally. A statutory declaration tendered before me by another person investigated during the "Lesbian Investigation" confirms my suspicions that those the subject of the investigation "were incensed by it". The declarant stated that:

*It was considered to be an invasion of privacy, intimidatory and a humiliating experience. The matters canvassed with these female officers were their own business and no-one elses. No allegations were made about policewomen not working, that they were corrupt or that there work was substandard. ... As far as I am aware those, the subject of the investigation, had contempt for Murphy as a result of his questioning."

The declarant went on to add that any dislike no doubt was completely mutual although the declarant had no evidence for suggesting it.

I do not need to be convinced that acrimony resulted from the interaction of the parties involved in this investigation. The matters canvassed were personal and intrusive. I could think of no investigation which would be more likely to create ill feeling, especially towards the investigators. These ill feelings could have been expressed to the investigators resulting in resentment from them. I am not prepared however to conclude that the subject matter of the investigation would have been sufficient reason for Murphy or any other person to act improperly towards Saunders or for that
matter any other female officer in the future. There is simply no evidence that any improper conduct did occur as a consequence of any ill feeling arising from the investigation.

2.9 Seeking permission for Policewomen to wear slacks

Saunders gave evidence that sometime whilst she was at Woodridge she and another police officer by the name of Janet Makepeace prepared a massive report concerning the wearing of slacks by policewomen. At that time the wearing of slacks was not permitted.

Saunders claimed to have written to nearly every female officer in the state obtaining signatures on a petition. It would seem that the soliciting for signatures had commenced before she went to Woodridge as can be seen by an entry in Lewis’s diary dated 11 January 1977:

Mr Riley mentioned that Policewomen Saunders and Makepeace soliciting signatures for petition.

Saunders claimed that Lewis had gone to the press and said that the wearing of slacks by policewomen was not a practice overseas. She said that in response she wrote to police forces in the United States, the Philippines, Japan and Britain and obtained information as to their dress requirements and in particular the wearing of slacks whilst on active police duties. Having obtained this information and organised the petition she presented it to Lewis for his consideration. Saunders stated that as a result of her approach to Lewis slacks were introduced as part of the uniform for female police officers. Saunders stated that she believed that this would have caused Lewis to dislike her even more. The basis for her view was that not only would she have been considered a "stirrer" in organising the petition but also she had by her inquiries proven Lewis to be wrong concerning his public statements that slacks were not worn by female officers in police forces of other countries.

Although Saunders had formed the view that Lewis would have disliked her because of this matter she conceded that at no stage did Lewis ever communicate to her by letter, telephone, or word of mouth, that he was annoyed with her for her efforts. Saunders could not even recall anything adverse being said to her at the time of the presentation of the petition to him. In his affidavit to the Commission Lewis denied that this event caused him to dislike Saunders.
When Lewis gave evidence before the Commission he acknowledged that he did have a concern that women ought to be dressed in the traditional fashion. He also expressed the view that he considered that policewomen had a role which was different from that of policemen in the Department. He cited for example a decision he had made to decline to send policewomen to any one of the 102 one man stations that were situated throughout the State notwithstanding agitation by policewomen for him to do so.

As Commissioner of Police Lewis was entitled to form views on matters such as the wearing of slacks by female officers. He was also entitled to change those views by permitting the wearing of slacks. There is simply no evidence that Lewis harboured a grudge against Saunders arising from this matter.

2.10 The Police Store at Petrie Terrace

Saunders having avoided the transfer to Mt Isa reported to duty at the Police Store at Petrie Terrace on 15 June 1978. Whilst there she met an officer by the name of Bob Campbell who subsequently went on to the Nationwide television programme which went to air on 3 March 1982. Saunders had previously known him from the Army. Shortly after Saunders was transferred to Petrie Terrace Campbell was transferred to Woolloongabba.

On 21 August 1978 Saunders was seconded to perform duty at the Regional Task Force. On 29 January 1979 she was formally transferred to a new position that had been created in the Task Force. Saunders had spent a mere two months in the Police Store and during two of these weeks she had attended military training for the Australian Army Reserve. Saunders gave evidence that she had not made representations to be transferred out of the Police Store but had been booking and trying to arrest people. This had previously not been done by any police officer whilst attached to the Store. Saunders seemed to suggest that this may have been one of the reasons why she was seconded to the Task Force; however in view of the mere six weeks service at the Police Store I find this difficult to accept. There is certainly nothing on her personal file which would indicate that this was the case.

Saunders stated that the secondment to the Task Force had come after she had been summoned to Deputy Commissioner MacDonald's office. She stated that she had been concerned that she would be berated by
MacDonald; however when she reached his office discussions were very cordial. She stated that MacDonald told her that she was really wasted in the Police Store and that he would be seconding her to the Task Force.

2.11 The Task Force and the Delegation to National Party Officials

The Task Force was a uniformed squad which was mainly designed to combat the street demonstrations of the time but on normal patrols members wore plain clothes. Saunders stated that she was very happy to return to a quasi-plain clothes unit and considered it a "win" for herself. When asked whether she had any other explanation for her secondment after such a short time in the Police Store Saunders suggested that it may have been a "sweetener" to keep her quiet. She further suggested that it may have been a shrewd plot to cut off the possibility of her appealing to the civil liberties people for any assistance with the women's equal opportunity issue or corruption fighting as the Task Force was the unit most likely to confront civil libertarians because of the street marching. She also suggested that it may have been an attempt to stop her making any further approaches to the National Party about female officers getting equal opportunities.

I cannot accept these suggestions. These were made by Saunders in the erroneous belief that she had visited National Party Officials prior to moving to the Task Force. It would seem however from the notations in Lewis's diary that the delegation to the National Party Officials occurred after she had been seconded to the Task Force and taken up duties there. In any event the plot suggested by Saunders is too far-fetched to be given any credence whatsoever.

Saunders claimed that it was whilst she was at Petrie Terrace that she had gone with Constable Judy Newman, Senior Sergeant Bill Hannigan and Sergeant Evelyn Hill to see National Party identities, Sir Robert Sparkes and Sir Charles Holm. Saunders stated that at this meeting the "Lesbian Investigation" and treatment of policewomen generally in the Force was discussed, with particular mention of the wearing of slacks by policewomen. Specific reference was also made to female officers not having the same opportunities as their male counterparts. Saunders also claimed that at the meeting some aspects of police corruption were mentioned; however when pressed to identify them she could not remember any other than being fairly sure that massage parlours in the Valley were discussed. She did acknowledge that the principal reason for seeing Sparkes and Holm was because of the treatment of women in the
Police Force.

In her earlier statement to the Commission Saunders was more specific, saying that the evidence of corruption that was pointed out to Holm and Sparkes was basically in relation to the massage parlours and the protection being given to them by the Licensing Branch. She claimed to have mentioned the World by Night in particular and also referred to Jack Herbert, who had earlier been acquitted at his trial. She could not recall any further specifics even though she suggested that other minor matters may have been mentioned suggesting corruption.

Saunders claimed that shortly after returning from the meeting at National Party Headquarters she was advised by either Senior Sergeant Colin Chant or Lobegeiger that they were aware of the delegation to Sparkes and Holm. Saunders claimed that till that time it had been kept a secret as far as she was aware. She claimed to have also been told that the Commissioner knew about the delegation. Saunders stated that she was shocked that Sparkes and Holm had breached the confidentiality of the meeting, presumably by advising persons who then notified the Commissioner.

There is little doubt that Lewis did become aware of the delegation to Sparkes and Holm. An entry in Lewis's diary dated 14 September 1978 records:

*Allan Callaghan phoned re 3 p/women having deputation to Mr R Sparkes.*

An entry four days later in the diaries records:

*Phoned Hon. Camm re: ... 3 p/women and Union exec seeing Mr Sparkes.*

At this time Allan Callaghan was the Premier's private secretary and Camm was the Minister for Police. There is also little doubt that the delegation occurred whilst Saunders was at the Task Force having been seconded there on 21 August 1978. Saunders made no reference to any other delegation to Sparkes.

I regard it as significant that Saunders was unable to specify those matters of corruption which she claimed were mentioned at the meeting. I am aware that the meeting occurred some fifteen years ago but it seemed to have such prominence in Saunders's mind I think that if corruption had been a significant issue at that meeting she would have been able to recall
more specifically the areas relating to corruption which were raised. I should add that Newman in her statutory declaration dated 24 May 1993 to the Commission stated that she could remember a submission being given to Sir Robert Sparkes about a range of issues involving female employees in the Police Service. She added that she did not recall much about corruption issues being mentioned or Jack Herbert's name being raised, although they could have been.

Bearing upon the question of whether corruption was referred to by the delegation is a passage in Lewis's affidavit to the Commission:

I state that I have a very vague recollection of these events. My recollection is particularly limited because these events did not occasion any trouble for myself at all. It should be understood that the evidence given at my trial, whereas I was convicted of corruptly agreeing to receive monies from Jack Reginald, did not suggest for one moment that at any stage in 1978 either myself or any other Police Officer was acting corruptly in respect of massage parlours, the Licensing Branch, or the premises known as "The World by Night." Any such allegation would significantly contradict the evidence that was led at my trial, at which Jack Reginald Herbert swore that he successfully corrupted myself in the latter half of 1978 only in respect of payments to protect "in-line" machines, and he swore that it was only in 1980 and thereafter that he corrupted myself and other Police Officers with respect to gaming and prostitution.

I have no difficulty in concluding that the paramount, if not the single issue canvassed by the delegation was the lack of female equality in the Department and the associated issue of lesbian policewomen.

If any further support is necessary for this conclusion it can be found in Lewis's diary in an entry for 4 October 1978 in which he records:

Saw Premier re running of a Force; Supt. Murphy; Insp. Jeppesen remaining in Lic. Br. Insp Hicks; A/C Hayes not to be over Lic. Br.; seeing R Sparkes re optional retirement; Lesbian P/W, & tape recorders; addit house at Murgon; National Times article re marches; Sunday Sun article re marches; report by D'arcy Cummins on Aborigines; S/S Hannigan and 3 P/W seeing R Sparkes;
and P/W L Saunders being member of the Nat. Party - Premier said to transfer her. He stated completely happy with my administration.

If corruption had been referred to by the delegation one would have expected reference to it in the agenda with Sparkes.

Although Saunders claimed to have been shocked by the revelation that Lewis had found out about the meeting with Sparkes and Holm, I would have expected in the normal course for Lewis to have been advised that such a meeting had occurred. Furthermore I would have expected that those police officers who attended the meeting would also have had an expectation that the subject matter of their discussions and their identities would have been brought to the attention of the Commissioner of Police in order for him to address the issues. After all as Saunders conceded in evidence Lewis was well received in National Party circles at that time. The following exchange from the transcript between Counsel Assisting and Saunders bears upon this matter:

But when they came back - when you came back, they said that, well, obviously, they knew you had been and they said that the commissioner knew about it too?---That's correct.

Is that so?---Yes, that's correct.

Well, it was believed, rightly or wrongly, was it not in the police force, that the commissioner was very well received in National Party circles, at that time?---Yes.

It was said, in fact, that through the National Party, he had achieved a meteoric rise to the commissionship?---That's correct.

Was that right?---That's correct.

And, in fact, you joined the National Party with some view that it might assist your career?---No, not that it would assist my career, but it might save any pay back for being a Whitrod supporter.

I see. Anyway, I suppose you were not greatly surprised to find that Sparkes and Holm would have been discussing a
police matter such as you had raised about women in the police force with the commissioner?---I was rather shocked they'd breached the confidentiality of the meeting.

But how far are they going to get unless they took the matter to the senior police, how far were they going to get with trying to right the perceived wrongs that you had told him about?---I don't know. All I know is that we went there on the understanding that it was a confidential meeting.

But what had you asked them to do? You asked them to try to change things so that women would have a better chance; is not that right?---We wanted to make them aware of what was happening.

But with what purpose, so that some changes would come about?---Obviously so women would get a better go.

Yes, okay. And to do that, a short step to do that, would presumably be to talk to the commissioner and perhaps the assistant commissioners with a view to confirming your complaints and seeing what could be done to improve them?---I didn't really --

Or not? I mean, it just occurs to me that, you see, that that would be a natural thing?---I didn't think it was necessary for them to identify the officers that went there.

I see. Did you ask them --?---If I had known I was going to be identified, I wouldn't have gone.

Did you ask them not to get in touch with the senior police -- with the Commissioner and so forth about your--the matters that you had raised and whatever reforms you had requested?---Well, the meeting was held on the basis that it was confidential and it would go no further about who was present and what we said, than National Party headquarters; that's my recollection of it.

I see. Well, what was the value of the meeting going to be then; if they were to maintain a silence and a secrecy about the whole matter, what was the point of going
there?—So they were made aware of what was happening.

But that would not achieve anything, just the fact that they were aware, unless they took some steps—-?—Well, if—-

- - - if you follow what I mean?—Well, if - if people are aware of a problem, then they can do something to rectify the problem, but what I'm saying is that we didn't expect that our names would be immediately given back to the Police Department as being the officers.

In his affidavit to the Commission Lewis stated:

I have no recollection now of the conversations I had with Allan Callaghan or The Honourable Mr Camm concerning Sergeant Saunders. I did not consider it improper of her to approach Charlie Holm and Robert Sparkes. This did not cause me to dislike Sergeant Saunders.

Once again there is no evidence that Lewis acted to the detriment of Saunders because of her approach to Sparkes and Holm. Newman knew of no adverse effects caused Saunders because of the action of the delegation and there was no suggestion that Newman herself suffered at Lewis's hands.

I am fortified in the view that I have reached that Lewis did not seek to harm Saunders or her cause or indeed to attempt to negate her effectiveness as a person who had been promoting equality within the Department (or even acting as a "whistleblower" as she stated she had been) by the following incident.

In May 1979 Lewis requested Saunders's senior officer in the Task Force to direct Saunders to be interviewed by The Sunday Sun and The Sunday Mail on the issue of equal opportunities for female officers. Saunders claimed that she refused to be interviewed by The Sunday Sun because of the appalling articles that had appeared in that paper, written by Brian Bolton, concerning the "Lesbian Investigation". She did however consent to an interview with The Courier Mail which on 20 May 1979 published, in Saunders's view, a good story. I do not consider these the actions of a Commissioner who wished to silence Saunders. Saunders suggested in her statement to the Commission that the newspaper article had reported that
she was in the Task Force, having the effect of widely publicising that she was a member of the section of the Police Force that was most hated by the civil liberties group, thereby making sure that she was unpopular and discrediting her in the eyes of the very people who took allegations of corruption in the Police Force seriously and who were prepared to discuss it publicly if necessary. I do not accept this proposition. By this time she had been in the Task Force for nine months. It would have been well known where Saunders then worked. Furthermore the direction by Lewis placed Saunders in the best possible position to obtain publicity for any revelations on corruption, that is, by giving her the opportunity of meeting journalists who would no doubt be only too ready to follow up on accusations of police corruption. It would be strained logic to accept Saunders’s suspicions in this regard and I do not. Saunders herself conceded that Lewis’s actions, on the face of them, seemed to boost the role of women in the Police Force.

Also bearing upon this question is the following paragraph from Lewis’s affidavit to the Commission:

Finally, I wish to make the point that, had I both disliked Sergeant Saunders and been prepared to take improper action against her, I could have transferred her at any time to any Police Station in the State. I had the authority to do this, as Commissioner, with no right of appeal, in respect of any Officer up to and including the rank of Senior Sergeant. No Cabinet approval was needed for such transfers. Instead, she remained in Brisbane and its environs throughout her service, which gave her a preferred position over many and most other Police Officers.

Further support for the conclusion that Lewis was not intent on inflicting harm upon Saunders or prejudicing her can be drawn from Lewis’s diary note of 4 October 1978, reference to which has already been made. From that entry it would seem that Lewis had the imprimatur of the Premier to transfer Saunders anywhere in the State if he chose to do so. Her secondment to the Task Force where she was happy to be was confirmed after this date by formal transfer. She remained there until charged in April 1982.

It is significant in my mind that Lewis, having been given ‘the green light’ to transfer Saunders in his discussions with the Premier on 4 October 1978, did not subject her to any unfavourable transfer notwithstanding the Basil
Hicks incident involving the interviewing at the Brisbane Prison of a female prisoner by Hicks and Saunders. This incident had occurred shortly before 4 October 1978.

2.12 The Basil Hicks Incident

Saunders stated that whilst at the Task Force she was asked by Inspector Basil Hicks to assist him at the Brisbane Prison by interviewing a prostitute (who came to be known as Katherine James during the Fitzgerald Inquiry). Saunders claimed she had been advised by Hicks that there was an attempt being made by certain corrupt high-ranking police to have James give false statements and evidence about Hicks to discredit him. She also claimed that Hicks had told her that someone working for Murphy was doing this with a view to ensuring that Hicks would not be made the head of the CIB. Saunders stated that she was selected by Hicks because he knew from the Whitrod days that she could be trusted. She added that there were very few active policewomen at that time and Hicks obviously saw her as a person in whom he could place trust.

Hicks gave evidence before me that he thought his chances of getting information from the prostitute would be greater if he had a female officer with him and he thought of Saunders to assist him. Later in examination by Carew the following exchange took place:

Yes. Now, why did you take Lorrelle Saunders to the prison with you?—Why her in particular?

Yes?—She was at the depot. I considered that she was a mature policewoman. There were some young ones there at the depot. I knew that she'd been in the Army before she came into the police; I believe she had - and I suppose summing it all up, because she was a mature policewoman.

At the Fitzgerald Inquiry Hicks agreed with the proposition put to him that he took Saunders because he wanted a woman to be present when he was confronting James. There seems to be no suggestion that Saunders was selected because she was perceived to be a corruption fighter.

Hicks gave further evidence before me that he had warned Saunders what could happen to her if she came over to the jail with him. At page 2109 of the transcript the following exchange appears:
HAMPSON QC: Yes?—I'm ashamed to say this, but I know that I was exposing her to very, very grave consequences.

Yes?—One, because she was coming over to the jail with me and she was going to witness something that well, at that time I didn't know what she was going to witness. And two, I was going to expose her to a lot of danger, because she was going over there to the jail.

All right?—I also had fears for her because she is a woman—she was a policewoman. At that time there was a lot of—lot of antagonism, a lot of antipathy towards policewomen.

Yes?—So, as much as I possibly could I got through to her that she didn't have to come over there with me. She understood that, but I don't think she realised just how serious it was.

Saunders claimed that Lobegeiger, her senior officer, had not been approached beforehand to obtain his permission for her to go with Hicks as it was not necessary to do so.

The Prison Visitors Book for 1978 showed that Hicks and Saunders attended the prison to see James on 21 September 1978. Saunders's account before me of the events of that day were understandably vague. I prefer to relate her account of events from her undated statement to the Fitzgerald Inquiry. It stated as follows:

After receiving our passes, Inspector Hicks and I proceeded to an area near the dormitories where we sat down with the person James. Inspector Hicks introduced me to her. At first she did not want to talk and after a short while Inspector Hicks left us alone. I recall that Inspector Hicks had a tape recorder in his hand but I cannot say whether it was going or not. He did not leave me with the tape recorder whilst I had a conversation with James.

When I was alone with James, I told her about the allegation that she had been approached by police to say that there were photographs of her and Hicks in a compromising situation. I told her that he was a happily
married man, and that this could wreck his family life and that she had better tell us now if it was not true. James told me that the photographs did not exist. She told me that she had been approached by Murphy and [two other named police officers] to say that they did exist.

James told me that Basil Hicks was too honest and was causing problems and had to be stopped because he arrested people who were being looked after. She told me that she had to do it or they would put more charges on her and that this would affect her parole. In this context I took it to mean she was referring to [a named police officer] and Murphy, because these persons' names came up frequently in the conversation.

James told me that photographs of herself and [a named person] had been taken in the past. She made mention of what the Department had done to [a named person] and that she had loved him at one time. James told me that she desperately wanted parole because her boyfriend was working on an oil rig off the Malaysian Coast and she wanted to go there and go straight.

After the conversation that occurred out of the presence of Inspector Hicks, he returned to the group but I cannot remember what parts of the conversation he was present for and what parts he was absent for. Whatever conversation did occur in Inspector Hicks' presence, it would have been confirmatory of what she had already told me whilst we were on our own.

Hicks denied any impropriety with James and his account of the meeting at the prison was consistent with that of Saunders, although he was not able to give a first hand account of what Saunders was told by James as he was not within hearing of most of that conversation.

Although not called before me, James gave a contrary account before Commissioner Fitzgerald of this meeting at the prison. Also before Commissioner Fitzgerald was an account of the meeting at the prison written by a prison officer who claimed to be present with Saunders when
she interviewed James. If this account were to be accepted as true it would
cast doubts over the accuracy of Saunders's recollection. Fortunately there
is no need for me to reach a conclusion as to the conversation that took
place during this meeting.

Saunders stated that when she returned to the Task Force from interviewing
James she was confronted by Lobegeiger. She claimed that Lobegeiger
told her that he had received a telephone call advising that she had been to
the jail with Hicks. Saunders could not recall which of the two, Lewis or
Murphy, Lobegeiger had stated had made this call to him. She claimed
that Lobegeiger said to her that they were annoyed with her for going to
the prison. She also claimed to have been told by Lobegeiger:

 What the hell do you think you are doing, antagonising
them, going out there with Hicks;

and further:

 He might win the battle, but we'll win the war.

The obvious implication being that he (Lobegeiger) was 'on side' with
whomsoever had rung to advise him of the visit to the prison. Saunders
claimed that Lobegeiger condemned her for her association with the anti-
Lewis forces and demanded the names of the members of what was known
as the "Committee of Eight." Saunders explained that this was a supposed
group of pro-Whitrod officers which was sworn to bring about the
downfall of Lewis. She stated that as far as she was aware no such group
existed.

Saunders claimed that Lobegeiger then asked her to relate to him what
occurred at the jail but she responded that she was not at liberty to tell him
adding that if he wished to know he should go and see Inspector Hicks.
Saunders went on to say that rational discourse ceased at this time.

Surprisingly in Saunders's statement concerning the Hicks incident to the
Fitzgerald Commission she described the subsequent conversation between
herself and Lobegeiger, when she returned to the prison, as follows:

 When I returned to the office after leaving the prison, I
was requested to see Inspector Lobegeiger, who asked me
what I had been doing at the prison with Hicks. I simply
referred his enquiry to Inspector Hicks.
There was no reference to the incident in evidence before Commissioner Fitzgerald. I would have thought that if the subsequent conversation occurred as she described it before me a more full account would have been given both in her statement to the officers of the Fitzgerald Inquiry and in evidence before Commissioner Fitzgerald. As a matter of completeness I should add that before me Hicks gave evidence that Saunders had phoned him and told him that she had been interviewed by Lobegeiger, who told her that he received a phone call that she had been over to the prison. However there was no suggestion this had come from an irate Murphy or Lewis.

Furthermore there was no reference to this subsequent conversation with Lobegeiger in her detailed 67 page statement to her solicitors which was provided to police investigators in 1984. In that statement there was however reference made to an alleged threat by Murphy to Hicks shortly after the visit to the prison. This threat was subsequently related by Hicks and Saunders to the Fitzgerald Inquiry and also to me.

Saunders gave evidence before me that Hicks had subsequently told her that he had run into Murphy somewhere and that Murphy had made mention of the visit to the prison and that he would get Saunders over it, or words to that effect. It was this alleged threat by Murphy to which reference was made in the Fitzgerald Report. I will make further observations in relation to this reference in the Fitzgerald Report later in my Report.

In the Fitzgerald Inquiry Hicks had described the actions of Murphy in the period shortly after the visit to the prison as follows:

BY MR. CROOKE: You went back to police headquarters after your visit to the prison, is that right?-- I went back to Mobile Patrols. I just forget where I dropped Saunders off - somewhere. I could have dropped her off. I am not sure where I went. I was walking from downtown back up to Mobile Patrols when I met Murphy on the way down. He stopped to speak to me. I didn't stop, I just kept on walking. When I got back to Mobile Patrols he rang me and asked me what I was doing over at the gaol. I told him to mind his own business. He asked me what I was doing taking a policewoman over there. I told him it was my business and he said he'll settle with her in future - 'I'll deal with her in future.'
Did you tell the policewoman, Saunders, that Murphy had said this to you?— I did. I said I felt it was a threat and I would be very, very careful if I was her.

Unfortunately legal representation on behalf of Murphy was withdrawn shortly before Hicks gave his evidence before Commissioner Fitzgerald and his recollection of this incident was not tested by cross-examination by any legal representative of Murphy.

Before me in questioning by Counsel Assisting Hicks described the incident as follows:

What about Murphy? Did you meet Murphy in the street or see him in the street?—Yes, I did, but it wasn't — I'm sure it wasn't that day.

It wasn't that day, it was later, was it?—Because I was back at the depot working that afternoon, I'm sure.

Okay?—But two or three days later, after that, I was walking up towards the depot and he was walking down town, I presume towards headquarters. Now, I put that as about at least two days after the depot - the going back to the depot, you know, on the day of the - going to the gaol and - I'm just trying to think of the street from the depot down to the George Street. Oh, it doesn't matter anyway. He was coming from the CI branch building, I presume, downtown, I was going back up to the depot, and we were approaching each other. We could see each other from some distance away, and he had a big grin on his face, and I admit that I was very angry at that time. He came down the street and we met, we just about met, and he walked towards me and said something. Now, I don't know what he said. I believe it was something to do with going to the gaol. But I didn't answer him, I just walked past him. I didn't answer him because I knew I was quite capable of making a fool of myself at the time because I was so angry. I went back up to the depot, and about a quarter of an hour - 20 - say quarter of an hour to half an hour later I got a phone call. Nobody said - this person spoke on the phone didn't say who they were, and - but the voice, I'd say that it was Murphy rang me up, and he asked me what was I doing taking the policewoman over
to the gaol. Why did I take the policewoman over to the gaol? And, again, I said, 'I'm minding my own business.' And then he said - I can't remember the exact words, but asked about her. I can't remember exactly what he asked about her, but I think it was, 'Why did I take her over the road - over to the gaol?' And he said, 'I'll deal with her later.' That was the end of the conversation.

Right?---That I can remember.

Now, he did not say who he was, though, whoever rang up. You believed it was Murphy?---No, he didn't say who he was.

How do you know it was not Lobegeiger, because he had already complained about it?---Well, he told me about it. I can't say positively that it was Murphy because I didn't see the person on the end of the phone.

Yes, right?---But from what I heard of his voice I took it to be Murphy.

All right?---And it happened a quarter of an hour to half an hour after I met him in the street.

In examination before me by Counsel for Murphy, Hicks conceded that he only assumed the telephone call he received was from Murphy. He did however refute that it could have been Lobegeiger as he explained that Lobegeiger had already called him and queried the purpose of the visit with him. He told Lobegeiger to mind his own business.

Inspector Ingham on 14 March 1984 had put to Lobegeiger those parts of Saunders's 67 page statement which purported to involve Lobegeiger. The relevant extracts from Saunders's statement and Lobegeiger's handwritten responses are set out in full:

Extract: There was an attempt being made by certain corrupt high ranking officers to have James give false statements and evidence about Hicks so they could have him charged.
Handwritten
Response: I don’t know anything about this. Hicks did approach me and ask if he could have the services of a policewoman to interview a prisoner at the gaol and I agreed to it. I was in charge of the Task Force and Saunders was a member. Nothing was said to me by Hicks of any setup.

Extract: He often joked and said he was only having the affair to obtain information for the administration. Subsequent to this visit to the prison Insp Hicks had a conversation with Asst Commissioner Murphy in relation to it. Murphy made very serious threats about me to Hicks for my part in the proceedings.

Handwritten Response: No way. I know nothing of any threats being made by Tony Murphy concerning Saunders.

From Lobegeiger’s account to Ingham, Hicks sought Lobegeiger’s approval beforehand to take Saunders to the prison. Hicks denied this before me. It was also inconsistent with Saunders’s account although Saunders would not have known for a fact whether Hicks had spoken with Lobegeiger before the visit.

Lewis when questioned before me could shed little light on the whole incident. He was asked to comment specifically upon an entry in his diary for 25 September 1978:

Superintendent Murphy phoned re P/W Saunders accompanying Inspector Hicks to H.M. Prison on 21st inst.

He stated that he did not have the faintest idea why that matter would be brought to his attention.

It may well be that it was in response to investigations arising from a query seemingly asked of him on 22 September 1978 by the Superintendent of the Prison, Ron Boronetti. On that date the following
entry appears in Lewis's diary:

Mr R Boronetti, HM Prison phoned re B. Hicks and a PWoman seeing James on 21st and inquiring as to who had visited her.

Murphy was asked by Counsel Assisting whether he had anything to do with the statements made by Katherine James concerning Hicks. He denied having anything to do with the matter or manipulating other people to do it. He also denied ringing Hicks in September 1978 to discuss with him the visit by Saunders to the prison. He denied passing Hicks in the street shortly after Hicks's visit to the prison as claimed by Hicks. Murphy stated that he would not speak to Hicks if he saw him in the street as he did not have any time for the man.

Whatever the true situation concerning the visit to the prison, the history behind it, or the alleged conversations and threats following it, there is simply no evidence that either Murphy or Lewis subsequently acted to the detriment of Saunders. As I have previously indicated Saunders was soon after her visit to the prison transferred officially to the Task Force. She was happy with this transfer. Lewis could have sent her anywhere in the State. He had the Premier's blessing to do so. Further he had directed that she provide an interview to the press on the role of policewomen in the Service. This had resulted in the women's lobby in the Police Force obtaining publicity and support. To suggest that Murphy and Lewis bided their time for 3½ years to vent their spleen on Saunders in March 1982 is far fetched.

2.13 Further incidents whilst at the Task Force

In evidence Saunders described a number of incidents which occurred whilst she was working at the Task Force. Saunders claimed that according to Lobegeiger these had made her unpopular with Lewis and/or Murphy.

The first of these incidents involved a woman by the name of Camila Finta who Saunders claimed was the right hand woman of a significant criminal identity named Billy Phillips. Enquiries by Commission investigators indicate that Finta is now deceased. Saunders claimed that Constable Ray Knight, her partner at the time and she were patrolling on the southside when a call over the police radio was made for an unmarked police vehicle to attend the Colmslie Hotel. When they arrived there they were advised
by the Manager that two women had been "shooting up" in the toilets. The Manager provided them with the registration number of a vehicle in which the women had departed and indicated to them a male person at the bar who was associated with these women. Saunders claimed that they arrested the man and as a result of a motor vehicle registration number search the address of one of the females was ascertained. Knight and Saunders went to the premises and located three women two of whom were weighing heroin. Saunders and Knight arrested the two women weighing heroin; one of these was Finta. Saunders was unable to recall the name of the other woman although she could recall that this woman claimed to live opposite Lewis at Bardon. Saunders claimed that this woman had stated that Lewis would fix it up for her and nothing would happen to her. Saunders claimed that the third female who was the proprietor of Bubbles Bathhouse, a massage parlour in the Valley, had told her that there was nothing that she could do as she was paying the Drug Squad, the Licensing Branch and the Cleveland CIB. No names were mentioned by this person according to Saunders. Saunders opined that the Cleveland CIB was mentioned because the house that was raided was in the Cleveland area. Saunders stated that this woman was now dead.

Saunders claimed that when the matter went to court Finta got three months' jail and the other woman arrested was put on probation. She thought that this was very suspicious.

During questioning by Counsel Assisting Saunders acknowledged that the sole reason for not arresting the proprietor of Bubbles Bathhouse was insufficiency of evidence to charge her. Saunders accepted that it had nothing to do with this woman's claims that she was paying police. Saunders also acknowledged that her suspicions concerning the imposition of a three month prison term on Finta, in the face of the other woman being placed on probation, were without foundation as there were many factors which contributed to a particular sentence being imposed upon an individual, for example, the individual's criminal history.

Knight in a statutory declaration dated 2 June 1993 stated that he knew of nothing untoward about what had occurred with the prosecutions of the two women although he could recall that Saunders was unhappy with the sentences imposed. He also stated that although he could remember the arrests he could not recall any reference to pay-offs to the Drug Squad, the Licensing Branch or the Cleveland CIB but added that there could have been such reference.

Saunders gave evidence that at about the same time as the arrest of these
two women she and Knight had decided to sit outside Phillip's house in Vulture Street. She claimed that they booked people for traffic offences and simple offences in the area and Lobegeiger advised her that Lewis and Murphy were angry about it. She claimed that Lobegeiger told her to stay away from Phillips's house because it was upsetting Murphy and Lewis. Saunders also stated that when she was in prison on remand she met up with Fiuta, who claimed that Phillips was paying Lewis and Murphy.

Lewis in his affidavit to the Commission denied knowledge of any person who lived opposite him being charged on drug offences. He categorically denied all knowledge of the incident described by Saunders and the further implication that he somehow induced the Supreme Court to impose a light sentence upon the woman. Lewis claimed that he had arrested Phillips one occasion many years ago on a shoplifting charge. He denied any impropriety with him and stated that he had never previously heard of the allegations now being made by Saunders. He added that he had never heard of Saunders's alleged activities outside Phillip's house in Vulture Street.

Saunders claimed that she supplied to the Fitzgerald Inquiry the information that she received from Fiuta whilst in prison. There is no reference to the information in either of her two statements to the Fitzgerald Commission or in her evidence before Commissioner Fitzgerald, although there is reference to another incident concerning a prostitute who worked from premises in Barry Parade, Fortitude Valley. I would have thought that if Saunders considered this matter had any real relevance or significance she would have related the whole of the matter to investigators of the Fitzgerald Inquiry. I am satisfied that no significance can be placed on these matters and rely upon the statements of her then partner Knight who believed that there was nothing untoward in the two prosecutions. Knight also stated that he had no knowledge of Lewis and Murphy being upset about their carrying out police duties around Phillip's house. I should add that there was no reference to these matters in Saunders's 67 page statement to her solicitors. As a result Lobegeiger was not called upon to comment on them when questioned by the police in 1984 on the other matters relating to him raised by Saunders in that statement.

There was no reference to these matters in a statement dated 19 March 1984 which Saunders provided to police investigators who had been specifically assigned to question her on the matters of police corruption which she had raised in that 67 page statement.

Saunders gave evidence before me of two other arrests which she claimed
had come to the attention of Lobegeiger as a result of which the Commissioner was displeased with her according to Lobegeiger. On each occasion Saunders claimed that she had been on patrol with Knight when they arrested a defendant for driving whilst under the influence of alcohol. The first person arrested was an accountant who had been drinking with the Commissioner at the Belfast Tavern just prior to the arrest. The second person claimed to have been the Clerk of the Course at Hong Kong Racecourse in Queensland on holidays. He also claimed to have been drinking with Lewis. Saunders could elaborate no further on the matter.

Lewis in his affidavit to the Commission stated as follows:

I have no knowledge that Sergeant Saunders arrested or laid complaints against the accountant she describes, nor the person who was assertedly the Clerk of the Course for a racecourse in Hong Kong. I did drink at the Belfast Tavern and my practice of doing so was widely known among the Queensland Police Force. If Sergeant Saunders did, in truth, take police action against the person she described, I knew nothing about this and it did not cause me to dislike her.

I am satisfied that these two arrests were of no consequence or significance to Lewis. Knight and Saunders were merely carrying out their police duties in relation to traffic offenders. I have difficulty accepting that Lewis would bear a grudge against each and every police officer who breached a friend or associate of Lewis for a traffic offence or for driving a motor vehicle whilst under the influence of alcohol. There was no suggestion that Knight fell out of favour because of these arrests.

Knight in his affidavit to the Commission commented on the fact that there were complaints from local police about Saunders and himself "creating too much work for the local police" but made no suggestion that complaints had come from Lewis or Murphy in relation to any of their arrests.

Saunders also described the arrest of a man by the name of Snowy Collins for a traffic offence. After the arrest Saunders claimed that she was told by Lobegeiger that Collins was paying a Sergeant on the Gold Coast for protection. She claimed that Lobegeiger believed that she gained notoriety over her involvement in the matter because of Collins's friends in the Police Force. It was never suggested that Lewis or Murphy was involved in the matter and in view of the minor nature of the offence I cannot see
any significance in the incident.

Saunders claimed that there was another incident which caused her some consternation and which may have created a motive for corrupt police officers to harbour a grudge against her. This incident occurred late in 1981. Saunders described that she and Knight intercepted a vehicle whose driver was charged with being under the influence of liquor. During the processing of this driver he told them that he had been assaulted by a bouncer at the National Hotel. Saunders claimed that she and Knight travelled to the hotel to investigate the complaint but when they got there they were greeted by five employees of the hotel who were standing on the footpath. Saunders claimed that they were told that they would not be allowed inside and so they called for backup. After police reinforcements arrived a raid was conducted on the hotel and a bouncer was arrested for wilfully damaging Knight's shirt in a struggle. Saunders also claimed that a number of breaches of the Liquor Act were detected as well. Saunders stated that these events occurred late at night and at about 1 o'clock in the morning Deputy Commissioner Atkinson rang the watchhouse wanting to know what was going on. Saunders acknowledged that she had not spoken to Atkinson when he rang the watchhouse and could not relate that conversation. Saunders claimed that at some stage Lobegeiger rang her and said, "What the hell have you and Knight done on this occasion." Saunders claimed that they submitted a very comprehensive report in relation to the alleged breaches of the Liquor Act asking for direction on what action to take. On the morning of the committal hearing Saunders claimed that she asked Inspector Graham Matthews, to whom the comprehensive report had been given, if he had a result in relation to the direction sought by the officers as they expected to be cross-examined about their power of entry. She claimed that Matthews produced the report which had been locked in his bottom drawer and said that he could not send a report like that to headquarters as it related to the National Hotel.

Saunders said that when the time came to give evidence at the committal hearings the prosecutor came out and told her that he had received a telephone call from the Commissioner's Office and she was not allowed to give evidence. She was to corroborate Knight and although he gave his evidence and the accused was committed she did not give evidence.

In relation to the incident Knight stated that he could recall that he arrested the person for tearing his shirt on 20 December 1981 and that the arrest occurred in circumstances similar to those described by Saunders. He also explained that this person was arrested on other summary offences arising out of the one incident. Saunders was the arresting officer in relation to
two of these offences, namely assaulting and resisting a police officer in
the execution of her duty.

Knight explained that there had to be committal hearings as the wilful
damage charge was an indictable offence. He stated that he could not
remember being at court when the person was committed; however he
presumed that it had been a hand up brief which did not require the
attendance of any of the witnesses. This perhaps explains why Saunders
was not required to give any evidence on that day.

Knight added that after the person had been committed for trial on the
wilful damage charge the Crown Law Office advised that there was a
defence open on the charge and entered a nolle prosequi in relation to it.
Knight stated that the defence was equally applicable to the summary
charges which had been brought by Saunders and which had been
adjourned to November 1982. Knight therefore prepared a report of 17
November 1982, a copy of which was furnished to me, recommending that
the summary charges be withdrawn on several bases, one of which was
that a similar defence may have been offered on those two charges. The
charges were withdrawn. Knight concluded his statutory declaration by
saying that there was no pressure placed upon him to make the
recommendation to withdraw the charges.

He said he knew nothing about Atkinson telephoning the watchhouse. He
also stated that he could not remember Lobegeiger telephoning Saunders to
ask what she and he had done on that occasion.

I have had the benefit of reading both the report of 17 November 1982
prepared by Knight and also the advice of the Solicitor-General dated 15
September 1982 which resulted in the nolle prosequi being entered on the
charge of wilful damage. I am satisfied that no impropriety occurred and
that the appropriate action was taken in all respects concerning the
withdrawal of these charges.

In relation to the comprehensive report alleging breaches of the Liquor Act
submitted to Inspector Matthews the Commission obtained a statutory
declaration dated 8 July 1993 from him. He declared that he remembered
the incident and also the report that had been furnished to him. He added:

I was unhappy with the facts of the report as I considered
that, if the events had been of such a nature to warrant a
charge against the Manager, then it would have been
Knight's option to arrest him and charge him with
hinder ing rather than resorting to the tactic of reporting him for a breach of what I believe to have been, as far as I can recall, a breach of the Liquor Act. I recall speaking to Knight about the matter on more than one occasion but I do not remember if Saunders was present. I told Knight I was not particularly happy with the contents of the report because of the above reasons and I would have to give it long and considerable thought before I would be prepared to authorise prosecution. I had reservations about the evidence and nature of the matter because a Magistrate had previously awarded costs against cases that Knight had presented at court. The file was still in the active file basket at the time I left the Task Force. I do not know what happened to the file after that. I remember Knight protesting to me about my views on what should be done with the circumstances of the incident with the Manager at the National Hotel. I do not recall Knight exercising his prerogative to report his non-acceptance of my decision and report the matter directly to the Commissioner. No other senior officer contacted me about the particular file. I had no personal knowledge of the alleged offender.

Matthews's account of being dissatisfied with the report and the fact that he had reservations about the evidence accords with the advice of the Solicitor-General in relation to the wilful damage charge. That advice disclosed that the hotel was seemingly not open for business and the police officers concerned did not enter the hotel for the purpose of investigating any suspected breach of the Liquor Act. The advice concluded:

In these circumstances, the entry of the police officers into the hotel would probably be held to be unlawful and the hotel licensee and his employees would be excused for attempting to remove them.

For this reason it is my view that the Crown cannot succeed on the wilful damage charge ...

Clearly if the premises were not open for business then there could not be breaches of the Liquor Act in the circumstances described and the hotel licensee or manager could not be liable. I am satisfied that there was nothing untoward in the actions of Matthews. In my view the whole incident was given far greater significance by Saunders than it deserved. I am unable to draw any adverse inference against any person arising from
the incident.

Saunders stated that she could not recall any other incidents prior to the events of 7 March 1982 which would have caused Lewis or Murphy to dislike her. She did add that she was told by Lobegeiger that Atkinson disliked her. She could not recall any clashes with him which may have caused his dislike of her with the exception of the National Hotel incident. She also suggested that Atkinson may have perceived her to be protected by Whitrod in the early days when she was in the EDLU and he was the Sergeant at the Break and Enter Squad. Notwithstanding what Saunders claimed Lobegeiger told her about Atkinson there is simply no evidence that he acted improperly towards her.

Saunders provided to this investigation a statutory declaration dated 5 June 1990 from Mervyn John Bainbridge which had been obtained by Carew and Company. In it Bainbridge claimed:

_I am also aware from my personal knowledge that Tony Murphy and Terry Lewis have for many years shown a great deal of animosity towards Lorrelle Saunders._

When Bainbridge gave evidence before me he gave no direct evidence of any such animosity towards Saunders by Murphy. His understanding of events had come from Saunders's mouth. The only direct evidence of animosity he related concerned Lewis's alleged objection to the reinstatement of Saunders after the first three charges against her had been dismissed. He however conceded that there had been a fourth charge pending. I do not consider that Lewis's attitude was surprising in view of the pending charge.

### 2.14 Saunders's association with Kevin Hooper MLA

Saunders claimed to have first met Kevin Hooper MLA in 1976 when she went to his premises to investigate a wilful damage complaint by him. She claimed to have kept in contact with him over the years and passed information to him in relation to the Valley. She also claimed to have passed other material to him in relation to corruption even though she could no longer remember what that material was. She could not recall whether that information that had been passed to him by her had been used in Parliament. Saunders claimed that Hooper never mentioned his other sources to her and assumed that he kept her name from other persons. She stated that the only persons who would have known that she was an
informant to Hooper were his secretary and his immediate family, all of whom she met at his residence. She certainly could not recall any occasions when her name was disclosed as a source by Hooper in Parliament.

Lewis in his evidence claimed that he believed that Saunders may have been an informant to Hooper and said that he had seen them on television and from that concluded that she probably was. Lewis could not recall when he saw them on television but explained that it would have been on the news on several occasions. It would seem that these references by Lewis to having seen Hooper and Saunders together related to events after March 1982. There was certainly no evidence from Saunders that she was ever on television with Hooper prior to this or that she publicised their relationship.

The following passage in the evidence by Lewis bears upon the question as well:

You had not associated her with Hooper?---Well, yes, but there was lots of people knew Hooper. Hooper knew everybody and they knew him. I mean, just the fact that she was friendly with him didn't - he used to phone me, and he'd have the most friendly conversation you could have. Next week, he'd call you everything in Parliament.

I find it of great significance that Saunders could not recall any of the information that had been provided to Hooper. In view of Saunders's concession that she had direct evidence of only one incident involving corruption I do not believe that the information being communicated to Hooper was of great moment or, more importantly, perceived to be of great moment by those in the police administration.

2.15 Saunders as a perceived corruption fighter

In an attempt to establish that there had been ill feeling against her by senior members of the administration Saunders relied not only upon the incidents referred to in this chapter but also upon the impression given to her by Lobegeiger that people thought that she knew far more than what she did concerning corruption. She gave as an example Lobegeiger's questioning of her concerning the "Committee of Eight" which as far as she was aware did not exist.
Saunders claimed that Lobegeiger specifically told her that the police administration considered her to be highly dangerous due to her knowledge of certain corrupt officers and practices. She did however concede that with the exception of one incident in the Valley which was referred to the Fitzgerald Inquiry she had no direct evidence of corruption. Saunders stated this incident had occurred in January 1982. She had been on patrol with Knight when she saw a woman throw a packet of green leafy substance from a vehicle. When this woman was interviewed in relation to a possible drug offence she admitted that a large sum of money she had in her possession was the proceeds of prostitution whilst working at a brothel named Bubbles Bathhouse. Saunders stated that she was prevented from charging the female by an Inspector of Police who was subsequently convicted on corruption charges.

Saunders claimed to have received a substantial amount of information from Lobegeiger. This information was recorded in her 67 page statement to her solicitors and on 14 March 1984 put to Lobegeiger for his comment by police inspectors. The relevant extracts from her 67 page statement and the handwritten response by Lobegeiger are repeated in full below:

A. **Extract:**

Lobegeiger often told me that the current Police Administration regarded me as highly dangerous due to my knowledge of certain corrupt officers and practices and believed that I was a member of a group of dissident officers who had sworn to bring about the downfall of the current Administration.

**Handwritten Response:** No way, I didn't say that.

B. **Extract:**

He also told me to stop attending political meetings and criticising the Police Administration. It was well known by the Administration I had led a deputation to Highly placed members of the National Party complaining about some things that were happening in the Department. It was also believed I'd made very serious allegations against Senior members of the Department.
Handwritten Response: I didn't know she had made any serious allegations about the Department or any police. She did tell me that she had attended meetings where Sir Robert Sparkes was present. I did not tell her to stop any meetings.

C. Extract: Lobeggeiger and I had many discussions re police corruption on the Gold Coast. He told me something. (That [two named officers] were the main 'bag-men' for Tony Murphy and were spying for him).

Handwritten Response: No way. I had no reason to mistrust either man. Had I any suspicion, I would have done something about it.

D. Extract: Lobeggeiger and I had lengthy discussions about the situation in relation to Police corruption at the Coast .... he was drinking quite heavily.

Handwritten Response: Garbage. I have never had any discussion with Saunders re police corruption at the Coast. I have an odd beer and am a moderate drinker.

E. Extract: Lobeggeiger and I then had a further discussion about the corruption at the Coast and he said that he had had to get Det Sgt Williams and Det Tutt of Cleveland to the Coast to make some arrests as he couldn't trust his own cops.

Handwritten Response: I didn't discuss corruption at the Coast with Saunders. I have never called Williams or Tutt to the Coast to make any arrest.
Clearly Lobbegeiger denied advising Saunders about matters of corruption. He also denied that he told her that she was regarded as highly dangerous to the administration. Saunders suggested that this was because Lobbegeiger would have been unwilling to make allegations against the administration in 1984. I regard this suggestion as difficult to accept bearing in mind Lobbegeiger had retired from the Force a year earlier. I am not at all convinced that Saunders was perceived prior to 1982 to be a threat to the administration or a corruption fighter or a person who had a great knowledge of corruption in the Police Force.

Extracts from Lewis's affidavit to the Commission bear directly on this question. At paragraph 6 of the affidavit the following appears:

I state that I was aware of the existence of a supposed "Committee of Eight." I was never told of any females who were members of it, and I never heard it suggested that Sergeant Saunders was.

At paragraph 12 or that affidavit Lewis states:

I say that I did not consider Sergeant Saunders was 'highly dangerous' to myself or to my administration. I did not wish to be offensive, but the truth is that the existence of Sergeant Saunders was of no interest, let alone a threat to me, until her arrest. After that, my only interest was that she was a police officer.

And further at paragraph 15 of his affidavit this appears:

I say that I did not perceive in or around 1982 that Sergeant Saunders was a 'corruption fighter. I never heard this of her at the time. I never heard of her being known as such at or about that time. The first knowledge I had of this being said about her was after the commencement of the Fitzgerald Commission of Inquiry.

Also relevant in this context is the final paragraph of Lewis's affidavit which I have previously quoted in the report. In that paragraph Lewis explained that if he disliked her and was prepared to take improper action against her he had the authority to transfer Saunders anywhere in the State.

Although Lewis was examined in detail on the entries in his diary and in particular those concerning Saunders there was nothing in them from which
I could conclude that Lewis or others in the administration considered Saunders a threat prior to 1982. After she was reinstated she did make allegations of corruption which were referred to Inspectors Ingram and Youngberry. These were investigated after March 1984. By that time she would have been seen as a threat to the corrupt officers in the Police Force.

An entry in Lewis's diary for 24 November 1986 records:

_Senior Constable I. Saunders a dangerous person._

When asked to explain this entry Lewis said in evidence:

_Yes, this is 1986 by now?---Yes. By about that stage I think Miss Saunders probably was a little bit discontented about not having - well, received compensation and perhaps other issues. I know certain police officers at Beenleigh at some stage said that she was very vocal in her thoughts about a whole range of issues, including the way she felt that she hadn't been treated well. But whether that was it I just don't know, because I know one union executive member from down there mentioned to me one day about her being a little bit outspoken - outspoken in a sense of being dissatisfied. It was Mr Bainbridge._

_That hardly justifies a comment that she was dangerous?---No, well - I - I say, I don't know whether that was it. No, that's true._

One suspects that this entry in Lewis's diary was not unconnected with her allegations to Ingram and Youngberry.

It was suggested to Lewis by Counsel for Saunders that his diary entries established that Saunders was singled out. I do not accept this. There are many references to Saunders in the diary but there are literally thousands upon thousands of entries by Lewis in these diaries. Many police officers are mentioned on countless occasions. It is not possible to conclude from the diaries that Saunders was singled out.

It is also fair to conclude from the evidence before me that neither her peers nor associates considered Saunders to be a corruption fighter prior to 1982.
Although her partner Knight could recall Saunders speaking to him about possible corruption in the Police Service he had no knowledge of her discussing such matters with anyone else. He expressly stated:

_I have no knowledge of any link between what Saunders had said about police corruption and subsequent events involving her._

Her subsequent partner, Gregory John Carnes, made no reference to Saunders being either a corruption fighter or a perceived corruption fighter.

Her Inspector in the Task Force from December 1981 to March 1982, Graham Evan Matthews, could not remember Saunders raising any aspects of possible corruption in the Police Force when she was under his control.

Newman, with whom she went to see Sparkes and Holm, could not remember corruption issues being raised and knew of nothing that happened to Saunders as a result of that meeting. She added that she knew nothing that Saunders had said or done that would have caused resentment against her by other police.

Hilary Huey, with whom Saunders had worked in various squads and on occasions as a partner, stated in her statutory declaration of 16 June 1993 that she could not recall Saunders discussing corruption in the early days.

Jill Maria Bolen, a former workmate and associate of Saunders and formerly Chief Superintendent of Police declared in a statutory declaration of 4 August 1993 to the Commission:

_I did not know Saunders as one publicising police corruption that may have existed early in her service. Although I heard of the Basil Hicks/Katherine James incident, I have no direct knowledge of it. She was a dedicated officer intent on doing her duty. I am unaware of any resentment of her that would suggest that police were out to "get her" and knew of no bias against her when we were at the EDLU, despite the fact that Saunders had been appointed a detective and that we were the only two female officers there in a unit established by then Commissioner R W Whitrod, with the Juvenile Aid Bureau being then, I think, under the authority of the Children's Services Department._
Hicks, when asked to explain why Saunders in particular was selected to go with him to the prison to interview James, made no reference to Saunders's reputation as a corruption fighter or a perceived corruption fighter.

Arthur Victor Pitts who retired from the Police Force on 1 December 1978 on the rank of Superintendent and who claimed that Saunders treated him as both a friend and confidante declared in his statutory declaration dated 5 June 1993 to the Commission that:

During my time in the Police Service and the time I knew Saunders in the Service, I know of no grounds where she could make the claim that she was a corruption fighter. She knew my position on corruption and knew how opposed I was to it, but she never approached me with any information about any alleged corruption.

He does go on to say that Saunders made a number of allegations against the so-called "Rat Pack." Saunders did not have any first hand knowledge of any alleged impropriety by members of the so-called "Rat Pack." I should add that Saunders claimed to her solicitors in 1983 that Pitts was not a person on whom she could rely to assist her in the defence of her charges.

2.16 The suggestion that Saunders may have been "framed" because of her association with Lobegeiger

Saunders's solicitors obtained a statement dated 1 June 1990 from Peter John Goodwin. Goodwin had been Saunders's solicitor from 15 September 1982 until March 1983. During this time she had been committed for trial. When Saunders's private funds had been exhausted she had to approach the Public Defender's Office for legal assistance. As Goodwin was a sole practitioner he could not afford to continue to represent her on Public Defence rates. Peter Sorensen from the Public Defender's Office then became her solicitor. He was her solicitor during her trials. After the Crown had determined to enter a nolle prosequi Goodwin once again became her solicitor for the purpose of pursuing her reinstatement in the Police Force and her claim for compensation. By this time Goodwin had become a senior partner in the firm of Gabriel Ruddy and Garrett, Solicitors.

In his statement Goodwin stated that he recalled having a conversation with
Detective Inspector Lawrence John Pointing on 30 March 1984. Pointing and Inspector Trevor Menary were at that time investigating the tape produced by Dodd after the Crown had conceded that it was a fabrication. Goodwin claimed that during that conversation Pointing had told him that he, Pointing, had worked out that Saunders had been set up not only for the purpose of getting at her but more particularly for getting at Lobegeiger. Goodwin claimed that Pointing had told him that the trouble started when Lobegeiger was appointed as a District Superintendent in Cairns at a time when Murphy was being paid off by a person or persons unnamed. Pointing's words to him were to the effect that when Lobegeiger arrived Murphy had everything all set up there but Lobegeiger stepped on Murphy's toes by going around to each of the persons from whom Murphy was supposed to have been receiving payments and insisting on payments being made to him, Lobegeiger. Goodwin then claimed he was told by Pointing that Lobegeiger was transferred to the Gold Coast to try and avoid the problem but even on transfer to the Gold Coast the same thing occurred. Goodwin added that Pointing had told him that the relationship between Saunders and Lobegeiger was well known in the Police Force and that in order to get to Lobegeiger it was decided the best way was to go through her and to embarrass or shame him out of the Police Force.

Later in the statement the following passage appeared:

*Pointing told me that they had established that the tape recording produced by Dodd has most probably been made in the basement of the Police Headquarters building and that the sound in the background, which had always been claimed to have been a motor vehicle was, in fact, an airconditioning unit and ran at a similar cycled pace to the airconditioner in the basement of Police Headquarters.*

Goodwin was asked to expand upon his statement by Commission investigators.

In a statutory declaration dated 19 May 1993 to the Commission Goodwin confirmed that the account that he had given in his statement of 1 June 1990 was an accurate account of what he had been told, as far as he could recall, with the exception that he was not sure whether Pointing had told him that Murphy had arrived first in Cairns or that Lobegeiger had. He explained that this conversation had taken place outside the hearing of Menary or any other person. He further explained that he had made the statement from his own recollection without the use of any notes after a period of about seven years and that the only person with whom he had
discussed the matter was Saunders on the very day that he received the information. He stated that on that day Saunders had mentioned to him matters which seemed to be similar to those to which reference had been made by Pointing and therefore he related to her his discussion with Pointing.

In further explanation of his statement of 1 June 1990 Goodwin added:

_Pointing never gave me the impression one way or the other as to whether he believed the information which he communicated to me. I did not form a view as to whether the information was true or not. As I recall it, he was merely relating to me what he had been told or what he had heard. It may have been expressed as what a person might have been going to say in the future. It may even have been relayed to me as "just gossip." It was not stated as a matter of fact. I have no evidence to suggest it is true._

Later in the statutory declaration the following passage appeared:

_I would have been astounded if it were true. I have no evidence to suggest that it is true._

Trevor Graham Menary in evidence before me claimed that he was present with Pointing for the duration of the meeting referred to by Goodwin. He denied that the conversation described by Goodwin had occurred and further that Goodwin and Pointing were never by themselves for the conversation to have occurred outside his hearing. Pointing in evidence before me denied having had the conversation with Goodwin.

On its face there appeared to be an irreconcilable difference in the account of Goodwin on the one side and Pointing and Menary on the other. However a report dated 13 February 1984 on the police file relating to Saunders charges sheds light on the matter. This report signed by Pointing and Menary explained how they obtained a 67 page statement from Saunders as part of their investigation into the fabricated tape. That report is set out in full below:

_Detective Superintendent of Police_

Metropolitan C I Branch:

_Saunders's false tape matter - referred for investigation by_
the Solicitor-General.

On Thursday 26 January 1984, Senior Constable Lorrelle Anne Saunders of Beenleigh Police was interviewed by us in the presence of her Solicitor, Mr Peter Goodwin, and she handed to us a 61 page statement which she had compiled of the evidence she would give at her trial. She had handed this statement to the Public Defender's Office who were conducting her defence.

Saunders informed us that the statements that she handed us was incomplete and we subsequently obtained a further 6 pages of her statement for the office of the Public Defender.

On perusal of this statement it was found that she had made a number of serious allegations about certain ex-Police Officers and serving Police Officers. Reference to these matters is made on the following pages of her attached statement:-

Pages 4, 5, 19, 20, 29, 34, 47, 51, 57, 63, 64, 65 and 66.

We respectfully request a direction whether we are to make investigations in relation to Saunders's allegations against Ex-Police Officers and serving Police Officers in conjunction with our overall investigations as requested by the Solicitor-General.

T G Menary
Det. Inspector.

L J Pointing
Det. Inspector.

As a result of this report Inspector Ingham was asked to pursue the serious allegations raised by Saunders. Pointing and Menary were directed to confine themselves to the investigation of the fabricated tape.

Interestingly enough, one of the allegations which appeared in Saunders's statement and which Pointing and Menary were directed not to pursue was that Lobegeiger had said to her that:

Webb was certainly doing the job on me for Murphy but he thought it may be him that Murphy was really after ... I was just the instrument to achieve it. He and Murphy had
clashed in Cairns over police pay-offs ... Murphy was building a block of units in Cairns with his ill-gotten gains. (I have confirmed Murphy has built units there.) Murphy was also against his activities at the Coast and he was raiding premises and having persons arrested who were paying protection money to the Irish Mafia. [Named police officer] had been and now [another named police officer] was the main bagman on the Coast for the syndicate. Both phoned Murphy direct and spied on him.

This allegation although more specific contained basically the same information that Goodwin recalled having been disclosed to him by Pointing. Importantly this allegation did not appear in the first 61 pages of Saunders's statement provided to Pointing and Menary during the meeting with Saunders and Goodwin on 26 January 1984. It appeared at page 63 and was therefore in the 6 pages of the statement obtained from the Public Defender's Office.

It seems likely to me that having obtained the last 6 pages of Saunders's statement from the Public Defender's Office Pointing and Menary had a further meeting with Saunders and Goodwin on the date claimed by Goodwin to be the date on which he was advised by Pointing of these matters, namely 30 March 1984. By this time the allegation had been put to Lobegeiger by Inspector Ingham on 14 March 1984. His response had been:

I never discussed Webb's investigation with her. I have never clashed with Murphy. I never discussed any raids at the Coast with Saunders and I never had any difference with Tony Murphy over any raids at the Coast. I have never suspected either [named police officer] or [another named police officer] of being bagmen or being dishonest.

I am satisfied that at this meeting of 30 March 1984 the allegation was raised by Pointing with Goodwin not as a statement of fact but rather as a statement of what Saunders had previously advised Sorensen. Of course it had been denied by Lobegeiger by this time. As previously noted Goodwin had not been Saunders's solicitor at her trial and seemingly would not have known of the contents of the last 6 pages of Saunders's statement.

The conclusions I have reached explain why Pointing was adamant that he had not divulged any information to Goodwin. He had not divulged the
results of their investigations or his views of the facts. He had merely repeated Saunders's allocation to him. I would not expect this was of great moment to Pointing and I do not consider it would have stuck in his mind. This scenario would also explain Goodwin's recollection that the matter was not communicated to him as a matter of fact but rather as "gossip" or just "what he (Pointing) had heard." This would also account for Goodwin's recollection that Saunders had made reference to matters which seemed similar prior to his having told her of Pointing's conversation.

I am satisfied that Pointing was merely relating Saunders's own allegation which Lobegeiger had refuted. I am also satisfied that Menary, Pointing and Goodwin were honest in their attempts to recollect events and I am of the view that each gave evidence of the events as they believed them to be.

It might be suggested that my previous conclusions do not sit well with that part of the conversation between Pointing and Goodwin in which reference is allegedly made to the fabricated tape having been made in the basement of Police Headquarters. Nowhere in Saunders's 67 page statement did this claim appear.

I am satisfied that Pointing did relate this account to Goodwin but not as a statement of fact. Support for this can be drawn from Sorensen's statutory declaration dated 22 July 1993. In that he declared:

* I can recall discussing with John Jerrard the possibility that the noise on the fabricated tape was from an airconditioning unit in the basement of Police Headquarters. This was not pursued during the trial as far as I can recall. We had not been advised by anybody that this was the case. It was pure supposition.

I strongly suspect that when Pointing and Menary went to the Public Defender's Office to obtain the final 6 pages of Saunders's statement Sorensen related to them his previous discussions with Jerrard QC. It would not be surprising that having been told of this possibility by Sorensen it was then relayed to Goodwin by Pointing. If Sorensen said this not as a matter of fact but merely as Sorensen's thoughts on the matter it is not surprising that Pointing had no recollection of discussing the matter with Goodwin. It would have been of no significance to him.

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2 John Alexander Jerrard was Saunders's Senior Counsel at her trials in 1983. Since that time he has taken Silk and further reference to him in the report will be as "Jerrard QC".
Although after this lapse of time it is impossible to prove the conclusion I have reached about the conversation between Pointing and Goodwin I take comfort from the fact that the documents support this conclusion; it is more likely than the possibility that one of the parties to the conversation is lying.

At this stage I should add that Murphy in evidence before me denied that he had been corrupt. He also denied that he had ever heard the allegation that Lobgeiger had been corrupt. He explained that he had arrived in Cairns five months after Lobgeiger had arrived in Cairns. This was confirmed by a letter dated 2 July 1993 from Assistant Commissioner Aldrich of the Queensland Police Service. Murphy denied that Lobgeiger had ever stepped on his toes although he explained that in Cairns there had once been a dispute between himself and Lobgeiger over a serious domestic altercation.

In relation to the claim that he had built units in Cairns with "ill-gotten gains" he had the following to say in his statutory declaration to the Commission:

> With respect to the allegation made by Saunders that Lobgeiger told her that I had built a block of units in Cairns in 1981 with my 'ill-gotten gains' I deny this completely. From the outset it should be noted that the Commission of Inquiry headed by Mr G E Fitzgerald QC investigated my financial affairs completely as a result of a number of false allegations made about me there. I can say without equivocation that I provided them with everything they asked for and my accountant equally provided them with all relevant material. My affairs were investigated by them and there was no adverse finding made by them in anyway whatsoever. More importantly I was never even called before the Commission of Inquiry to be questioned about anything concerning my financial affairs that they may have had queries about.

I am also fortified in my conclusions upon the discussions between Pointing and Goodwin for the following reasons. The conclusion that Saunders was "framed" because of her association with Lobgeiger can only follow if two things existed in March 1982. First, that the relationship between Lobgeiger and Saunders was ongoing and secondly, that Lobgeiger had been corrupt.
In relation to the first of these matters I am completely satisfied that the relationship between Saunders and Lobegeiger had ceased some time in September/October 1981. This matter will be canvassed in far greater detail later in the report.

So far as the second matter is concerned there is no evidence before me that Lobegeiger was corrupt. Saunders claimed that both Hooper and she had received anonymous phone calls advising that Lobegeiger was involved in running prostitution from the Zebra Motel. Saunders stated that when she was driving Lobegeiger around she could remember having to go and have coffee and sandwiches whilst he went up to the motel for a considerable time every Friday night. Saunders also claimed that a neighbour by the name of Joyce Looker who had worked as a Night Manager or something similar at the motel had subsequently told her that she believed that Lobegeiger was conducting prostitution there.

Commission investigators located Looker and a statutory declaration was obtained from her. In her statutory declaration of 7 July 1993 Heather Joyce Looker acknowledged working at the Zebra Motel as one of the waitresses during the 1970's and 1980's. She declared that she could not ever recall seeing Lobegeiger at the Zebra Motel when she was employed there. She also added that she knew of no activities that occurred at the Zebra Motel which were outside the law and further added that she believed that she would have known if there were any illegal activities because of the regularity of her work there. She concluded by declaring that she definitely did not remember telling Saunders or her mother anything about Lobegeiger running prostitution at the Zebra Motel.

I am satisfied that Looker at no stage advised Saunders that Lobegeiger was involved in conducting prostitution from the Zebra Motel. There is simply no evidence upon which I could find that Lobegeiger did conduct prostitution from the Zebra Motel or indeed that prostitution was conducted from that motel.

Saunders had previously brought her suspicions concerning Lobegeiger to the attention of the Fitzgerald Commission in a report to then Inspector James Patrick O'Sullivan dated 14 October 1989. In that report Saunders made reference to property dealings by Lobegeiger which she claimed were not in keeping with police salaries or any family monies. She attached a schedule of property that she believed he owned. It was not of course possible for me to analyse Lobegeiger's property dealings, which according to the schedule had commenced in 1973, after the effluxion of such a period of time and after his death.
His daughter, Suzanne Maree Whitehall, in her statutory declaration to the Commission did take the opportunity to comment upon the suggestion that her father's property was purchased using monies corruptly obtained. She stated:

As for my father's property holdings, all I have to say is that you have to look at the price he paid for these properties and consider that he had no family, other than myself to look after. I left home to get married twenty years ago this year. All the properties he bought had old run down dilapidated buildings on them. He spent all his time off duty hours repairing them to make them livable. They are still only old places that he has rebuilt from the stumps up. He always lived very frugally as it was necessary to buy materials to complete these repairs. It should also be considered that he collected his Superannuation and insurance policies which had matured. Also, my husband and myself have lent him money to dabble in real estate. He always enjoyed taking a risk with property and loved to watch his investment grow as the property became valuable. He did not believe money was any good in the bank. He did all of this for my security for when he would not be here to make sure I was secure. You can not consider the values at the time of his death as he had had most of these properties for years. Even the last one he bought was purchased ten years ago.

It is interesting to note that Saunders's report was furnished to Inspector O'Sullivan after attempts by Saunders to reunite with Lobegeiger had failed in 1989. I will make further reference to this later in the report as well. There is simply no evidence before me that Lobegeiger obtained property by using monies corruptly obtained. Furthermore as far as I am aware no evidence of corruption or impropriety by Lobegeiger was led at the Fitzgerald Inquiry.

I should mention here that notwithstanding Saunders's suggestion that Lobegeiger may have been corrupt and the administration was attempting to get at him through Saunders, Lobegeiger was appointed a Superintendent Grade 2 on 24 May 1982. Counsel Assisting suggested to Saunders that this was inconsistent with the suggestion that she had made that the administration was trying to get at Lobegeiger. She responded that they may well have been promoting Lobegeiger to influence him not to tell the full truth of their relationship, presumably at her forthcoming trials. That
is she considered the promotion may have been something in the nature of a bribe and saw significance in the fact that there was a reference in Lewis's diary on 28 April 1982 to Lewis phoning Lobegeiger concerning his promotion. That entry however refers not only to a telephone call to Lobegeiger but also to four other Superintendents who were being promoted to Superintendent Grade 2. Lewis stated in evidence before me that he saw no significance whatsoever in the reference to the phone call to Lobegeiger because he had made a practice of phoning every officer that was promoted or upgraded. Other entries in Lewis's diary seem to bear this out. I attach no significance whatsoever to the entry.

As the suggestion that Lobegeiger may have been promoted as a form of bribe had been raised by Saunders, I sought access to the Queensland Police Service Lists for the years 1982 and 1983 published in the Queensland Police Gazette. These show that Lobegeiger was promoted to a Superintendent Grade 2, from a Superintendent Grade 3, on the basis of seniority. That is those officers who had been more senior to him as at 31 December 1981 had either been promoted before Lobegeiger or had retired. Certainly no adverse inference can be drawn by Lobegeiger's promotion at this time.

I am further fortified in my view that Saunders was not "set up" because of any association with Lobegeiger by the conclusions I have reached in relation to "the primary facts" I was required to consider. By the "primary facts" I refer to those facts relating to the actual charging of Saunders. This matter is canvassed later in the report.

2.17 Nationwide Programme of 3 March 1982

Saunders claimed that it was thought by persons in authority that she had some involvement with the Nationwide Programme which went to air on 3 March 1982, four days before the theft of the guns from Coomer. In that programme, Campbell, amongst others, alleged that corruption was rife in the Police Force. She believed this suspicion arose because of her association with Hicks, Ken Hoggett and, of course, Campbell, with whom she had worked at the Police Store.

In her statement to the Commission Saunders explained what she perceived to be the significance of the broadcasting of the Nationwide Programme to her being charged.

*I believe that the broadcasting of this programme on police*
corruption may have been the primary cause of corrupt police being involved in my framing. I have recently viewed the Nationwide programme in Mr Lambrides' office and my suspicions are confirmed that the corrupt network needed a diversion to take public attention away from the allegations that had been made on that programme. There was a call for a Royal Commission to be established at the conclusion of the programme and it was stated that there were serving police who were willing to give evidence at such a Royal Commission. The programme was not dissimilar to 'The Moonlight State' which brought about the Fitzgerald Inquiry in 1987.

When asked by Counsel Assisting whether Saunders actually had any involvement in the Nationwide programme she stated that she had met some reporters and television people but could not recall for which programme they worked. There is certainly nothing on the face of the programme which would support the conclusion that she was involved in the programme. Also there is no evidence that corrupt police believed that she had been involved in the programme. Whether in fact Saunders was "framed" by corrupt police because they intended to deflect publicity from those matters raised in the Nationwide programme can only be determined after assessing the evidence relating to the charges which were brought against her. I will turn to this task later in the report.

2.18 Conclusion

Having examined the early years of Saunders's police service and in particular Saunders's claims and suspicions concerning enemies she may have made up to the time of the charges against her in April 1982, and having considered possible motives in those suggested by Saunders to have considered her, or Lobegeiger, a threat, I am satisfied that there is no evidence to suggest that any of the events considered had its ultimate conclusion in a plot to charge Saunders. If Saunders had been framed by corrupt police in 1982 the events of the early years afford no assistance in establishing a motive for framing her.
PART B - THE FIRST THREE CHARGES

CHAPTER 3

SAUNDERS'S RELATIONSHIP WITH LOBEJEIGER

3.1 The significance of the relationship between Lobejeiger and Saunders

A matter which grew in significance as the investigation progressed was the relationship between Saunders and Lobejeiger. It was originally clear that Lobejeiger would play some part in the events surrounding Saunders being charged in 1982 as he was the subject of the charge against Saunders of attempting to procure Dodd to conspire with another to murder Lobejeiger. However what gradually became apparent was that it was this relationship with Lobejeiger, coupled with Saunders's intense hatred of Lobejeiger's long term associate, Cecily Bull, which explains many of the subsequent events that took place. I am satisfied that it was because of the failure of Saunders's relationship with Lobejeiger and her perception of his association with Bull that Saunders commenced to exhibit symptoms of psychiatric disability which, according to her psychiatrist, exist to this day. Saunders's psychiatric condition will be canvassed in far more detail later in the report. It is only after consideration of the association between Bull and Lobejeiger and, more importantly, Saunders's perception of that association that a full understanding of Saunders's relationship with Lobejeiger can be achieved.

3.2 The source of the information used to determine the extent and nature of the relationship

I was hampered to some extent in my efforts to determine the extent and nature of the relationship between Lobejeiger and Saunders as I only had the opportunity to hear evidence from one of the parties; Lobejeiger died in June 1990. Lobejeiger had previously given a number of statements to investigating police between 1982 and 1984. He had also given evidence under oath at Saunders's committal hearings and at Cooper's trial. He had been subjected to cross-examination on his account of events in the Magistrates Court and District Court. Accordingly Lobejeiger had given at least part of his side of his relationship with Saunders.

I was greatly assisted by the evidence of Bull and the material which was supplied with the statutory declaration of Lobejeiger's daughter, Whitehall.
Whitehall had unexpectedly come forward as a result of the publicity generated by the Public Hearings. She supplied to the Commission a substantial amount of correspondence from Saunders to her father which she had located at Lobegeiger's premises subsequent to his death. This material proved to be most valuable. I will refer to it as the Whitehall material.

Another unexpected source of material which was of great assistance was the huge amount of documentation obtained by officers of the Commission from the Legal Aid Office after Saunders had waived legal professional privilege in relation to communications with all her solicitors, other than Carew and Company. This material I will refer to as the Legal Aid material. The Legal Aid material included two Spirax notebooks which according to Saunders's sworn evidence before me had been written by her contemporaneously to the events recorded in the notebooks. I will return to these notebooks later in the report.

There was other material and evidence which were of lesser significance but still of value to me in determining the extent and nature of the relationship. I will turn to this in due course.

3.3 The association between Lobegeiger and Bull

Relevant to the question of the nature of the association between Lobegeiger and Bull is the following passage from the statutory declaration of Lobegeiger's daughter, Whitehall. The evidence contained in that statutory declaration has never been challenged.

As far as I am aware, Bull and my father were very close friends but not intimate friends. Certainly neither person ever told me that they were romantically linked and I never saw them embracing each other or holding hands. I can recall my father telling me in around 1982 that he was concerned for Bull's safety as Saunders considered her to be my father's partner.

At Saunders's first committal hearing on 12 August 1982 Lobegeiger indicated that he had known Bull for about 17 years and had been on friendly terms with her for that period. At no stage in his evidence did he suggest that their association was anything more than that of close friends.

At Saunders's committal hearing and before me Bull stated that the
association between Lobegeiger and herself was that of close friends. She told me it had continued until Lobegeiger's death. It was suggested to Bull by Carew, no doubt on instructions, that the association she had had with Lobegeiger was an intimate one. Bull denied she ever had sexual intercourse with Lobegeiger. In examination of Bull by Carew the following exchange took place:

_Did you have a sexual relationship with him?_ ---No,  _I did not._

_Not at all during the whole period?_ ---No,  _I did not._

_All right. Did you ever live with him?_ ---No,  _I did not._

_Did you ever accompany him on social occasions?_ ---Yes, frequently. I also stayed at his home. I also visited his - he took me to meet his family and we attended many family celebrations. I was very close with his family and his daughter as well.

_See, when you were asked about your relationship with Mr Lobegeiger at the committal hearing - - -?_ ---Yes.

_--- the only time that you gave evidence in this case - - -?_ ---Yes,  _Mr Carew._

_--- you were asked about your relationship with Mr Lobegeiger, were not you?_ ---In detail.

_Your Honour, could Miss Bull be shown that evidence? I am not sure what exhibit it is now._

...

MR CAREW:  _Yes. That is - - -?_ ---I have it, _Mr Carew._  _Yes._

_Yes. All right. Now, if you go over to page 435, towards the bottom, you were asked questions by Mr Howell, who said:_

_You were very annoyed that the defendant had an intimate relationship - that Mr Lobegeiger had an_
intimate relationship with the defendant last year.

That is Sergeant Saunders?---Yes.

You answered:

It didn't please me.

?---Correct.

Well, why wouldn't - why wouldn't it please you if, as you say, you did not, yourself, have an intimate relationship with Mr Lobegeiger?---I have already said that I was a very close friend of Mr Lobegeiger's. Given his ambitions and his dedication to the police force, at that stage he was a very senior officer, Miss Saunders was a very junior officer, and I felt that such - any relationship, in any business - it would be jeopardising his career for him to so associate with a junior employee.

All right?---I had followed his career closely, I had helped him with examinations as a friend, and I thought he was a very foolish man to - at that stage of his career - have an association with a junior officer, who was also 20 years his junior.

Are you sure you were not jealous?---Not at all. I had many friends - my own friends.

No, jealous of the fact that Mr Lobegeiger became involved with a much younger woman?---Not at all. That was Mr Lobegeiger's business. His personal affairs - and he had many relationships with women - I consider entirely his business.

And later in Carew's examination, the following questions and answers appeared:

And did you stay for extended periods with him?---Oh, occasionally, when we went out west, it would have been up to a week. I stayed at his home in Cairns once for a week when he was based in Cairns, yes, I did.
All right?---And he has stayed at my home, as have several other of my male friends.

I considered Bull to be a very impressive witness. She answered questions in a forthright and credible fashion. I considered her to be a truthful witness, albeit, one who clearly wished the whole matter to go away. In accepting Bull's evidence I reject that of Saunders where it conflicts with that of Bull. I will turn to Saunders's evidence on relationships shortly but for present purposes suffice it to say that Saunders claimed Bull had certain discussions with her. If accepted as having taken place one could readily conclude that Bull was 'obsessed' with Lobegeiger. Saunders also claimed Bull in discussions with her had painted in graphic detail the sexual exploits of herself (Bull) and Lobegeiger. I reject these claims.

I am satisfied that Lobegeiger and Bull did not have a sexual relationship. The picture which emerged from all the evidence upon which I could rely was that they were long term friends and companions. It would appear that they had many things in common such as the welfare of Lobegeiger's daughter and the love of animals and nature.

Another incident suggested to Bull by Carew as being indicative of an intimate relationship between her and Lobegeiger was one which she had described in evidence at Saunders's committal hearing. Bull was examined by Carew at length about the incident. The relevant examination is set out in full:

The year was 1981, Mr Carew. The date, it was either 29 or 30 August. That week-end, Allan had come from the Gold Coast and was at my home late in the evening when there was a loud wailing of a police siren, an extended wailing. He - I commented to him next morning it was an unusual occurrence in our neighbourhood. He said nothing. I think it was a little bit later, on 2 September, I was in my office with a colleague and I received a phone call then from a male person.

Yes?---Is this the - - -

Yes. What did he - - -?--- - - - call you're referring to?

It is. What did he say?---The person said, 'You do not know me. I am a member of the task force and I think you
should know that Allan is playing around with my girlfriend.'

And then, as a result of that, did he say who the girlfriend was? I asked. I said, 'And who is your girlfriend?' And he said, 'She is the only female member of the task force.' I - and then terminated the call.

Yes? I then - I couldn't immediately remember Lorrelle's name. I had met her on occasions, the last one being up at Cairns, but I couldn't remember her surname. So in the first instance, I had tried to telephone Allan at the Gold Coast, couldn't get him, because I thought there was something sinister in the overtones of the conversation and also connected it with the siren incident which had preceded it some time before and I thought that it was something that was staged to defame both Ms Saunders and Allan Lobegeiger. I couldn't get Allan so I phoned the task force; was told that Lorrelle was not there. Spoke to another officer there and obtained her surname from that conversation.

Yes. And where did you get her telephone number from? That same source.

The person at the task force? Yes.

All right. And why did you phone her to ask her about this - whether or not she was going around with Allan Lobegeiger? I didn't - - -

Why don't you take it up with Mr Lobegeiger? I've already told you, I couldn't get in touch with him.

Did you think it was something that you had to act on immediately, did you? No, but I was concerned because I - it had, as I said, unpleasant and sinister overtones.

Yes, you said that, but - - -? Yes, yes, I did say that.

- - - you had to act on it immediately, you thought? No, I did not act on it immediately. I already
had a colleague and was busy in my office.

Well, you knew where Allan Lobegeiger was during those days, at that time?---I did not. He was at the Gold Coast. I didn't know what his business was.

Yes, he worked at the Gold Coast?---Yes, that's correct.

But you were a good friend. You could have left a message for him to return your call?---Perhaps I could have but I was equally friendly - I thought Lorrelle Saunders was such a nice person, I thought she would be concerned that her so-called - - -

I am sorry, you said you were equally friendly with Lorrelle Saunders?---Well, I wasn't friendly. I'd met her but she seemed a very nice person to me.

You had, in fact, only met her on, I think, two occasions, previous to that?---I had met her on - and her mother - I had met her, actually, on four occasions.

Four occasions?---Yes.

She and her mother?---No, not always her mother - - -

But Lorrelle Saunders?---but I had met Lorrelle on four occasions.

All right?---So I thought that, as I couldn't get Allan - - -

But you could not remember her surname?---No.

All right?---I could not.

See, I suggest that it was the fact that you and Mr Lobegeiger did have an intimate relationship and that you were affected by this phone call. You wanted to find out whether it was true?---I can't help if you can't understand me, Mr Carew.
I am suggesting it to you. You can deny it?---I am denying it. It seems fairly simple when I say we didn't have, to me. I am suggesting to you the reason I phoned Miss Saunders home, I did not speak to her, I spoke with her mother, found out she was asleep, I asked for her not to be disturbed and that was the end of the call.

No, it was not?---I had decided not to do any more about it.

I am suggesting that that was not the end of the conversation. You, in fact, left a message for Lorrelle Saunders to call you?---That is a lie. I said, 'I will call back later,' and I had already decided that I wouldn't bother. I would wait until I saw Allan. Her mother did not know who I was. I did not give my name.

Yes. All right. Now - - -?---And very shortly afterwards Lorrelle Saunders telephoned me saying, 'Are you looking for me?'

Yes?---I did not - at that time I was stunned. I didn't know how - why she would expect that I would be calling her since I didn't give my name.

But you had rung and said who you were, did not you?---No, I had not.

You did not tell her mother who it was when you rang?---No, I did not.

You said to her mother, 'I'll call back later,' but you did not say who you were?---No, I did not.

I suggest, Miss Bull, that you are - that is not consistent with your personality. You appear to be a very polite woman?---I am, Mr Carew.

Now, I suggest, that you would have left your name?---I did not. I think that has nothing to do with politeness. I would say it has more to do with discretion.

And later:
Well, why, then, did you decide to phone Lorrelle Saunders on 2 September? You went to quite a bit of trouble to find out her phone number, did not you? You could not initially remember her name?---Correct.

You rang the task force. Asked who it was that?---Correct.

--- was the only female officer. Found out her name, her phone number?---Correct.

--- and then phoned her residence?---Correct.

Now, I am suggesting that is the actions of someone who was very concerned about the intimate relationships of Mr Lobegeiger?---Well, you can suggest whatever you like, Mr Carew. I am telling you I am concerned with Allan's position in the police force and at that stage, Lorrelle Saunders's position, even, and I thought that the allegation by her so-called boy-friend in the task force was an attempt to damage both their careers.

I accept Bull's explanation of this incident. It appeared to me that Bull was genuine in her account that she had been attempting to take some action to remedy the damage which may have been caused to Saunders and, in particular, Lobegeiger.

This conclusion sat comfortably with other evidence presented before me. On a number of occasions in evidence at the committal hearing Bull stated that she felt "sorry," or "very sorry," for Saunders. In evidence before me she expressed the same sentiments as can be seen from the following passage from the transcript:

We [Lobegeiger and Bull] discussed it [the relationship between Lobegeiger and Saunders] because following Lorrelle's visit to my home, she had contacted me many times on the telephone and I did, indeed, feel very sorry for her as she was very distressed and seemed unhappy about the way her and Allan's relationship was going. For some reason, she seemed to think that I was, in fact, the reason that it wasn't progressing as well as she had hoped.

I had no difficulty accepting these sentiments as genuine. Support for the
proposition that she had held a sympathetic view of Saunders's predicament can be seen from the fact that she sent to Saunders a card of sympathy on her mother's death.

3.4 Saunders's perception of Bull

The first thing that struck me when reading Saunders's Legal Aid material and the 67 page statement to her solicitors was the surprising number of references to Bull. Bull's relevance to the charges against Saunders was peripheral and minimal. The extent to which reference was made to Bull by Saunders was completely out of proportion to the significance she had as a witness against her.

The police had obtained a statement from Bull dated 28 July 1982 for the purpose of her giving evidence at Saunders's committal hearing on the first three charges. It commenced with a very brief description of her initial contact with Saunders and outlined the telephone call of 2 September 1981 to which I have already made reference. It also described:

- an uninvited visit on 4 September 1981 to her home by Saunders in which Bull claimed that Saunders acquainted her with details of her (Saunders's) personal relationship with Lobegeiger. In the statement Bull described Saunders sitting down on the sofa when she first arrived, unstrapping a revolver from her leg and placing it beside her, saying it was uncomfortable. The statement added that Bull had visited her doctor earlier that day and she had taken some sedation. She was suffering the effects of this sedation and some alcohol she had been consuming. Saunders gave evidence that this meeting was not an uninvited visit to Bull's home but that it occurred in response to Bull's cry for help during a previous telephone call to her by Bull. Saunders also gave evidence that during this meeting Bull gave her intimate details of her relationship with Lobegeiger;

- a telephone conversation from Saunders to her on 23 September 1981 in which Saunders was stated to have said, amongst other things:

  Allan is such a liar, I hate him for what he has done to me.

Saunders denied making this call in the Legal Aid material;
how on occasions, mostly in the evening, the telephone would ring but no-one spoke when she answered it;

- the receipt of two telephone calls from male persons on 17 February 1982 and 24 February 1982, respectively;

- that on 19 February 1982 when she was at Gatton with Lobegeiger and some men who were working on his property she saw Lobegeiger drive past her towards the higher part of the property and then heard a gun shot followed by a second and louder shot. In the distance she saw Lobegeiger standing facing another person who she assumed to be a male;

- that on the evening of 24 or 25 February 1982 Bull received a telephone call at her home from Saunders. During this phone call Saunders accused her of harassing her 80 year-old mother and accused Bull’s friends from Ansett of making abusive phone calls to Saunders’s home. Saunders denied making the phone call in the Legal Aid material.

Bull maintained before me that this statement was truthful and I accept her unreservedly in this respect. Her evidence at the committal hearing, although marginally more detailed, was in all relevant respects consistent with her statement. From a consideration of this evidence it is clear that in relation to the original three charges laid against Saunders Bull’s evidence was of little consequence.

As well as the references to Bull spread throughout the hundreds of pages of Legal Aid material and the 67 page statement to her solicitors, there were 32 typed pages of notes prepared by Saunders specifically for the purposes of the cross-examination of Bull. The first 17 pages of notes were prepared according to Saunders on 8 June 1982 for the benefit of her then solicitor, Shane Herbert³. The next 15 pages were prepared on the face of them whilst Saunders was in prison and refer to the evidence given by Bull and Lobegeiger at the committal hearing, as well as to "recent information re Bull."

The notes went into extraordinary detail about each and every meeting or telephone conversation Saunders claimed to have had with Bull. The

³ In July 1983 Shane Edward Herbert returned to the Bar. Since that time he has taken Silk and further reference to him in the report will be as “Herbert QC”.

conversations were recorded in the first person. Some conversations which had occurred ten months earlier were written in such detail that one could have been forgiven for believing that the notes were a transcription of a tape recording of the alleged conversation rather than an unaided subsequent recollection. Saunders claimed that the notes were factual and accurate to the best of her recollection. The conversations paint the picture of Bull being jealous of Saunders because of Saunders's relationship with Lobegeiger. It also paints Bull to be obsessive, suicidal, and threatening towards Saunders and her mother. The notes also record supposed conversations in which Bull states that she was having sexual intercourse on a continual basis with Lobegeiger. I do not intend going into great detail concerning these notes as they contain extraordinarily personal and intimate details of what Saunders claims Bull had disclosed to her during the conversations. Bull denied in evidence before me having disclosed such matters to Saunders and she also denied the truth of some of the matters said to have been discussed.

I will however set out an extract of the notes which is representative of the majority of the 32 pages. This extract appears at page 2 of the notes titled "Information for Shane Herbert ... Cecily Bull c/e" and is dated 8 June 1982. They relate to supposed conversations between Bull and Saunders which were said to have occurred in September 1981, that is, approximately ten months before the notes were typed by Saunders.

*Following AM. about 9 AM phone call from Bull.*

**CB.** Lori please I have to talk to you. I couldn't go to work I've had some tablets. I've been drinking wine with them. I was going to kill myself. You know my identical twin sister did and my father. I might as well join them. I've been around to your place. I got your address out of the phone book. He was there last night wasn't he. When it was nearly daylight I walked around to your place. It's beautiful. I envy you your house and your youth. I was going to go through the paddock. I wanted to see the side and the back garage. Where is your bedroom.

**LS.** Upstairs why?

**CB.** I'm just interested. What's at the front downstairs.

**LS.** Lounge and spare room why?

**CB.** I've caught Allan in bed with a woman before. I climbed up and looked through in the bedroom at
Cleveland. I was coming around to see if I could see him or hear you. There was this awful noise coming from the paddock. I was frightened. My poor little dog was shaking.

LS. The neighbours cow had a calf. But we've got high fences. I could climb them but you wouldn't make it.

CB. Are you insulting about my age?
LS. No, not at all. You're too short.
CB. Did you? Did he have sex with you?
LS. For heavens sake Cecily I feel for you but I'm not discussing our sex life with you.
CB. There's nothing to live for. I'll kill myself.
LS. Don't be stupid. No-one is worth that. Pull yourself together.
CB. Will you come over and talk to me.
LS. No I can't I have to take Mother out. Allan has told me to hang up on you. I shouldn't even be talking.

CB. He was rotten to me yesterday. He can be so cruel. I've got no friends I can turn to. I can talk to you because you can understand. I swear he has been having sex with me all the way through.

LS. He denies that.
CB. He always does. Do you know a doctor I can go to.

LS. Haven't you got a family doctor?
CB. Not one I can go to like this. I need some more pills.
LS. No I don't. (I was worried she may try to get a double prescription).
CB. Could you come and take me to a doctor. We'll find one I don't feel like driving.
LS. I'm sorry I really have to take Mother out.
CB. Come over and talk to me.
LS. I can't. Look find a Dr. if you must. I'll ring you this afternoon and see how you are.

... I did as promised and the phone was answered by a woman who identified herself as Cecily's neighbour. She said Bull had gone to the Coast.
Sat. evening about 6.10 pm I was in the office at the Task Force.
CB. Lori come over. I'm going to kill myself. I've never been so humiliated in my life. Have you heard from Allan. Where is he.

LS. I assume he is at Gatton. He was going there for the weekend.

CB. I thought he might have told you about last night. I went to the coast. It's so humiliating I want to die. At least I would be with my Sister Myrna.

LS. Cecily I have to go. I'm working. The boss wants me.

CB. Don't go. Talk to me. Come over. If I'm alone I'll end it all.

LS. He rang me this morning after you left. There's nothing I can say.

CB. Did he tell you about last night.

LS. He said you were down there upset. Ripped some of the curtains of the windows. Thought you were dead in the driveway. I have to go.

CB. I know I saw the car. I was waiting for him to leave. I was going to make him pull up and talk to me. I wanted to tell him what I thought of him. I must have passed out. I woke up and he was gone. I'm sorry. Then I drove around and sat up near the bus stop. I had my little dog with me.

LS. The Senior is looking for me.

CB. I need your help. Isn't part of your oath of service preservation of life. After I talked to you yesterday I went to the doctor and got some tablets? Mogodon. I drank some wine, quite a lot of wine. I don't know how but somehow I drove to the coast. I was in the drive waiting for him to come from work. I told him I was going to kill myself in the driveway. He told me to get in the house they'd see us from the station. That's all he was worried about - the Dept. How would he explain my dead body in the driveway. We argued. He ran out and got his gun and unloaded it. He was so frightened. Then he hit me. He's good at that. Does he hit you?

LS. We've had a few arguments.

CB. Then he hid the empty gun. I took all my clothes off. He told me you always go to bed without clothes so I thought if you can. I can. He made a
point of telling me how you always slept naked and how much he enjoys it. I got into bed. He was telling me to get out. He was panicking. He thought I was going. I had so much. Then I pleaded with him to make love to me for the last time. He wouldn't and then through the night I felt him check if I was still breathing. I was holding my breath and he touched me. I wanted him so badly. Oh Lori I feel so awful and he took me. He didn't care. All he wanted was to satisfy himself. He hurt me. There was nothing and he rolled off and snored like a big pig. I feel so dirty. I can't live. If my dear sister could see me. Please come over. I implore you.

LS. I'll ring you later. I do have to go. There's a conference on. Don't do anything stupid.

Bull vehemently denied this specific conversation had occurred. Bull stated that she had attempted to call Saunders on only one occasion, that being a different one from the one Saunders described above. I reject Saunders's account completely for the following reasons:

- I accept Bull as a reliable and truthful witness and her denials were consistent with her previous account of events in her statement and in evidence to the Stipendiary Magistrate;

- The conversations as recorded included details which no person could recall after ten months;

- Some of the supposed conversation to my mind is absurd and unrealistic, for example, the claim by Saunders that Bull stated, "I need your help. Isn't part of your oath of service preservation of life." I do not accept that Bull would have spoken in such terms; and

- This conversation supposedly occurred after, at best, a handful of conversations between Saunders and Bull. I accept Bull's evidence that she would not have divulged such matters to Saunders. To me it would be extraordinary that any person who had such little previous contact would make revelations to a virtual stranger. It is even more unlikely when the person to whom the revelations were purportedly being made was the person who had been ostensibly thwarting Bull's continued relationship with Lobegeiger.
I am fortified in my views by reference to other parts of the 32 pages of notes where similar unrealistic conversation and far more intimate details are supposedly exchanged between Saunders and Bull. Another significant factor was the way in which Saunders gave her evidence concerning Bull. Although the notes make out Saunders to be a compassionate and caring person expressing feelings of concern for Bull, on many occasions before me she spoke of Bull in a contemptuous and venomous fashion. On most occasions the volume of her voice increased dramatically. The demeanour of Saunders in the witness box was completely at odds with the role that she was supposed to have played in the notes.

I have no doubt that the conversations recorded by Saunders, where they conflict with the evidence of Bull, were a fabrication designed to show that a sexual relationship had been in existence between Bull and Lobegeiger, that Bull was obsessed with Lobegeiger and that Bull was suicidal. I reject completely these implications. I am also convinced that Saunders believed that Bull and Lobegeiger had had a sexual relationship in the past and that the relationship was to some extent continuing whilst Saunders was endeavouring to extend her relationship with Lobegeiger. It is this belief that caused Saunders to detest Bull and no doubt is to some extent responsible for Saunders making up the conversations recorded in the notes. It flows from this conclusion that I also consider that Saunders was jealous of Bull, not vice versa, as suggested by Saunders. I am satisfied of this notwithstanding Saunders's denial that she was jealous of Bull.

There is ample support for my conclusions that Saunders detested Bull and was jealous of her. I will now set out in some detail a number of matters which support this. They are:

(a) A letter written by Saunders to Lobegeiger in February 1982

In the Whitehall material is an undated letter from Saunders to Lobegeiger which commences:

_allan, firstly i'd like to explain why i phoned you on Wednesday evening 24/2._

A check of the hundred year calendar confirms that the only Wednesday evening which was the 24th day of February in the early part of the decade was in 1982. At page 2 of the letter the following appears:

_I don't blame you for being angry with me - but_
Christmas/New Year and then your birthday, your preference for another's company, can you understand the hurt and then your holidays - I can understand the work you have to do - I respect that in you. What has upset me is that she is able to go up [to the property at Gatton] and help you and share your plans - your future.

The "she" referred to is clearly Bull. The passage is the strongest indication that Saunders had been jealous of Bull notwithstanding her claim before me that she was not.

(b) Knight's evidence concerning his perception of Saunders's association with Bull

The following exchange between Knight and Counsel Assisting appears in the transcript of evidence:

Yes, okay. Well, that is the only occasion you have seen them in each other's company apart from being on duty as police work, is that correct?---That's all I can remember.

Yes, okay. So you have got a recollection that when you were working together that Saunders was making phone calls to either Lobegeiger or Bull, is that right?---Yes, well, she would make phone calls. I never went with her.

When you say 'she made phone calls', what, do you stop the car - - -?---Yes.

- - - she would go to a public telephone box?---I normally drove and she'd be talking or something and say, 'Look, I've got to make a phone call', so I'd pull up at a phone box and she'd make her call.

Because of what she said, either before she went away or when she came back, you would assume that the call was to either Lobegeiger or to a woman called Bull, is that right?---That's right.
And the position seemed to be that she was checking on whether there was a relationship, sexual relationship, between Lobegeiger and Bull?---That's right.

Because the impression you had was that she was jealous of the possibility of there being another woman; she did not want to share Lobegeiger?---That's right.

Is that the position?---Yes.

Later in the transcript the following exchange occurs:

All right. You said Sergeant Saunders was always checking on people. What do you mean by that?---Well, she wasn't certain whether Lobegeiger and Bull were still an item.

I see?---And when she rang Bull's house I assume it was to check to make sure that a female answered the phone and when she rang Lobegeiger she was checking to make sure a female didn't answer the phone.

Well, why record? still got no idea?---Beg your pardon?

- - - - why record this particular one?---I don't know.

You see, she was asking you to do something unusual, I suggest to you: that you start off recording a telephone conversation that she wanted you to initiate when she came on and started to talk to Lobegeiger?---Mm.

Did not you get any explanation as to why you were being asked to do something unusual like that?---I think she was just trying to catch him out in a lie.

What, catch him out in a lie on the phone and then
record it; is that what you mean?---It's the same thing. Record the conversation and then have some sort of evidence - well, not evidence, but some sort of copy of what was said.

I see. And what was the lie that she was trying to catch him out at?---I don't know.

Although Saunders claimed that Knight had not recollected the events correctly and had made unjustifiable assumptions about the telephone calls that she had made, I reject her evidence in this regard and accept that of Knight. It is clear that Knight believed Saunders to be jealous of Bull and he also believed that she had tried to keep a constant eye on Bull's whereabouts by making telephone calls to Bull. This is in accord with Bull's account in her statement of 28 July 1982 where she stated:

*On other occasions, mostly late in the evening, my telephone would ring but no-one spoke when I answered it.*

It is also consistent with Bull's evidence before me where she said:

*/For some reason she [Saunders] seemed to think that I was, in fact, the reason that it [the relationship with Lobegeiger] wasn't progressing as well as she had hoped.*

I have no difficulty in accepting that the calls were from Saunders who had been trying to ascertain whether Lobegeiger was with her or whether she had left her home and presumably gone to see Lobegeiger.

(c) The evidence of Saunders's co-accused, Colin Stanley Cooper

Cooper in his record of interview with police on 8 September 1982 had stated the following at question 105:

*On Monday, that was two days ago, myself, Sue and Lorrelle, arrived at the airport at about ten to five pm, sat in the bar at the Ansett Terminal, when Lorrelle spotted her she said here she comes get a*
good look. She said, look at the old bitch, isn't she ugly. We finished our beers and followed her out of the airport, got into our car in the car park, paid the thirty cent fee, and caught up with Cecily along Sir Kingsford Smith Drive, where we followed her over the Story Bridge.

And then at question 106:

Q. What happened after you followed Cecily Bull over the Story Bridge?

A. She turned up one of the Freeways over the Story Bridge a fair way down and we continued to follow her and she turned off the Freeway to her left and we continued to follow her off the freeway for two or three miles before Lorrelle turned off and we just drive, back to her place then.

Although Cooper claimed in evidence before me not to have been able to recall all of the events of 1982 because of an alcohol problem, in his statement to the Commission dated 12 March 1993 he stated that he believed that he did attend the Ansett Terminal as described in question 105 so that Saunders could point Bull out to him. He could not however recall the contents of question 106. I accept Cooper's account as it appeared in the record of interview. It (including the answer to question 106) was corroborated by Bull in a statement to police on 18 November 1983 in which she says:

Saunders was driving the vehicle. There was a young female in the front passenger seat and a young dark haired person in the rear of the vehicle. When I turned into River Terrace, the accused followed behind. I again looked in the rearview mirror and saw Saunders, who appeared to be highly elated, laughing and turning and talking to the persons seated beside and behind her. She raised her right hand and shook it.

This was extraordinary behaviour on the part of Saunders. It is a clear example of Saunders's attitude towards Bull.
The incident which occurred at Mount Berryman on 31 March 1984

Although occurring some time after the nolle prosequi had been entered in respect of the final charge against Saunders this incident at Mount Berryman was of some significance. A statement was provided by Bull on 6 April 1984 and by Lobegeiger on 9 April 1984. Bull's account before me was consistent with her statement. Their statements are not inconsistent with each other in any great respect. It is not in dispute that on Saturday, 31 March 1984 Lobegeiger and Bull were at Lobegeiger's home at Mount Berryman. Lobegeiger claimed to have seen a car travelling very slowly past his property. It caused him to suspect that something untoward was occurring. He obtained his rifle from his motor vehicle and placed the scope to his eye. He claimed to have seen a male person on the ground holding what he thought to be a small handgun pointed in his direction. He then decided to return to the house to ring the police. As he drove back down the hill he recognised Saunders rise up to her feet in some lantana which was situated on his property. She was waving her arms around but he could not see whether she was armed. He returned to the house and asked Bull to ring the Laidley police and said that Saunders and a mate were around; one of them being armed. Lobegeiger claimed that Saunders and her companion then drove towards them, stopped the vehicle and Saunders alighted, putting on a police hat. He told her to get off his property but she ignored the warning and kept coming up to the front of the house and halted a short distance from the bottom step. Lobegeiger claimed that once again he told her to get off the property but Saunders indicated that she had every right to be where she was. A conversation between Saunders and Lobegeiger then took place. According to Lobegeiger Saunders then spoke to Bull and said:

*Listen Lady, I've just started on you, I am having you investigated right now for all your bird smuggling and drug running. I met someone while I was in the Boggo Road jail who knew all about you and your heroin deals in a wine bar in Melbourne. I haven't finished with you yet, I've just started.*

After repeated calls for Saunders to get off the property Saunders maintained a stream of abusive conversation which Lobegeiger
ignored. Saunders then walked back to the car and drove off.

Saunders in her statement dated 12 July 1984 stated that she was looking at property in the area and had gone to the top of Newmann Lookout for this purpose. She stated that she was aware that Lobegeiger had a property in the Mount Berryman area but not aware of its specific location. With her was Roy Coomer. She claimed that a shot was fired at her and she went on to the property to investigate it. (Neither Bull nor Lobegeiger claim to have heard a shot.) The statement records the following conversation occurred after she had settled Lobegeiger down:

*Allan said to me, 'I don't want to talk, you wrecked my life, you ruined my career.'*

*I said, 'Garbage, your lies did it. I spent ten months in Boggo Road because of them and your friend there, high class prostitute, drug dealer and bird smuggler. Wake up, Allan, she set us both up or are you involved too. I've never wanted to believe you were corrupt. Where did you get all your money and property.'*

And later in the statement:

*At this point Bull returned and said, 'I feel sorry for you.'*

*I said to her, 'Not as much as I do for you. I recall you using those words in the Magistrates Court. Went well with the rest of your lies. Allan ask her about John Howell and Roberts and her boss at Ansett and let's not forget Cecily, you're a high class pro, well known in Ansett if you have the position and money you are available and of course there's the drugs and the birds.'*

Coomer gave evidence before me but had little useful recollection of these events. Indeed he stated he was terrified throughout and only wanted her to leave. Saunders maintained before me that her statement was accurate. I do not accept that Saunders was unaware of the specific location of Lobegeiger's property. I am supported in this by reference to a copy of a memorandum dated 21 September
1983 on a police file titled "Complaints Against Police" tendered before me. The memorandum signed by the Deputy Commissioner asked for urgent investigation to be carried out on the owner of a vehicle who had been spoken to by Lobegeiger on his property at Mount Berryman on 16 September 1983. The registration number of the vehicle had been provided by Lobegeiger. It was owned by Joy Hallett a close friend of Saunders. The driver had, according to the memorandum, approached Lobegeiger on that day and told him that Saunders wanted to see him. Lobegeiger had told her to leave the property. Hallett was interviewed by police at the time but denied having driven to the area. She claimed Lobegeiger had made a false complaint. One is forced to wonder why Lobegeiger would have had any cause to falsely complain about Hallett's actions and I doubt that he did. It would seem Saunders knew very well where Lobegeiger then resided.

It is clear that in her statement dated 12 July 1984 Saunders had made very serious allegations against Bull (and Lobegeiger). When Counsel Assisting questioned Saunders about these allegations the following exchange took place:

I mean, that was just absolutely defamatory and ridiculous accusations that you were hurling at Bull?---Well, she and I have hurled a lot of defamatory accusations at each other over the years.

But you had not the slightest evidence that she was a high-class prostitute, a drug dealer or a bird smuggler, did you?---I'd hear rumours about her?

You heard rumours, and was that your attitude - you would go there and you would shout these abusive rumours at people, you, a - at that time you were a sergeant of police again?---No, I wasn't a sergeant.

Senior constable?---I was just reinstated, still in a very bad emotional state. I wasn't having any counselling, and a verbal altercation developed between the three of us.
These were clearly defamatory, ridiculous and vicious accusations made by Saunders against a person whom she detested. There was not a skerrick of evidence to support the allegations. To my mind they were designed to humiliate and belittle Bull who Saunders thought had replaced her in Lobegeiger's affections. Once again it was extraordinary behaviour by a member of the Police Force even if one allows for the emotional state in which she claims to have been. This was a clear example of the harassment by Saunders of Bull and Lobegeiger.

(e) The references to John Howell

There are numerous references to a John Howell in the Legal Aid material and other previous statements written by Saunders. His significance in relation to the charges originally laid against Saunders is not at all obvious. The only significance seems to be that Saunders believed he may have had an illicit relationship with Bull. Presumably Saunders wished her solicitors to question Bull about Howell in an attempt to embarrass Bull and to try to establish to Lobegeiger that Bull had an illicit association with another person. The following entry from the Legal Aid material in the notes referring to Crown Witness - Cecily Bull and headed "Recent information re Bull" is an example of a reference to Howell.

(A few police officers. who don't want to get involved in court proceedings have been keeping a patrol around 75 Denham Tce [Bull's residence] when possible ...)

From Friday evening 25th Feb 83 until Sun afternoon 27th Feb 83 Ford sedan registered number 086-OOA parked in Bull's driveway.

This vehicle is registered to John Wilson Howell of 17 River Terrace, Surfers Paradise.

Bull's vehicle was absent from Fri 18/3/83 to Sun 20/3/83.

On the 26th March 1983 Saturday veh. reg. no.
PZK-696 was in driveway ... still waiting on check.
Approx 6/2/83 vehicle in drive late at night ....
337/OEF or 337/OCF reg. to the Dept of Welfare.

John Wilson Howell is the ex-licensee of the
Queensport Hotel and her 'man' for about 30yrs.
Story around was that he got out of the hotel when
all this started to blow up because worried of what
would be uncovered and that he and the hotel
would become involved ....

I would have thought these details had absolutely no relevance to
Saunders's defence. They relate to events which apparently
occurred many months after her arrest. The name Howell, of
course, appeared in Saunders's statement relating to the Mount
Berryman incident described above where she ostensibly tells
Lobegeiger to ask Bull about Howell and another person, Roberts.

(f)

The "Dear Snow" Letter

Interestingly enough the name Howell turned up in one of the
letters in the Whitehall material. It was located by Lobegeiger's
daughter with the other correspondence from Saunders. It is dated
8 September 1987 and strangely enough it is typed but not signed;
there is no indication of the author other than from the contents. It
is addressed to "Dear Snow," which was apparently a nickname
given to Lobegeiger. It is worth setting out in full.

London. U.K.
8th September 1987.
Dear Snow,
It was my intention to visit you before the wife and
I left Australia.

However, what with the last minute preparations
and the inquiry I thought it better to write.

I have managed to obtain some papers from home
and it would appear from the press items that there
is much to come out.

I can't help but think of our early days in the Force
and how idealistic we all were, you especially.
You and Atkinson were such good mates. I don't
know how you feel about things now but I want to pass on to you some of the information (for want of a better word) I gleaned over recent months. I'm sure you'll understand that I can't be as explicit as I could be if I had seen you personally as one can't trust mail or telephones. I do believe, however, that telephones are the worst.

Firstly, don't trust Syd or any of his followers. They're looking for sacrificial lambs.

Matters being 'looked at' which may be of interest are: Overseas travel by Cecily Bull and John Howell (Surfers).... this is being checked back to at least 1973.... shortly before my retirement I inadvertently saw a file and I made a note of a few details to pass on to you.... I have always admired you and know how you have been used.

Arrived and departed Sydney
1973 - 3 June - 17 June - Bull and Howell Pan Am flight 812.
1975 - 27 September - 14 October - Bull and Howell Qantas flights 723/728 Arrived and departed Eagle Farm.
1977 - 3 July - 18 July - Bull and Howell - Departed Eagle Farm New Zealand Airlines Flight TE 954 and returned Qantas flight 43.
1979 - 8th May - 10 May - Bull - departed Qantas flight 723 Eagle Farm and returned Qantas flight 728.
1981 - 30th April - 7th May, Bull departed Sydney Cathay Pacific flight 100 and returned to Sydney on Cathay Pacific Flight 101.
Travel by Bull to Norfolk Island in 1985 and 1986 from Brisbane.

Inquiries are also being made as to why Bull consistently changed current passports in 1971/73/79/85 and the last one G853648 which was issued on 16th October 1986 for travel in November to Norfolk. I'm sure the obvious explanation does not elude you.
It would appear that Bull and Howell have been involved in many things from the running of the Australian National Hotel, East Brisbane to the Hemmant Hotel to interests in the Airways Hotel, Hamilton and the Zebra Motel, Brisbane. I understand their interest also extended to other areas but I only took details of the above.

You have been through enough and I don’t want to see you the ‘scapegoat’ in this current mess. Before I close, another thing. Murphy arranged for young Saunders to be set up by Dodd. Atkinson was also involved.

I’m sorry things didn’t work out for you there. There were many of us who thought that with her you’d find the happiness you so richly deserved. It seems that there were people very determined to ruin your chances of happiness with her and thought nothing of ruining her life in the process. You may have heard that she is now a sergeant at Oxley. She is a fine young woman and much admired for the way she handled the ordeal. I understand that she is very unhappy and refuses to mix with her fellow officers. I’m sad for both of you and for what they did to both of you. I know that many of my colleagues feel the same.

Many of them envied you - able to have the love of a woman so much your junior that would have the total understanding of your profession. Anyway mate, good luck. I’ll be in touch when I return.

The letter’s reference to the author leaving Australia with the author’s wife, the extract “what with the last minute preparations and the Inquiry I thought it better to write”, the fact that it was not signed, coupled with the date of the letter, and that it obviously came in an envelope posted from England, no doubt intended to give the impression to Lobegeiger that it had been written by Jack Herbert whilst in England, where, it was then rumoured, he had fled from the Fitzgerald Inquiry. Herbert of course had retired from the Police Force in the late 1970’s and this makes one wonder about his possible knowledge of the enquiries “being made” as to
why Bull had "consistently changed current passports" in 1981, 1985 and 1986. Saunders did not consider that it could have come from Herbert. Significantly, the date of the letter and the postmark indicate that it was sent at a time when Saunders admits she was trying to re-establish a close relationship with Lobegeiger, further reference to which I will make later in the report. Comparison of the content with undoubted and admitted expressions of Saunders make me think that this letter was written by her with a view to rekindling Lobegeiger's affections. First of all it was aimed at establishing extensive contact between Bull and Howell. This was no doubt so that Lobegeiger would believe that Bull and Howell had some form of illicit relationship. It was also designed to show that Saunders loved Lobegeiger and that there would be great support within the Police Force for such a relationship. Furthermore the letter was designed to show that Saunders had been set up by alleged corrupt police officers, thereby leaving Saunders blameless in her previous dealings with Lobegeiger.

There were three other factors which have assisted me to conclude that the letter was written by Saunders. First, when Counsel Assisting provided the letter to her to read Saunders was obviously shaken. Her voice was barely audible and her head sank. The letter had been fingerprinted beforehand to see whether any fingerprints were located on it. No such prints were located; but it would have been clear to Saunders from the pink dusting powder on the letter that it had been fingerprinted. When asked whether she had seen the letter before and not knowing whether there were fingerprints on the letter she provided the explanation that Lobegeiger may have shown it to her at some time. It would indeed be extraordinary if, it having been shown to Saunders by Lobegeiger, she made absolutely no reference to it either to the Fitzgerald Commission or in her extensive claim for compensation made to the Government in 1989. If the letter were to be believed here was Jack Herbert confirming that she had been set up by allegedly corrupt police. I reject her evidence that it may have been shown to her by Lobegeiger.

Secondly, the information relating to Bull and Howell could only have had relevance to one person (with the possible exception of Lobegeiger), Saunders herself. The possibility that anyone else would have retained this information and then communicated it to Lobegeiger is too remote to be accepted.
Thirdly, Lobegeiger had obviously kept the letter with all Saunders's other correspondence to him which suggests he concluded that Saunders was the author.

(g) The Hemmant Cemetery drawings

In the Legal Aid material there was reference to a visit by Saunders to the Hemmant Cemetery on 18 August 1982. As part of that entry are drawings made by Saunders of gravestones of the Bull family. She had drawn a plan as to where the graves were situated and had copied down their epitaphs. In examination in relation to these entries by Counsel Assisting the following exchange takes place:

Why, yes, why did you do that. What possible interest was that to you?—Because she gave evidence that I just turned up at her house. I had gone there because she was suicidal. I knew that from what Lobegeiger had said and what she had said that there was suicide, and I was looking for, I guess, just going to prove it.

You were trying to establish the fact as to whether there had been any suicide in her family, is that right?—Yes, I think so.

Okay. And you also went to the public library on the same day and started to consult The Gympie Times, did not you. Was it The Gympie Times you consulted to look back, and having found the date of death of the relations, to try to find out ——?—Well, I don’t recall that. In fact, I had completely forgotten about this, you know.

Yes, yes?—But, yes, I would have gone to the state library.

That is right. And that is the way you came into possession of the fact that unfortunately there had been some suicides in their family. Is that right?—Oh well, I believed them when they told me there had been.
Yes?---But I wanted to prove it.

Okay you wanted to prove it. But for what possible purpose, to sort of discredit her with Lobegeiger?---No.

It had nothing to do with your case?---Yes, it did.

Did it?---To ask her about it. Look, I just didn't turn up there, I went there because I was totally sick and actually vomited because I really believed that she was going to kill herself.

Yes?---And then she certainly gave very conflicting evidence just before this about that visit, and about suicides.

This is 18 August, this is well after the visit when you claim she was going to suicide?---But she did not give evidence in that until about, what, 14 August, or something.

Yes, I see. Well, what relevance did it have to your case?---Well, at the time I thought it had relevance. I mean you keep going back to what relevance and how I acted.

Yes?---But what about the mental state I was in when I was doing all this, you know, you tell me.

The information that was gathered there, of course, found its way into the Legal Aid material we saw yesterday, those pages of material that deal with Bull, do not that?---Oh I don't know.

Well, you could sort of look at it again, if you like?---I would need to.

Yes. And what I am suggesting, it is the old verbal again, that you researched all this material in August and then typed it out saying it was something that Bull had told you much earlier in
the year?---Rubbish, Mr Hampson.

It is rubbish, is it?---MM.

Once again this confirms Saunders's bizarre preoccupation with Bull. The matter had no real significance to her defence.

In the above exchange reference is made to a conversation in which Saunders was supposed to have been told by Bull of the deaths in the Bull family. This is the conversation of 4 September 1981 which Bull described in her statement to police on 28 July 1982 and subsequently to the Stipendiary Magistrate. As previously indicated in the report Bull had stated that Saunders had arrived on 4 September 1981, uninvited, at her home in a distressed state and disclosed to her details of her (Saunders's) relationship with Lobegeiger and the difficulties the relationship was experiencing. Bull conceded that she had only a slight recollection of the conversation as she had been on sedation because she had been ill. On the other hand Saunders stated that she had attended Bull's house as a result of the telephone conversation to which I have previously referred. Saunders claimed that during the visit to Bull's house Bull was crying whilst relating to Saunders her medical history, intimate details of her romance with Lobegeiger and other information such as suicides of members of her family.

Bull was examined by Carew concerning this meeting with Saunders. The following exchange took place:

Now, did you often take sedatives?---No, I did not.

How often?---Very rarely.

How rarely?---Well, Mr Carew, it was probably when I needed them when I was in a stress situation in my employment. It was very, very rare indeed.

Well, can you just give me some idea? Was it once a year, once a months, once every six months?---About I don't know, it's hard to estimate, but I didn't really approve of it. It was only to make me sleep when I had a lot of problems. I would say perhaps maybe twice a year.

All right. Now, on those occasions when you have conversations, when you were in that - under the influence
of the sedatives, you would have problems remembering the conversations, would not you?---I'm quite sure, unless I talk in my sleep, if I were sleepy and I felt - - -

No, before you were asleep, I am suggesting, obviously?---No, I don't think so. No. I would not have any problem at all remembering that. I'm a lucid person

No, no. When you - - -?---And unless I were asleep.

So unless you were - - -?---My voice might be a little bit affected and slurred, but I would remember the conversation.

You would remember the conversation, even though you were under the influence of the sedatives?---Of course.

But you did not remember, did you, the conversation that you had with Lorrelle Saunders on 4 September 1981?---I remembered part - the beginning of it until I went to sleep. I certainly - - -

Well, I am suggesting that that is not what you have said closer to the event?---Closer to what event?

The event of 4 September 1981. Can you look at the committal transcript? Do you still have that there?---I have. Which page? to which page are you - - -

If you go to page 427?---Yes, I have that.

Okay. Now, go to the second - or the first question on that page:

Well, how much detail did you go into?

Answer:

I don't recall very much detail. She - I could hear her voice, but I cannot honestly say I remember very much of what she said at all because I was fighting to stay awake.
Following the original conversation where which, if you turn to page 426, you would say she began to talk after I had offered her hospitality. She began to discuss how they had become friendly - worked with her, of course - and I don't recall much, but it was enough to convince me that their relationship was an intimate relationship. And I suggest to you, Mr Carew, that I would not want to remember the details.

Well, Miss Bull, just go back to 426. Now, it is apparent, is not it, that you are saying there that she began talking - see the second question:

Right. And you say she began talking. What was said?

And you have said there:

I don't recall in detail what was said because I had taken a sedative and was almost asleep, but she seemed very upset and I was trying desperately to stay awake.

Correct.

So I ask her if she'd eaten because I had nothing to eat and she said, no, she hadn't, so I offered her some supper - - -

Correct.

I made some sandwiches and we drank some wine.

Correct.

I offered her some wine and she started talking about her relationship with Allan.

Correct.

Now, earlier, you said that you may have been talking to her for about two hours?---Correct.
Well, if you go over the page, then, back to where I directed your attention before, the first question on page 427:

Well, how much detail did you go into?---I don't recall very much detail. She - I could hear her voice but I cannot honestly say I remember very much of what she said at all because I was fighting to stay awake.

?---Correct. I - - -

Now, that relates to that two hour period, possibly two hour period, does not it?---Yes, and the question, "How much detail did you go into?" I assumed was the two of us. She did the talking.

Well, you did not say that there?---Well - - -

You spoke together - - -?- - -very foolish of me, perhaps.

You spoke together for approximately two hours, did not you?---Well, I think it was two hours.

Yes?---It's a long, long time ago.

All right. Okay, Miss Bull. I am fully aware of that but I am suggesting to you that you had a conversation that perhaps lasted two hours?---Possibly.

Now, a lot of conversation can occur in that period of two hours, cannot it?---Possibly, yes.

I am suggesting that there may have been other occasions when you had telephone conversations with Lorrelle Saunders when you were in a similar state?---No, I deny that. I was not, as you recall, a similar state; in other words, fighting the effect of a sleeping tablet.

I accept that although Bull was affected by the combination of the sedatives and the wine and could not recall all the conversation, she was not the main speaker. I am satisfied that it was Saunders pouring out her
heart to Bull; the relationship between Saunders and Lobegeiger was at a low ebb. I reject Saunders's account of the meeting.

Bull was also questioned by Carew as to the possible source of Saunders's knowledge of her personal details. In relation to this the following exchange took place:

Now, you mentioned before that you had a cousin who was not accepted by the family?---Certainly not by my family.

Now, this is a woman named Beverley---Beverley.

Beverley Heddles. Now, you are not suggesting, are you, that she would have known anything about your personal medical records, are you?---I wouldn't know what she knew about my personal. I had had no contact with her.

How would she have found out about your personal medical records?---I didn't say that she did find out about my personal medical records.

Well, I thought you said you did not know whether she knew or not?---I don't know if she did know or not.

Well---So how would I know.

All right. Well, where would she have found that out, do you suggest?---I don't know. I've never checked on people's medical records.

You see, what I am suggesting---I would not know where one would go to look into medical records.

What I am suggesting is if Lorrelle Saunders knew about your personal medical records it could only have come from you?---Not necessarily, no.

Perhaps during this long, two hour conversation that you do not remember the details of?---For all I know, it could have come from people who did know about my personal records, and there were many people who did that.
Discussed ---?---Personal medical - the fact that I had been in hospital and what was wrong with me when I had very severe surgery on one occasion. Allan Lobgeiger would have been one of them, and his family. Are you suggesting that he, in fact, told her.

Well, I am not, actually, but do you think that is a possibility?---One wouldn't know. I think anything is a possibility these days.

In this passage Bull claimed not to have told Saunders about her personal details although she recognised the possibility that Lobgeiger may have told Saunders. In a statutory declaration dated 1 July 1993 by Beverly Heddles to the Commission she denied being the source of these details. I suspect that Lobgeiger may have been the source of some general facts and, like the Hemmang Cemetery incident, Saunders pursued them privately herself. There was evidence before me that Saunders was proficient at obtaining information on people from sources other than from their own mouths. For example the "Dear Snow" letter showed that extensive research had been done by Saunders on the travel details of both Bull and Howell. The information that had been obtained, whilst Saunders was in prison, about the vehicles outside Bull's premises shows that much information was also available from police colleagues. It was also clear from the Legal Aid material that Saunders had gone to The Gympie Times and to the public library in August 1982 for the purposes of research. In any event I am totally satisfied that Bull was not the source of this information and Saunders's account in the Legal Aid material, which was adopted before me by Saunders as the truth, was false. If Bull had been the source of Saunders's knowledge the matters communicated would probably have all been true, but according to Bull, and I accept her, many matters were incorrect.

3.5 The commencement of the relationship between Saunders and Lobgeiger

In Saunders's statement to the Commission she explained that she first met Lobgeiger in 1973 when he was a Police Prosecutor at Inala. She claimed that at that time he tried to take her out but she would not agree. She claimed that the next contact with him was also at Inala where he was the Duty Inspector. Once again she claimed that he often asked her out but she always refused him. She stated that the next contact with Lobgeiger occurred at the Task Force where Lobgeiger was the Inspector in Charge.
Saunders's account to her solicitors in the Legal Aid material and her 67 page statement is consistent with this although more detailed. Again it is most apparent from this material that according to Saunders it was Lobegeiger who was seeking to become socially involved with Saunders and not vice versa.

Saunders in evidence before me stated that when she arrived at the Task Force in August 1978 Lobegeiger was the Inspector in Charge and she was required to do clerical work for him and act as his driver. Saunders stated that she took objection to performing menial tasks so she approached Assistant Commissioner MacDonald to enlist his assistance in having her taken from clerical duties and placed on full Task Force duties. Saunders stated that notwithstanding MacDonald's direction that she should be placed on full duties Lobegeiger insisted that she remain on clerical duties and continue as his driver. Saunders stated that she then returned to MacDonald who once again took up her cause and she was placed on normal Task Force duties. Saunders claimed that this did not upset Lobegeiger who had continued to ask her out. Saunders went on to say that a couple of months prior to Lobegeiger going to Cairns a sexual relationship commenced.

In Saunders's 67 page statement to her solicitors a detailed account appeared of the events leading up to the relationship. Saunders stated that on 16 June 1980 there was a farewell party for a Senior Constable who was on transfer from the Task Force to Caboolture. She claimed that Lobegeiger had requested that she be his driver on that evening. At about midnight Saunders claimed that Lobegeiger indicated to her that he was ready to leave the party. She claimed that Lobegeiger sat in the middle of the front seat, unfastened his seat belt and became "very friendly." In the vicinity of Vulture Street he stated he was okay to drive and that he would take her home and take the patrol car from there. She claimed that when they arrived at her residence he asked her to show him through it and she agreed. She offered him coffee and whilst they were consuming the coffee she claimed he took hold of her and told her that he was in love with her and had been for some time. She went on to say that they talked about their feelings for each other during which time he continued to hold and kiss her. At about 4.00 a.m. Lobegeiger left after Saunders's flatmate had arrived home. After this Lobegeiger called her daily and they made arrangements to meet at his home on Friday night, 20 June 1980. She claimed that this was the commencement of the relationship and they continued to see each other daily prior to his departure to Cairns.

Lobegeiger in evidence at Saunders's committal hearing on 12 August 1982
stated that their relationship was not close whilst she was under his direct
control at the Task Force. On 15 November 1982 when asked in cross-
examination as to when the relationship commenced he replied that it was
prior to going to Cairns after he had driven her home from a send-off. He
gave a consistent account when giving evidence at Cooper's trial.

Lobegeiger was neither questioned about nor gave any evidence of any
prior attempts to take Saunders out socially.

It seems reasonable to assume that their relationship commenced after a
send-off just prior to his transfer. According to Saunders the date of this
was 16 June 1980. This meant that the relationship commenced
approximately 3 weeks prior to Lobegeiger's transfer to Cairns on 7 July
1980.

I should note at this stage that the associates of Lobegeiger and Saunders
were of little or no assistance to me in determining the date of the
commencement of the relationship.

Bull stated before me that Lobegeiger had been a very private man who
valued his privacy. In examination of Bull by counsel for Saunders at the
committal hearing on 12 August 1982 she expressed a similar view as the
following passage indicates:

You said on the seventeenth of February, nineteen eighty-
two, when you were told that the defendant and Mr
Lobegeiger were acting like a pair of love birds, you said
you didn't believe it?
I didn't ..
Is that your version?
I didn't say they were acting like love birds ..
No, when you were told ..
..the caller did.
Yes, when you were told, did you say: I didn't believe it?'
That's right.
What .. you said I didn't believe it on the basis that he
always confides in you .. ah, always confides in you his
intimate relationships?
No, that isn't right.
Well, why did you say 'I didn't believe it' .. You didn't
believe it?
I know Allan very well ..
Hmmm.
.. I think, after seventeen years; he's a very private person

Hmm. Hmm.
.. and I couldn't imagine him behaving like that in a public place.
Hmm. Did he .. well, if you know him so well, did he tell you about his relationship with the .. with the defendant throughout nineteen eighty-one?
No, he didn't.

I accept Bull's evidence that Lobegeiger was not publicly effusive of his emotions. Bull told me that she found out about the relationship when Saunders advised her. She then stated that she confirmed its existence with Lobegeiger but never saw any signs of a relationship between them. I accept this evidence as well.

Lobegeiger's daughter, Whitehall, in a statutory declaration to the Commission stated that prior to the charges against Saunders in 1982 she had no knowledge of a relationship between her father and Saunders although he had spoken about her in the context of her being a workmate.

Saunders's partner, Knight, gave evidence before me that Lobegeiger in discussions with him had "more or less intimated that he and Saunders were going together." He acknowledged that the majority of his knowledge of the relationship came from Saunders rather than what he had seen himself.

Barry Donald Krosch, another associate of Saunders who worked with her in the Emergency Squad in late 1981/early 1982, confirmed in evidence before me that his total source of information about the relationship between Lobegeiger and Saunders was Saunders. Yet another work associate, Sergeant Mervyn John Bainbridge, could give no first hand evidence of the relationship between Lobegeiger and Saunders although he stated he believed that the relationship was a secret one, at the instigation of Lobegeiger, and that only a few people knew; his sole source was also Saunders.

3.6 Lobegeiger in Cairns and on the Gold Coast

Lobegeiger remained in Cairns until 1 June 1981 when he took charge of the Gold Coast Police District on promotion to Superintendent Grade 3. All accounts of Saunders and Lobegeiger have the relationship continuing
for at least some months after his return from Cairns. In his evidence before the Stipendiary Magistrate on 12 August 1982 Lobegeiger stated that Saunders had come to Cairns on two occasions: first with another policewomen and secondly with her mother. During these visits he claimed that she visited him at his house and also at the office. Lobegeiger went on to say that when he visited Brisbane on a number of occasions and while on holidays in February of 1981 he would visit her at her premises at Wishart and she would attend upon him at his premises at Passage Street, Cleveland.

In evidence before me Saunders confirmed that these two trips to Cairns did take place. She also confirmed meetings with Lobegeiger whilst he was in Brisbane. She also claimed that there were many phone calls between the two.

At the committal hearing on 12 August 1982 Lobegeiger stated that after he had been transferred to the Gold Coast Saunders visited him at the police house at Broadbeach and he visited her at her home at Wishart. This was confirmed by Saunders's account. According to the 67 page statement to Saunders's solicitors and the Legal Aid material it was Lobegeiger who was the person pursuing the relationship with vigour and not Saunders; however on 15 November 1982 whilst being cross-examined by Saunders's counsel Lobegeiger claimed it was Saunders who initiated the commencement of the affair and added in relation to the relationship:

I was never as keen about it as she was, ever.

He had previously given evidence at the committal hearing on 12 August 1982 that he had purchased a property in Gatton in April 1981 and Saunders had asked to visit it. He claimed never to have invited her as he "never wanted her there." On that date he also gave evidence that when he resided at Broadbeach she often called upon him unexpectedly, notwithstanding that he had told her on the telephone not to come to see him.

Lobegeiger's evidence at the committal hearing is confirmed by the contents of an undated card written by Saunders to Lobegeiger. The card was located in an envelope dated 14 September 1981. It was part of the Whitehall material.

On this card the following passages appear:

*Maybe I'm young (& stupid) enough to believe if we could*
spend time together - the barrier you have on your heart would come down.

I need you so much darling - & need your understanding so very much - need to spend time with you. I will always love you - & you alone. Please try.

I have no doubt that Saunders, if not the initiator of the relationship, was certainly the one pressing for it to continue.

3.7 Lobegeiger's account of the termination of the relationship with Saunders

Although Saunders claimed her relationship with Lobegeiger had continued until her second arrest on 9 September 1982 Lobegeiger consistently had given an account that the relationship had finished by late 1981. In his statement to police on 28 April 1982 he stated:

I had terminated my association with Saunders in the latter part of 1981. However, she still persisted in continually ringing me and wanting to visit me.

In the committal hearing of Saunders on 12 August 1982 Lobegeiger gave the following evidence concerning his association with Saunders:

Well did you terminate your association with the Defendant?
I did later in that .. of last year, towards the end of last year.
Alright. Well do you recall what month?
As far as I can remember about November, December.
Well was there any further contact between yourself and the defendant?
Yes, the defendant used to ring me on a number of occasions.
Right.
I did purchase a property in April of 1981 ..
Well just before ..
outside of Gatton.
.. We go into that. You say the defendant rang you on a
number of occasions after you'd terminated the association, how frequently was she ringing?  
Oh sometimes two or three times a week. And what were those calls about?  
Mainly to see whether things could be patched up and whether I would be prepared to see her or whether she could come down.  
How .. What was your association like in the period up until when you terminated, did it run smoothly?  
Not always, quite a few differences and had a number of arguments.

Interestingly enough on the same day the following exchange occurred during cross-examination of Lobegeiger by Counsel for Saunders:

Is that .. that's your opinion that she had a terrific obsession about you?  
That's right.  
What, you were .. and you were a bit cavalier about her, were you, she was just one of two or more, hey, were you cavalier about her, were you?  
I was not .. certainly wasn't as obsessed as she was.  
Not as obsessed, you use the word obsessed.  
Yes.  
The .. you knew she had a .. you knew by Friday of that year, February of this year that she had a stable happy relationship with a Mr Coomer, you knew that ....  
She had never told me that.  
Are you saying that you didn't know out of all these phone calls and all you knew about her and .. that she had a stable happy relationship with Mr Coomer in February of this year?  
I am sure I did not know.

Saunders in evidence before me stated that these questions were put by her counsel without her authority and not on her instructions. She denied ever having a stable, happy relationship with Coomer or a sexual relationship with him. She stated that one of the reasons why she decided to change her solicitors and counsel was because of this exchange.

When Lobegeiger was recalled at the committal hearing on 15 November 1982 he stated that the relationship had been brought to an end as far as he was concerned by about October 1981. He added that he certainly did not
ring her after September of 1981 in pursuit of their personal relationship. Later on in the transcript the following exchange occurs between Lobegeiger and Saunders's new counsel:

Yes, all right. Eventually, as I understand what you're saying, you tired of it.
Not entirely. I was... I wanted out, I didn't want any part of it.
You wanted out.
That's right.
I see. You not only tired of it you wanted to end it completely.
That's right.
And you communicated that to her, is that what you say?
Not in as many words, no.
I see. Well, when was that communication, in whatever words.
Shortly after I returned from Cairns.
Which was when?
In June last year.
June last year. Yes. And, what, you just sought to cool things down a bit, did you?
No. She kept insisting on coming to live with me.
Mm.
Which is something I wasn't happy about at all and didn't want to happen.
I see. So you kept insisting that she couldn't.
That's right.

In the subsequent committal hearing of Saunders Lobegeiger again gave evidence. On this occasion he stated that the relationship with Saunders terminated at the end of 1981.

When Lobegeiger gave evidence at Cooper's trial commencing on 18 April 1983 he again claimed that the association ended at the end of 1981. He went on to explain to counsel for Cooper the difficulties associated with the relationship in the following way:

While the friendship after that was smooth sailing for a time, it came into difficulties?-- That's correct.
Were those difficulties because Saunders was a jealous type of person as regards you?-- Partly.
She was more or less obsessive about you, wasn't she?--
Yes.
And possessive? -- That's correct.
If you saw any person with any regularity of the opposite sex, such as your old friend Cecily Bull, it used to promote an altercation? -- Yes.
This obsessiveness of hers led to the stage where you decided it couldn't go on, and you terminated your relationship? -- That was part of it, yes.
Was there any other reason? -- There was other reasons.

3.8 Saunders's account of the termination of the relationship with Lobegeiger

Saunders gave evidence on oath before me that her relationship with Lobegeiger continued right through until the time of her second arrest in September 1982. That is she claimed to have continued the relationship with Lobegeiger at a time when she was subject to a bail condition which required that she "refrain from making contact with" Lobegeiger. The detailed conversations and events recorded by Saunders in the Spirax notebooks and the Legal Aid material also depicted a relationship which continued until her second arrest.

In evidence before me Saunders claimed that the on-going relationship with Lobegeiger culminated in an act of sexual intercourse which she stated she believed occurred just prior to her second arrest on 9 September 1982. She claimed she went to the police house at Miami and saw Lobegeiger whilst she was on "holidays" with Coomer, Cooper and his girlfriend Gray on the Gold Coast. She claimed that during a telephone conversation with Lobegeiger before she went to the Gold Coast she told him that she was going to go to Tallebudgera on holidays and he responded:

Well why not come to Miami and when there's no vehicle around and if we can see each other, we can do it on foot, where there's no vehicles to be followed.

She told me that when she arrived on the Gold Coast she rang Lobegeiger at work again and he went home early and they met. She claimed that she stayed with him for a few hours after dark. When asked by Counsel Assisting to describe the conversation that had occurred she responded that there hadn't been a great deal of conversation and added:
We were involved in our relationship.

I asked her whether by this she meant that she had sexual intercourse with Lobegeiger on this occasion. She responded in the affirmative. Saunders then gave evidence of an incident from which it was possible to date the day on which Saunders had claimed intercourse with Lobegeiger had occurred. She gave evidence that shortly after she had left the police house at Miami she was walking back along the Esplanade when she saw Coomer's vehicle driving back towards the caravan park at which they had been staying. As she continued to walk back to the caravan park she saw a police car driven by Sergeant Michael Webb (brother of Brian Webb) do a u-turn and follow Coomer's vehicle back to the caravan park. She claimed that she then followed the vehicles on foot to the caravan park and covertly listened to a conversation which had ensued between Sergeant Webb and Coomer. Counsel Assisting in an attempt to clarify why she had not made her presence known entered into the following exchange with her:

And were they both standing near their vehicles?---Yes, I think so.

And did you go up and join the conversation?---No, I just stayed back.

Was there any reason why you knew the police officer?---Yes, I did.

What was his name?---Mick Webb.

Mick - - -?---Webb.

Webb. And you knew him and he was, what? Stationed at Miami or Broadbeach or what?---Gold Coast Mobile Patrols, I think.

Yes. And was there any reason why, knowing him, you did not go up and join the conversation?---I didn't want to particularly talk to him.

What, did not you like him or what?---He's Brian Webb's brother.

She then told Counsel Assisting that she could not hear any of the
conversation but later Coomer advised her that Sergeant Webb had asked for his driver's licence. In her statement to the Commission she had claimed:

... I walked back to their vehicles and was standing listening to the conversation. Mick WEBB didn't see me. He just checked out the vehicle and the registration. He claimed that the reason he stopped the vehicle was he had seen oil dropping from the vehicle. It was pitch black so it was not possible for this to be the case.

I do not think there is any significance in the inconsistency between these two accounts in view of the effluxion of time since this event occurred.

Saunders went on to say before me that Sergeant Webb left the caravan park and she walked back down towards the police house because she believed it was odd that the police car had followed Coomer. When she arrived there she saw Lobegeiger and Sergeant Webb talking on the footpath. Saunders stated that she then rang Lobegeiger and asked him what was going on and he responded that he had to cover himself just in case somebody had reported her being at his house that night.

When questioned by Counsel Assisting Coomer stated that he did not believe there was anything sinister in the Sergeant Webb incident. He stated that he was of the view of Sergeant Webb had been genuinely concerned that something had been running from the back of his four wheel drive. According to Coomer once Sergeant Webb had satisfied himself that everything was alright he just moved on. He denied any knowledge of Lobegeiger's premises on the Gold Coast and also denied Saunders had told him that she was visiting Lobegeiger there.

Lobegeiger gave evidence at Saunders's committal hearing in November 1982 that he did not see Saunders between 12 August 1982 and 9 September 1982. He did however describe an incident which he claimed occurred on 25 August 1982. On that day he summoned Sergeant Webb, a Sergeant on mobile patrols, to do a patrol of the area around the police house as he suspected that there was something going on. He had heard voices coming from the back of the house and had also repeatedly heard knocking on his rear and front door but found no-one present when he checked to see who was there. Lobegeiger claimed that he advised Sergeant Webb that if he came across any suspicious vehicles he was to check them out.
At the committal hearing Sergeant Webb described responding to the request by Lobegeiger and patrolling the environs of the police house. He also described speaking to a person in a four wheel drive (Coomer) but denied going back to see Lobegeiger after having done so.

Lobegeiger and Sergeant Webb had clearly made reference to the same incident which Saunders had described before me. If Saunders is believed the act of intercourse with Lobegeiger occurred shortly before this incident on 25 August 1982 and Sergeant Webb was called in to cover for the possibility that Saunders had been seen at the police house. If Lobegeiger is believed he had not seen Saunders since 12 August 1982 and had called Sergeant Webb for assistance against persons unknown who were apparently harassing him.

Before proceeding to discuss where I consider the truth lies it should be noted that Lobegeiger and Sergeant Webb had given their accounts of this incident at the committal hearing in November 1982, prior to the Spirax notebooks and the other Legal Aid material having been provided by Saunders to her defence lawyers. Saunders had to explain why Lobegeiger had called in Sergeant Webb at a time when Saunders claimed that the relationship with Lobegeiger was continuing. On its face Lobegeiger's evidence, in conjunction with that of Sergeant Webb, was consistent with Lobegeiger's evidence earlier at the committal hearing, namely that the relationship had terminated towards the end of 1981.

Some assistance in ascertaining which account was correct can be derived from the Legal Aid material. In the Legal Aid material is a one page document titled "Crown Witness Michael Thomas Webb Sergt 1/c of Police." It refers to the evidence of Sergeant Webb at the committal hearing and comments upon it for the benefit of Saunders's defence lawyers. It is worth setting out a number of passages from it.

At approx 8pm on Wednesday 25/8/82 I left the company of Allan Lobegeiger at 51 Redondo Ave, Miami.

I was on the eastern side of Marine Parade and a marked patrol car was driving towards me (proceeding north). I turned and I saw a Toyota, I knew to be Coomer's, being driven south. The eastern side of Marine Parade is about 50 metres wide. I was in shadow.

I saw the patrol car do a 'U' turn. The Toyota turned right (west) which would take it past the phone box I had...
I saw the patrol car parked facing west behind the Toyota. I saw a Sergeant 1st class alight from the patrol car. I had previously observed he was alone in the patrol car. I moved to a position no more than 3 metres from the driver’s side of the Toyota. I could hear the conversation. I saw Coomer check underneath the vehicle.

Webb said 'Are you here on holidays?'
Coomer replied, 'I’m down for a week.'
I made notes of the conversation at about 11pm that night. Sergt Webb then got into the patrol car, went west and then north (another break in the fence). He then proceeded north into Redondo Ave.
I had a quick conversation with Coomer and then jogged back along Redondo Ave with Coomer.
The patrol car was parked outside the police house. It was unoccupied. I took up a position on the corner of Redondo Ave and Santa Monica Ave and saw Webb come from the police house. I stood in the shadows and the patrol car turned left into Santa Monica Ave, drove past where Coomer and I were standing (should have been visible) and turned right into Marine Parade.

I did not know the name of the Sergeant that night (found out following day .... did not know until the committal that he was Insp Brian Webb’s brother. There was nothing on the roadway.

From this passage it can be seen that in preparation for her trial Saunders told her legal advisers that she did not know Sergeant Webb when initially she saw him with Coomer. However she gave the contrary evidence before me. More importantly she stated to me that she made a conscious decision not to speak to the officer because he was Brian Webb’s brother. I consider that she had tried to give the false impression to me that she secreted herself because of some genuine concern that somehow Brian Webb had some connection with the appearance of Sergeant Webb. I reject this evidence. It may be that she did not reveal herself because she then knew she was in breach of her bail condition that she was to refrain from making contact with Coomer. I will return to this issue of breach of bail later in the report.
It will also be noted that Saunders told her legal advisers that Coomer had accompanied her back to Lobgeiger's premises, whereas Coomer's account to me of the Sergeant Webb incident left no possibility that he and Saunders followed Sergeant Webb back to the police house as Saunders had claimed in the Legal Aid material.

Critical to Saunders's account were the two Spirax notebooks which she stated on oath she had written contemporaneously with the events described in them between 11 August 1982 and 9 September 1982. Saunders also swore on oath that the notebooks were true and correct to the best of her recollection. If these notebooks were to be accepted as genuine then Lobgeiger's account of the termination of the relationship and of this particular event was false and he had given perjured evidence at Saunders's committal hearings and, necessarily, at Cooper's trial.

Later in the report I will devote considerable attention to Saunders's account of the history of these notebooks. For present purposes however I wish to refer only to the entries for 25 August 1982 as they relate to Saunders's evidence before me that she had sexual intercourse with Lobgeiger as late as August 1982.

There are over 13 pages of notes relating to conversations and events on 25 August 1982. Saunders claimed before me to have recorded the notes "very close to the events" or in "short proximity" to them. In relation to the period that Saunders was at Miami (which included 25 August 1982) with Cooper, Coomer and Gray she claimed to have written up the notes on a bench in the laundry in the caravan park and on the toilet. In this way she explained no-one was to know of their existence.

If the notes were written at the same time that Saunders claimed in the passage from the Legal Aid material referring to Sergeant Webb, namely 11 p.m., she must have spent most of the night and the following day in the laundry or on the toilet.

Of these 13 plus pages 9 pages record the conversation that Saunders claimed to have had with Lobgeiger on that night. As well as detailed conversation in which Lobgeiger ostensibly admitted having perjured himself at the committal hearing in August the following conversation is said to have ensued:

\[ AL \quad \text{Do you still love me - you'd better.} \]
\[ LS \quad \text{I don't know what I feel - I probably will always love you but whether its the same as before.} \]
AL  Do your mates know where you are.
LS  Sort of.
AL  Better say you didn't see me. You waited and I
    wasn't here - just in case - or I was here and you
    didn't talk to me.
LS  Back on me again - you're incredible.
AL  Who are you with - the 4th person. Is it Coomer.
LS  I've told you before - it doesn't matter - &
    Coomer and I never were more than friends.
AL  Don't give me that fucking shit - he wouldn't have
    been hanging around for nothing.
LS  All men aren't animals like you.
    Took hold of me - arm lock - grabbed me -
AL  I want you. Pushed me back over the truck (red
    Inter.)
LS  Let go you bastard - Let go -
AL  Keep your fucking voice down.
LS  Let go you're hurting. Scratch marks LAS neck &
    shoulder. I deep mark.
AL  Seeing you're here - no point wasting it - feel that
    - wouldn't you like it in you or are you getting too
    much from that other cunt.
LS  Stop it. (Started to cry) I'm leaving - just leave
    me alone -
AL  I'm sorry.
LS  Next time you take key to Uncle Montys - leave my
    house key there - get out of my way.
AL  Don't go - not like this.
LS  Leave me.
AL  I'll find out if you're with Coomer.
LS  You do that.

This is a very different picture from that painted before me. This account
left three competing stories; Saunders's account to her legal advisers of
attempted rape, Saunders's account to me of a continued loving
relationship, and Lobegeiger's complete denial of having met Saunders at
this time. I do not accept that the inconsistency in Saunders's accounts
could be attributable to the mere effluxion of time. I have no doubt that if
an attempted rape had occurred Saunders would have recalled it.

When Saunders gave evidence before me regarding this aspect of her
association with Lobegeiger she was most unconvincing. I thought she
answered untruthfully questions put to her by Counsel Assisting.
This in conjunction with Saunders’s inconsistent accounts to her legal advisers and me, not only in relation to the alleged sexual activity but also the Sergeant Webb incident, satisfied me that Saunders’s evidence on this point should be rejected and Lobegeiger’s account preferred. I also accept Coomer’s evidence from which it follows that there was no possibility that he and Saunders followed Sergeant Webb to Lobegeiger’s premises on the coast.

I have no doubt Saunders’s account in the Legal Aid material and the Spirax notebooks was a false one designed to explain away the evidence given by Lobegeiger and Sergeant Webb at the committal hearing. It follows from what I am saying that I conclude that the Spirax notebooks were written whilst Saunders was in jail awaiting her trial and that they were not written contemporaneously in the laundry or on the toilet at the caravan park. As I have previously said I will return to an analysis of the Spirax notebooks later in the report.

3.9 Evidence supporting the conclusion that the relationship did not continue until Saunders’s second arrest

There is a substantial body of evidence before me which supports the conclusion that Saunders’s relationship with Lobegeiger had come to an end by the final months of 1981. I will now point to some of the significant areas of the evidence which are supportive of that conclusion and, by necessary implication, corroborative of Lobegeiger’s evidence.

(a) The evidence given by Thomas Terrence Flanagan and Brian Patrick Webb of Lobegeiger’s attitude to Saunders

Flanagan and Webb, who were charged with the responsibility of investigating the original allegations against Saunders, gave evidence which was clearly inconsistent with a continuing relationship between Lobegeiger and Saunders.

It should be noted at this stage that in her statement to the Commission Saunders stated of Flanagan that she did not:

> even know of any rumours involving any possible impropriety by him.

She then went on to say:
I do not suggest that he did anything improper in relation to the way that he dealt with my charges. As far as I am concerned, he would have been their weak link and it appeared to me that they left him behind when certain things were happening.

It would seem from this that Saunders considered Flanagan to be trustworthy and honest. In examination of Flanagan by Counsel Assisting the following passage appears:

I think you said in your evidence that he gave the impression that he didn't really want the charges to go ahead?—No, I didn't say that. I said he wanted the whole matter to go away. He didn't want to be involved. As I said, he was terrified. Well, no, well, he gave me the impression of being terrified.

Except that he had not complained to anybody prior to giving this statement to you about being terrified?—I think I'd been told by others that he said that he was frightened that she was going to shoot him.

And where do you think that information came from? Who gave that to you?—There again, like, see, I can't recall that at all. It would be common knowledge round the place, like, that Lobegeiger is frightened that Saunders is going to shoot him.

Is that before or after this occurred though?—I'd say before.

See that is the problem?—I'd say before.

Okay. Yes —?—Because I knew why he was in such a state; because he felt that Saunders was going to shoot him.

Or — or was it just the breakup of a long-standing relationship?—No. I tell you what; he wished her well away.
Webb and Saunders each gave evidence that when Webb arrived at the scene of the theft of the guns on 7 March 1982 Saunders had been on the telephone to Lobegeiger and she had passed the telephone to Webb so he could converse with Lobegeiger. When Webb was asked by Counsel Assisting what conversation took place Webb stated:

Well, he said, What's the trouble there?' And I said, 'Oh, well, there's some pretty high-powered firearms been stolen here.' I said, 'She's with a fellow named Coomer. He's drunk; she's not far behind him.' And he said, 'Well, be careful of what that bitch tells you.'

If Flanagan and Webb are to be believed Lobegeiger was speaking about Saunders in a fashion which made it obvious that they were no longer lovers. In fact the only sensible inference that could be drawn from Webb's evidence was that Lobegeiger considered that Saunders could not be trusted.

Flanagan's evidence of Lobegeiger's condition is supported by the testimony of Albert Thomas Pointing, who was the officer in charge of the Internal Investigations Section at the time that Saunders was being investigated for the theft of the guns. Pointing was no lover of Murphy and there was no suggestion by any person that he was involved in any impropriety in relation to the investigation of Saunders. Pointing in examination by Carew volunteered his recollection of Lobegeiger's state of mind immediately before Flanagan obtained his statement of evidence. The relevant passage of Pointing's evidence is set out in its entirety:

Would it be normal in the situation where he was said to have had a relationship with Sergeant Saunders for a period of time? He was the complainant in relation to one charge, or at least the alleged intended victim. Would it be normal that the tape would be played to him to see if he could comment on the female voice?---Well, I think it would but I'd like to point out here that I was involved in an interview with Mr Lobegeiger. Mr Duffy asked me, when Mr Lobegeiger came to the office, for me, as a superintendent, to speak to
Mr Lobegeiger, a fellow superintendent, and to settle him down before Mr Webb and Mr Flanagan obtained a statement of evidence from him. When he did come to the office apparently he saw Mr Duffy first and Mr Duffy phoned me and told me Mr Lobegeiger was coming down, and he again asked me to have a talk to him, settle him down until the statement was obtained, and Mr Webb was not in - was not in my office at the time. I don't know where he was. I was of the view that Mr Lobegeiger, having been a detective in his day, and a senior officer, if he were willing to produce evidence of his allegations he should certainly have been in a position to make a report or a statement himself. He came to the office and I did speak with him, and I found him most strange. He would appear very, very much ill at ease one moment; he would appear terrified when he started talking about the - the matters in question, and every so often he would go off on a tangent about his under and over firearms to the extent that he would hold the firearm up and go pshu, pshu, pshu, 'My great under and over, Tom.' Then he would start talking about his horses - I forget the breed of them, some German horse. And then he'd start telling me about his pig dogs. See, you could not contain him on to the matter in issue, and I found it very, very difficult to talk to him. But anyway, after some time he did settle down, and Mr Flanagan commenced to take a statement from him and I left the office.

(b) The evidence of Trevor Graham Menary that Lobegeiger feared Saunders

Trevor Graham Menary and Lawrence John Pointing, who were assigned to investigate in 1983 the fabricated tape produced by Dodd, interviewed Lobegeiger as part of their enquiries. Menary in his statutory declaration dated 14 May 1993 to the Commission stated that Lobegeiger told them that he was afraid of Saunders and kept a loaded gun in the house. Menary went on in his statutory declaration to say that he was of the opinion that Lobegeiger had a real fear of Saunders although he believed this fear was misplaced.
In questioning by Counsel Assisting Menary confirmed under oath his previous statement.

(c) Evidence that Lobeggeiger was terrified whilst at the Miami Police House on the Gold Coast

A number of passages in the statutory declaration dated 7 June 1993 of Lobeggeiger's daughter, Whitehall, indicate that Lobeggeiger was fearful for his well-being and that of his family:

I can recall during the school holidays in Easter or August 1982, whilst my father was residing at Miami, my three children, the eldest of whom was seven, and I went to spend the holidays with him. My father was distressed when he came in after we first got there and he demanded that the children and I stay away from the windows, especially at night, and that we put sheets up on the windows because of the sheer curtains. My father also kept a close eye on us when we were in the yard during the day time. He told me that he feared for his life and ours as threats had been made against him. I cannot recall whether my father advised me of who had made the threats. This was the first occasion that I saw my father on edge. During this period I saw him on a couple of occasions pick up a rifle for everyone's protection after the dogs had started to bark.

In relation to the events referred to in the previous paragraph I can recall that BULL was already at my father's place on the day that we arrived. However, after a discussion between my father and BULL, she decided to leave the next day. My father told me that BULL's presence would only aggravate the threat to everyone.

After this my father feared for his own safety for the rest of his life. He was also concerned for our well-being until he died.

The statutory declaration continues:
My father never really discussed SAUNDERS or her charges with me. He never said that it was SAUNDERS that he feared but he knew that I believed it was her and he never denied it. From the circumstances surrounding her being charged at that time, it was obvious to me that she was the one he feared.

Later in the statutory declaration the following appears in possible explanation of Bull's early departure from Miami:

I can recall my father telling me in around 1982 that he was concerned for BULL's safety as SAUNDERS considered her to be my father's partner.

It was not sought on behalf of Saunders to challenge Whitehall's account.

In evidence before me Bull gave a consistent account of the events at Miami, although she believed that they occurred some time before the publicity involving Saunders. In Bull's evidence she stated:

Oh, he was almost paranoid about the fact that she (Saunders) was harassing him and he was very nervous about her. He seemed constantly vigilant.

Yes?--- - - - against uninvited visits from her."

And later on:

Did you - were you present at one time a Miami when Sue was there with the children?---Yes, sir, I was.

Was there something that you observed about his behaviour on that occasion?---Yes. He had been on duty at his office, I think, at Surfers Paradise where - on that occasion, and Sue and I had spent the afternoon with the children on the beach. I was there to help her with the children, and he
came home in the - early in the afternoon, towards dusk, very agitated and said that Saunders, as he referred to her, was in the area and he feared for our safety. We were not to go outside or leave the house.

(d) The evidence of Colin Stanley Cooper

On Cooper’s arrest after having been found outside Lobeggeiger’s police residence at Miami he was interviewed by Webb on 8 September 1982 in the form of a record of interview. Questions and answers 103, 117 and 118 bear upon the issue of the relationship between Saunders and Lobeggeiger. Those questions are set out in full.

Q.103 Did Lorrelle Saunders ever tell you when she had ceased her close relationship with Lobeggeiger?

A. Yes, she claimed it was earlier this year, I think it was before the incidents in February.

Q.117 Had you ever seen Lobeggeiger before you saw him in his yard yesterday afternoon?

A. Yes, when me and Lorrelle were jogging along the beach one morning, when we were down there for the week, he drove past going to work and by the time Lorrelle said, here he is, it was too late and I could only see the back of him. She was purposely waiting for him so he could see her, and she was hoping that with his poor eyesight he would mistake me for Dodd. I think her exact words were ’If he mistakes you for Dodd that will really put the shits up her.’ She always refers to Lobeggeiger as ’she’ or ’her’ or ’it’.

Q.118 Has she to your knowledge contacted Lobeggeiger on other occasions recently?

A. She has been ringing him three or four times a week, at work and at home. When we were down there for the week Lorrelle and Coomer,
myself and Sue went on the Lady Lindeman Cruise and we got pretty plastered. When we got off the boat, we caught the bus back to the Caravan Park where Lorrelle grabbed a couple of cans of beer out of the gas fridge and said she was going up to see Lobgeiger. She claims she knocked on his back door, and he wouldn’t answer the door and he repeatedly told her to go away or you’ll get us both hung. When he refused to open the door, she said she laid under the back steps drinking and beer and playing with a little German shepherd puppy. She said he hadn’t turned on any lights and was creeping about the house. After a while she said she went up and knocked on the door and he wouldn’t even acknowledge the knocking. After a while she said she gave up and went back to the tent.

Cooper repeated this account in a statement prepared on 17 November 1983 for the purposes of subsequently giving evidence at Saunders’s trial relating to the conspiracy to pervert the course of justice charge. By this time he had been convicted and sentenced to a term of imprisonment for his involvement in the conspiracy.

In support of the view that the answers given to Webb by Cooper were accurate one can refer to Cooper’s instructions to his solicitors for his defence in 1982, access to which was provided after Cooper had waived legal professional privilege in relation to the material. At page 2 of those instructions the following passage appears:

She told me about Lobgeiger and that he had gone back to another woman called Cecily Bull.

At page 3 of the instructions the following passage appears:

I say that Sue and I treated the stay at the Gold Coast as a holiday but it quickly became obvious to me that Saunders was using the opportunity while we were down there to personally conduct a campaign of harassment against Lobgeiger. I state that she would telephone him daily several times and go around to his house it appeared to me that Coomer was not involved with the
harassment which Saunders was concerning herself with.

If Cooper is believed there was no on-going relationship. This is consistent with the evidence to which I have already referred that Lobegeiger had a genuine fear of Saunders. The reference in Cooper’s instructions to “Coomer not being involved with the harassment which Saunders was concerning herself with” is not surprising when one considers Coomer’s evidence that he was not aware that Saunders attempted to see Lobegeiger whilst they were on the Gold Coast.

In Cooper’s statement of 11 March 1993 to the Commission he was asked to consider the accuracy of the answers he had apparently given to Webb in 1982. He stated in relation to answer 103 that as far as he was aware it was accurate and, in relation to answers 117 and 118, they accorded with his recollection. He then added that he could specifically remember Saunders referring to Lobegeiger as "she," "her," or "it." It was never suggested by Counsel for Saunders that Cooper was either lying or mistaken in his answers to these questions although in general terms it was suggested to Cooper by Counsel for Saunders that at the time he had been drinking very heavily. Cooper accepted that he had been.

I should add that the mere fact that Cooper was detained at gun point outside the Miami police residence by Lobegeiger on 7 September 1982 suggests that Lobegeiger had genuine concerns for his safety. Lobegeiger’s subsequent telephone conversation with Saunders in which he claimed to have told her to “keep your henchmen away from here” was completely inconsistent with an on-going relationship. Lobegeiger’s act of handing over to police an envelope containing a letter written by Saunders was also inconsistent with an on-going relationship. I will return to this letter and telephone call later in the report. Suffice it to say that the contents of the letter did not suggest an on-going relationship.

(e) The Whitehall material

I have already referred in this chapter to an undated card written to Lobegeiger by Saunders which was located in an envelope postmarked 14 September 1981 and furnished to the Commission by Lobegeiger’s daughter. It would seem from this
correspondence, coupled with the undated letter to Lobegeiger from Saunders which commences, "Allan, firstly I'd like to explain why I phoned you on Wednesday 24/2", reference to which I have also already made in this chapter, that the relationship was at an end by the end of 1981 and Saunders had been writing to Lobegeiger in an attempt to re-establish the relationship.

There was no indication in any of the other scores of cards and letters in the Whitehall material that the relationship existed after 1981.

In conclusion on consideration of all the evidence I am satisfied that Lobegeiger terminated the relationship with Saunders in late 1981 and that notwithstanding persistent overtures from Saunders the relationship was never re-established. I should add that I am also satisfied that although Lobegeiger may not ever have said in as many words that their relationship was at an end, he had given every indication that he wanted no further part of it. For example he had refused to divulge the address of his property at Gatton to Saunders and had refused to disclose to her the telephone number of the adjoining property through which he could be contacted. Lobegeiger had given evidence to this effect under oath to the Magistrate on 12 August 1982.

3.10 The obsessive nature of Saunders's affection for Lobegeiger

It is quite clear from the extracts of the transcript of Lobegeiger's evidence at Saunders's committal hearings and at Cooper's trial that he considered Saunders to be jealous, possessive and obsessive.

Counsel Assisting canvassed with Saunders the nature of her relationship with Lobegeiger:

*Would it be fair to say that at that stage you were obsessed with Lobegeiger?—I was never obsessed with Allan Lobegeiger.*

*You were not?—No. It seems to be a male terminology that's come in to the whole proceedings, started off by Allan Lobegeiger using the word "obsessed".*

*Obsessed, yes?—He tended to use the word "obsessed" where most normal people would use the word "love".*
I see. Well, I think what it normally means, I think, in this particular expression is that it is unrequited love, you see, that the expression that is intended, anyway, is that the love is all on one side and it approaches, therefore, because of its passion and strength, an obsession because it is - there is no corresponding or reciprocal affection, do you follow?---Well, that wasn't the case with Allan and I.

Was not. I see?---No.

Notwithstanding Saunders's refusal to acknowledge the true nature of her relationship with Lobegeiger I have little doubt that Saunders was obsessed, and I use the word advisedly, with Lobegeiger. I had the benefit of having before me a letter written by Saunders to Lobegeiger which was delivered to him by Gray and Cooper on 7 September 1982. At the beginning of the investigation a request was made by Saunders that the contents of this letter remain confidential because of its intimate details. Out of respect for those wishes I do not intend to publish any of that letter. However it is fair to say that it is an extraordinary piece of correspondence. It can only be described as a letter written by somebody who was completely besotted with Lobegeiger. If this letter stood alone one could possibly dismiss it as a letter from an infatuated person seeking desperately to re-establish a relationship. It does not however stand alone. Amongst other things there were the trips by Saunders to Gatton with Dodd, to which I will refer later in the report; the trip with Coomer to Mount Berryman, to which I have already referred; the "holidays" to Miami with Coomer, Cooper and Gray whilst on bail; the harassment of Bull; the "Dear Snow" letter and the Whitehall material. All of this was strongly indicative of Lobegeiger wanting no part of Saunders's affections despite attempts by her to thrust them upon him.

Also relevant to this question was Saunders's evidence before me which suggested the continuation of the relationship in 1987:

When did you start to become friends again?---We had a lot of telephone contact.

I think - sorry, I cannot hear you, at time, I am afraid?---Sorry. We had a lot of telephone contact

Yes?---- - - - commencing after I issued his daughter
with a traffic offence notice on radar - - -
Yes?--- - - - and he initially rang me and abused me and thought that I'd just booked her, and then he found out it was a radar, and it was just pure coincidence.

Yes?---And from then on, we started to phone each other, and in July of 1987, we actually started to see each other.

Yes. How - in what sense do you mean see each other?---Just as friends.

To what, to go to the movies - - -?---No.

- - - or have a cup of coffee, or what?---Just go up and talk about everything that had happened and was happening.

I see. And it was - and how long did that last? That - - -?---Till about 6 months, or 10 months before he died.

Yes. Okay.

Later in the transcript the following passage appeared:

But you do not say that - after your imprisonment and all the things that happened, you do not say that the relationship resumed again, as it was formerly, do you, in 1987?---No.

No?---No.

All right. You did speak to each other, but - but it was not the sort of relationship it was before?---No.

Still later in questioning of Saunders Counsel Assisting suggested to Saunders that she had painted a picture of this subsequent association with Lobegeiger as being one in which they "were again on terms of considerable intimacy - not lovers any longer, but considerable intimacy." Saunders did not demur to this suggestion.

I believe that Saunders overstated the nature of this subsequent association although there would seem to be no doubt that she made every attempt to
reunite herself with Lobegeiger.

The clearest support for the proposition that there was no meaningful, subsequent association between Saunders and Lobegeiger was the Whitehall material. As part of the Whitehall material was a large number of letters and cards written to Lobegeiger by Saunders and spanning the period from September 1981 to June 1989. I have already discussed some of this correspondence which suggested that the relationship had ceased as early as September 1981 and certainly before Saunders was charged. The first letter of significance to Lobegeiger after the nolle prosequi had been entered upon the final charges against Saunders is one written shortly after 2 August 1985. In that letter the following sentence appeared:

*I can't understand your intense bitterness towards me.*

An undated letter, which from its contents was written subsequent to the letter to which I have just referred, is also instructive. In this 27 page typed letter the following passage appeared:

*I can't understand your hatred for me.*

The letter which bore the latest date in the Whitehall material was one dated 15 June 1989. It included the following line:

*Please let's try, I love you, now and always - Lorrelle.*

This once again suggests that Saunders's feelings were unrequited. In between the letter written shortly after 2 August 1985 and the letter dated 15 June 1989 the correspondence from Saunders to Lobegeiger is consistent with a long, painful, unsuccessful attempt by Saunders to regain Lobegeiger's affection.

Saunders suggested that those letters to Lobegeiger which expressed her loneliness and which beseeched Lobegeiger to try were not uncommon as they had had an "on-again off-again relationship all the time." Saunders claimed that Lobegeiger wrote letters to her in a similar vein after arguments had occurred between them. Counsel Assisting questioned Saunders in relation to these supposed letters from Lobegeiger:

*I see. Now, do you have any of his letters?---I burnt them on his death.*

*Oh I see. You do not have any of his letters at*
all?---No.

How many letters did you get from him over all this time?---Quite a lot.

Quite a lot, and you can remember burning them?---I certainly can.

Yes.

THE JUDGE: When was it that you burnt them, sergeant?---After his death, your Honour.

I beg your pardon?---After his death.

After his death.

HAMPSON QC: And, he died, remember, in June - 18 June 1990?---That's correct.

And, that was at a time, of course, when you were making a claim for compensation, was not it?---Oh, possibly.

And, it was therefore at a time when it was relevant for you to be able to prove what the real relationship between yourself and Mr Lobegeiger was?---I don't care. I would never have produced letters. It was embarrassing enough that - one letter turning up in evidence without other letters between us.

Well, the only letter that is in evidence here, the only letters that are in evidence here are letters that you wrote to him?---It is certainly not all the letters. I just - when I went through it rather briefly, it's only very few probably of letters that we've written or I've written.

Yes. Well, all right, the only letters in evidence here between you and Lobegeiger are letters written by you to him and they represent only a minority of the letters that you wrote to him over the years?---I would think so.

Okay, but unfortunately, you are not able to show us any of the letters that he wrote to you because you burnt them
all some time subsequent to his death in June 1990, is that so?---That's correct - no, sorry, on his death.

Well, on the 18th, was it? 18 June, I think, was the exact date. You burnt them on 18 June?---Oh no. I don't know, some - that's sort of around that period.

Okay?---Yes.

Well, like I said, subsequent to it, not years later. You burnt them some little time, some short time, after 18 June 1990. That is right? That is what you are saying?---Yes, that is correct.

And, that was also, I suggest, a very cautious move on your part because you were at that stage wanting to make a claim for compensation and a very material point was going to be the relationship between you and Lobegeiger, is that so?---Not at all. I really don't know what sort of material point that would have been in the compensation claim.

Was it the significant point though, of course, that you wanted to make at all times is that really Lobegeiger loved you and you loved him even though you might have had your ups and downs and that continued even right through the time of the trial and that the evidence he gave against you was, therefore, perjured evidence, but unwillingly perjured because he really loved you. Is not that really the thesis that you advance?---I don't really think so.

Well, had you been able to produce the letters he wrote to you, to his Honour, you would clearly have been able to give a better picture of his attitude towards you over the years than you can give without them, is not that so?---That's true, but I would never have produced those letters anyway.

You would never have produced the letters.

THE JUDGE: But, you produced them to your solicitors over the years that we have been interested in, not at all?---No, your Honour. As far as - they were terribly
personal. As I said, I was totally distressed with that other letter. He was distressed that other letter was public.

Did you appreciate at the time of your original trials that your relationship with Lobegeiger could be quite important?---I know, your Honour, but I still couldn't have brought myself to have those letters published.

But did you appreciate that that relationship - a finding as to what the true relationship was was important?---I did, your Honour.

But you did not show any of this correspondence to your solicitors?---No, your Honour.

I do not accept that the letters or cards which implored Lobegeiger to "try" were written during a relationship which was continuous although it had periods of coolness as well as of warmth. It appears to me that any relationship between the two persons concerned after the end of 1981 continued to be a relationship of pursuer and pursued. I do not believe that there were any letters from Lobegeiger for Saunders to burn. If any such letters had existed I think she would have discussed them with her solicitor who would have appreciated the significance of her relationship with Lobegeiger.

I consider Saunders's overstatement of the nature of the subsequent association with Lobegeiger indicative of her overall obsessiveness and possessiveness of him. Her strong desire to be always the winner would cause her to put forward any view of the relationship with Lobegeiger save the true one, that he had tired of her and wanted nothing more to do with her.

Within five months of the date of the last letter in which Lobegeiger's unwillingness to enter into another relationship with Saunders is evidenced Saunders sent a typed report dated 14 October 1989 to Detective Superintendent O'Sullivan, then of the Fitzgerald Commission of Inquiry. It made allegations of corruption against Lobegeiger. The following passage from this report is significant:

Since the recent publicity concerning my case for compensation, a female person contacted Oxley police stating she had information for me. My solicitor contacted this person and she gave information which suggests that
Allan Lobeggeiger was linked with members of the Rat Pack in the 60's. We have made checks and property dealings by Lobeggeiger at this time are not in keeping with police salaries or any family monies.

With the report was a schedule listing Lobeggeiger's apparent property acquisitions and sales over the previous years including two properties sold to Bull. When questioned by Counsel Assisting as to the timing of the report the following exchange ensued:

What was the purpose of writing this letter accusing Mr Lobeggeiger of corruption and laundering money with Cecily Bull if, in fact, this relationship had been re-established and so on?---As I told Allan on many occasions that I'd never cover for him if I found there was corruption; if I was ever asked if I believed there was. I did believe he'd been involved in something.

Who asked you to - who asked you whether he had been involved in corruption? Nobody?---I really don't know the basis of this. I know I was - I had an interview at the CJC and I was asked to go home and put the facts down.

I suggest to you this was a completely unsolicited accusation against your former lover, Lobeggeiger?---I'd say you're completely wrong.

All right. Well, just have a look at it, the way it starts off:

Re: Harassment. I have found a general attitude among colleagues that police that gave evidence to the inquiry were disloyal to the department. I suffered much criticism for my comments on the Fitzgerald Report which were published in part in the newspapers. There have been some number of incidents designed to indicate my home is under some type of surveillance.

Then you mention some of these things about that.

Since the recent publicity concerning compensation, a female police officer contacted Oxley police station.
Then you go into the accusation against Lobegeiger which you return to in the connection of Bull on the third page. That is a case where he presumably laundered - she had committed perjury, you say?---Well, she certainly did.

And that she, apparently, laundered money for him by buying two properties for well short of what their value was?---No. My suggestion was that was a payoff for the evidence she gave.

I see. That is the suggestion, all right, that Lobegeiger bribed her. That was your suggestion?---It was a pay-off.

All right. Now, why did you make these unsolicited accusations against a man that you were writing to - letters saying that you wanted to get back to him, and you loved him, and so forth?---Because, as I told you, I mean, even today, I still believe he was involved in corruption.

I see?---And that's a totally different thing, whether - you can love a person, but I'm not going to cover for him, if he is involved.

But no one was covering for him. I mean, you had to go out of your way to make these searches. You had to do the leg-work to find this out?---No, I think that was done back at the time of my - - -

But it does not say that; it says - - -?---No, well, it mightn't say that, but obviously every time I write a Police Report I should get legal advice.

Was the truth of the matter that, in fact, he did not want to have anything to do with you, and in a piece of vindictiveness you thought that you would accuse him of corruption in this manner?---No, that's not correct.

That is not true?---No, certainly not.

One is left to wonder what information Saunders had at this time which she had not possessed say on 15 June 1989, the date of the last letter in the
Whitehall material. She gave no evidence before me of the information that her solicitor had allegedly received concerning Lobegeiger and his supposed connection with the Rat Pack in the 1960's.

I should note that in response to that report of Saunders, O'Sullivan prepared a memorandum to the then Chairman of the Fitzgerald Commission, Sir Max Bingham QC, advising that:

no further action is required at this time.

Further support for the proposition that the relationship was not what Saunders claimed can be seen in Bull's evidence and Whitehall's statutory declaration. I have already referred to that part of Bull's evidence in which she stated that Lobegeiger continued to be:

almost paranoid about the fact that she was harassing him
and he was very nervous about her. He seemed constantly vigilant.

She also stated that she was not aware of contact between Saunders and Lobegeiger around the period of the Fitzgerald Inquiry or subsequently to it, although she did say that Lobegeiger told her that Saunders continued contacting him almost to the time of his death. In Whitehall's declaration she stated that she had no knowledge of any contact from 1986 to 1989 between Saunders and Lobegeiger until she located the correspondence from Saunders after her father's death.

In conclusion I am satisfied that Saunders commenced 1982 without Lobegeiger as a partner. She was obsessed with him. Although she was desperately seeking his affections they were not forthcoming. Bull, she thought, had replaced her in Lobegeiger's affections.
CHAPTER 4

THE INTRODUCTION OF ROY ALFRED COOMER AND DOUGLAS MERVYN DODD TO THE SCENE

4.1 The nature of the association between Saunders and Coomer

It is necessary to consider the true nature of the association between Saunders and Coomer as it is critical to the assessment of Coomer's credit as the original complainant in the theft of the guns and as co-accused with Saunders and Cooper on the charge of attempting to pervert the course of the justice. A number of lengthy statements written or signed by Coomer in 1982, 1983 and 1984 were put before me in the course of the investigation. At first glance they appeared to have been in such detail and presented in such a manner that it suggested they were drafted originally by Saunders. If their relationship had been a sexual one the possibility of Coomer adopting a draft prepared by Saunders, especially if it did not contain the truth, was to my mind greater.

There was no dispute that Saunders first met Coomer towards the end of 1981. There was also no dispute that they had an association until some time after the Mount Berryman incident in 1984. What was greatly in dispute was the nature of this association. Coomer stated it was a sexual relationship until September 1982 whilst Saunders denied that there was ever any sexual involvement.

Saunders stated that she first met Coomer when she was on either the VIP Squad training course or the Emergency Squad training course at the Belmont Rifle Range towards the end of 1981. Coomer, who was an aircraft refueller for the Caltex Company, acted as a range safety officer on a part-time basis when police were shooting there. Saunders stated that at their first meeting Coomer was carrying a large firearm which he offered to Saunders to use. She stated that she put the firearm's sight to her eye and discharged it but because of the power of the recoil she obtained a black eye. She went on to say that Coomer felt bad about it. Their subsequent discussions of the incident led to their becoming friends. Saunders said that over the following few months Coomer took her out to the range and gave her instructions on how to use the weapons. She stated that they also went out and about in each other's company.

Counsel Assisting asked the following questions of Coomer concerning their relationship and he gave the following responses:
Okay, all right. Now, how close was the relationship?—I would consider it reasonably close.

Yes. Did you ever go and stay with her overnight anywhere?—At her place.

At her place?—Yes.

I see, and were you lovers?—I would say yes.

Yes. I mean, you shared the same bed and have sexual relations; that is what I mean?—Well, if we were not, I do not know what we were doing.

And later in the transcript this exchange occurred between Counsel Assisting and Coomer:

All right. Now, after this—after the arrest on this particular occasion, the relationship still continued?—Yes, not as—-

The first arrest, you see?—Yes.

And she had bail. She got bail on this occasion?—Yes.

And, in fact, she was at liberty because of bail, she was at liberty until 9 September. So we have got from 29 April till 9 September when she was free?—Mm.

Did you still go over to her place on a regular basis?—Reasonably regular.

Yes. And, I mean, would you say you were still lovers at that time?—I would say things had cooled a little bit.

Things had cooled?—Yes.

Well, could you explain why they had cooled, Mr Coomer?—More—oh, I think she just had a lot of things on her mind.

I see?—And I think we were more just friends at that stage.
Coomer denied having sexual intercourse with Saunders during the "holidays" on the Gold Coast in August 1982 when Gray, Cooper, Saunders and he stayed at the caravan park and also when Saunders and he went to Tasmania on holidays in 1984.

In examination of Coomer by Fleming QC the following exchange occurred:

Mr Coomer, let us go on to another topic. You say that you have had an intimate relationship, a sexual relationship, with Lorrelle Saunders?---Right.

Over what length of time did that sexual relationship subsist?---A couple of years.

When do you say it started?---Not long after I met her.

And when do you say it finished?---I'd say when she was gaol.

I thought that you said in your evidence yesterday that the relationship cooled when she was arrested?---Right.

Did you have a sexual relationship with her after she was arrested?---No.

So, in fact, it had finished by the time that she was arrested?---When she went to gaol.

And later in examination the following exchange took place:

All right. Now, she was in fact put in the lock-up overnight; you have a recollection of that do not you?---Yes.

Was there a sexual relationship after that day?---Yes.

All right, and when then did it subsist until?---Until she went to gaol.

In further examination of Coomer by Fleming QC, Coomer having acknowledged that on his account sexual activity had taken place over 10 months rather than 2 years, as he had originally suggested, the following
questions were asked and answers given:

_How many times do you think you have had sex with Lorrelle Saunders?---I wouldn't know now - hell._

_Was there a regular basis?---Not really, no._

_How regular would it have been - well, sorry, you said it was not on a regular basis. How often?---Once a month._

_About once a month. So you had sex with her, if it was nine months or ten months, about ten times?---Well, that's what it add ups to._

_You did not - you went on holidays with her in a tent down the coast?---Mm._

_You told us yesterday you did not have sex with her while you were on holidays?---That is right._

_Is that right?---Yes._

_What sort of protection did you use when you had sex with her?---Condoms._

And later in the transcript:

_All right. Describe her bedroom for me?---Small - a window above the bed. Looking into the bedroom there is a window on the right-hand side going out onto the patio; wardrobes on the left._

_What sort of bed?---Double bed, sliding door._

_What colour is the - - - ?---It is as much - - - _

_What colour is the room?---Do you expect me to remember that after 10 years? _

_Are there are other unusual features of the room?---Not that I can remember._
Do you recall any operation scars on Lorrelle Saunders?--There is a small one on her knee. Nothing else that I can remember.

Any birth marks?--It is too long ago for me to remember that.

You never did have a sexual relationship with her, did you?--Yes.

It was never suggested to Coomer by counsel for Saunders that his descriptions of Saunders's bedroom and the distinguishing mark on her knee were erroneous. I should also say that Coomer gave both descriptions with very little hesitation and in a manner which gave me the impression that he was genuinely recalling from his memory rather than extemporising.

Fleming QC took Coomer to some evidence he had given at Saunders's trial in May 1983 where he had described their relationship as "just good friends." In relation to this the following exchange took place:

All right. And you are asked of your relationship with her and you say, 'Just good friends.' Just good friends. Are not you saying there that that is all you are: good friends?---Well, we were.

Yes, but you are saying you were just good friends - that is all?---It might be just a figure of speech.

You were placing a limitation on your friendship. You were saying that you were just good friends?---I don't think so.

Now Mr Coomer that happens to be a true statement, I suggest?---I think - well, I consider we were very good friends.

Very good friends. Well, when you were asked about this at the trial, your response was, 'Just good friends.' What I am suggesting to you is that that is, in fact, a truthful answer?---I think we were more than that.

Later in the examination Fleming QC referred to Coomer's evidence at
Saunders's committal hearing on 10 August 1982, where previously he had described the relationship as one of "very good friends." Subsequent to this the following exchange took place between Fleming QC and Coomer:

So you both went away after she came out of gaol?---Right.

Toured Tasmania together?---Right.

That shows a pretty good friendship still subsisting at that time?---We were friends; I don't know if we were pretty good friends, but I think it - we just both wanted to get away and that's the way it worked out.

Who paid for Lorrelle?---I did.

For the whole of the trip?---Yes.

There was no sexual relationship in that trip, was there?---No.

What sort of accommodation did you have?---From memory, I think it was Flag Inns.

And what, you would take - - ?---It was a fly/drive.

It was a fly/drive that you paid for. What, you would take a motel room, two single beds - - ?---That was all all arranged.

Yes. What, you would have a twin motel room?---Yes.

You would share motel rooms - - ?---Yes.

- - - in that period of time. And there was no sexual relationship between you?---Not then, no.

No. All the opportunity in the world - - ?---Right.

- - - but no sexual relationship?---That's right.

Well, Mr Coomer, what I suggest to you is that that was in fact the quality of your relationship all the way through;
you were very good friends without - - -?---We were more than good friends at the start.

- - - it ever having developed into a sexual relationship?---No. We were more than good friends at the start. I don't know how many more times I can repeat that.

All right. You see, I come back to what you said in court in that transcript there:

Did any relationship develop between you?---Just good friends.

Indeed, quality friends?---That might be just the way I talk.

When Counsel Assisting in re-examination of Saunders put to her Coomer's account of the relationship for her comment the following exchange took place:

that you were on very close intimate terms, in fact, during that period, the period that I have just been mentioning, that is from your arrest up until the time - - -?---I think Coomer must have got a bit carried away with his male ego, because he certainly has never had sex with me, not then, and not any time.

All right. Why did you go away to Tasmania with him after the whole thing was over?---For a holiday. Just for a holiday.

I see?---As far as I was concerned he was a friend, and I think most women in the room, at least, would understand that a woman can accept a male as a friend, but the idea of sex with that same male could be quite repulsive.

I see. I see?---And women certainly probably feel a lot differently between friendship and sexual relationships with a male.

Well, you are a psychiatrist, are you, or a psychologist?---No, but I know how women feel.
Do you, all right.

THE JUDGE: Well, now, getting down, not to how women may generally feel, but so far as you and Coomer were concerned, did you think the idea of having sex with him was repulsive?---Yes, your Honour. He was no more than a friend, to me.

HAMPSON QC: So when he offered the holiday in Tasmania that he was paying for at the end, you saw as an act of friendship and that was all?---That is right.

Yes, all right. So you deny that he was seeing you as frequently as he gave in evidence here, that he was having intercourse with you and so forth during that time?---He has never had intercourse with me at any time.

Subject to my thought that Coomer was trying to avoid giving testimony which might damage Saunders's cause, I have no doubt that Coomer's account of the relationship was honest and substantially correct. I reject Saunders's account of the relationship in so far as it was inconsistent with his. She was a most unimpressive witness whilst giving this evidence. In particular I found her evidence regarding possible marks on her body in 1982 as most unconvincing. When Saunders gave evidence in re-examination she volunteered to Counsel Assisting that the scar on her knee, to which reference had been made by Coomer, was a scar resulting from an operation which she had had on her right cartilage after she went back into the Police Force in 1984. In the next answer to Counsel Assisting she made it quite clear that she was saying that Coomer was incorrect in his statement that she had a visible scar:

All right, so what you are saying is, prior to that date, you did not - in 1982 - 1981-1982, you did not have a scar such as the one to which he referred?---No. No visible scar.

Notwithstanding this claim by Saunders a document on her prison file disclosed that she had as at 10 September 1982:

scar left knee, scar under left eye, scar on nose, own teeth, moles on back, mole on left breast.

Saunders confirmed that it was her signature on the certification on this
document which stated that the information was true and correct but added that she probably would have signed anything at that stage whilst in jail. She denied that she had moles on her back, her left breast or nose but confirmed that she had her own teeth and had scars which had faded from under her left eye. When she was specifically asked by Counsel Assisting whether she had a scar on her left knee as at 10 September 1982 she replied:

Oh I could have had a cut,

and then later in response to a question from me she stated:

I said I could have, your Honour, I certainly haven't recall ever having a scar on my left knee.

It would seem to me that Coomer's description at Saunders's committal hearing and trial of their relationship being one of "just good friends" did not exclude the possibility that sexual activity had taken place. After all, he was not asked specifically either at the committal hearing or the trial whether sexual activity had occurred. Furthermore I think it is fair to say that Coomer did not present as an erudite person with mastery of the English language. I accept what he said to Fleming QC when being pressed about his evidence at Saunders's trial and committal hearing that they had been "just good friends":

That might be just the way I talk.

I am fortified in my view by reference to another passage from Coomer's evidence at Saunders's committal hearing in August 1982 which was not put to Coomer by counsel for Saunders for his comment:

Now Mr Coomer, did you give any person permission to take those firearms on that night?
Well I told my girlfriend, Lorrelle Saunders she could have them any time she wanted them.
Well when did you tell her that?
I told her a stack of times that whatever belonged to me also belonged to her.

This is completely consistent with a very close relationship between the two of them. Interestingly enough, when Coomer was interviewed by his solicitors on 27 September 1982, notes record that he told them that he saw Saunders "2-3 times a week - she was girlfriend." It was not suggested
by Saunders or put to Coomer by her legal representatives that Coomer had a motive to lie about the nature of their relationship. Saunders suggested that he was confused in giving evidence before me and added that his male ego must have been responsible. I dismiss both possibilities. I do not consider it likely that Coomer would risk perjuring himself before me because of some misguided view of his "male ego," especially in relation to activity which occurred over ten years ago. I also reject the possibility that he could have been confused or honestly mistaken about the matter. Such matters are not the type which lend themselves to honest mistakes or confusion. The manner in which Coomer gave the description of Saunders's bedroom and the mark on her knee also confirms in my mind that he was telling the truth. The notation in the prison file was confirmatory of Coomer's evidence whilst, as I have previously stated, Saunders's answers to me and Counsel Assisting concerning it were particularly unconvincing.

My view is further supported by the statutory declaration dated 6 May 1993 of Herbert QC who was Saunders's solicitor for the first part of her committal hearing in August 1982. As indicated in the previous chapter, at Saunders's committal hearing on 12 August 1982 the then counsel for Saunders put to Lobegeiger that Coomer and Saunders "had a stable, happy relationship." It will also be recalled from the previous chapter that Saunders in evidence before me stated that she did not give instructions to her then counsel to this effect, and this was one of the reasons why she changed her solicitors and counsel before the committal hearing recommenced in November 1982.

In Herbert's QC statutory declaration the following paragraph appears:

Also in paragraph 41.6 of her statement, Saunders says that she was 'unhappy with the way Howell\(^4\) [Saunders's counsel] had run the first part of the committal.' As to that, I say as follows:

(a) What Saunders refers to as the 'first part' of the committal occurred on 9, 10 and 12 August 1982 (11 August 1982 was the Brisbane Exhibition holiday). Saunders was represented by Alex Mackay & Co. I was present throughout the committal instructing counsel on behalf of

\(^4\) Warren Howell is currently a Judge of the District Court.
Saunders.

(b) At no time during the committal, or subsequently, did Saunders inform me that she was unhappy with the way in which the committal was conducted.

(c) For my own part, I was very satisfied with the performance of counsel on behalf of Saunders. Nothing which occurred in the course of the committal gave me the slightest reason to suspect that Saunders was unhappy with counsel's performance.

(d) In particular, Saunders never advised me and I had no reason to suppose that Saunders was unhappy with the way that questions were being asked by counsel of witnesses, on the basis that a personal relationship existed between Saunders and Coomer. As far as I was concerned, it was the fact that such a personal relationship existed. Those were the instructions which Saunders gave me.

Significantly, when Saunders's partner Knight gave evidence on 12 August 1982 as the fourth witness after Lobegeiger had been in the witness box, it was suggested to Knight by counsel for Saunders that Coomer was Saunders's boyfriend. Sufficient time had been available for Saunders to advise her counsel that he had been putting incorrect instructions to Lobegeiger. This clearly did not occur as can be seen from the following passage of the committal hearing:

And Coomer of course you knew as the defendant's boyfriend?
Yes.
And been the boyfriend ever since you started working with her...you started with her working as her partner in work on the 1st of January...was that the first day you worked together?
No, we'd been working together for about 3 years.
Yes. Well, when you say about three years, does that mean all of last year you were working with her as a partner?
Yes.
Right. So the...was it obvious from what you saw and what she told you that she'd formed the relationship with
Coomer late last year?
Well, they were friends.
Hm, but it was obvious to you that it was...he was the boyfriend by late last year. Is that right?
No, I wouldn't say that.
Hm. When did it become obvious to you that he was the boyfriend?
It's a hard point to answer. I...
Certainly well before you went to Alpha you knew it was a good stable girlfriend/boyfriend relationship?
I'm not too sure.
Hm. When did you...when did you...did you ever see Superintendent Lobegeiger's motor vehicle at the defendant's residence?
Yes.
How many times this year have you seen his motor vehicle at the defendant's residence?
About twice.
Twice. What month, January, February or what?
I'm not too...it would be December, January, somewhere around that time.
What time of the day or night?
Oh late at night.
Late at Night. Ah when did the...when did you become aware that the relationship between the defendant and Superintendent Lobegeiger had finished?
Well, I wasn't aware it had finished.
Yes. Ah ha. As a result...I suppose as a result of seeing his vehicle in December, January, a couple of times at the defendant's residence late at night, that caused you to think the relationship was still going?
Oh that plus other things.
Hm mm. But it was pretty obvious by the 7th of March of this year that she'd formed a stable...a good stable relationship with Coomer and Lobegeiger was a thing of the past?
Well, I don't see it that way.
What do you mean by that, sorry?
Well, I think Lobegeiger was still in the picture and Roy was more of a friend.
Hm mm. Alright. You, of course...you've been transferred to Alpha?
Yes.
How far is Alpha from Brisbane?
A thousand and 54 kilometres - by road.
Yes. How far is it from the nearest town?
The nearest town of a few thousand?
Well, Emerald's the closest...the closest large town, 160 kilometres.

It can be seen from this examination that not only did counsel for Saunders put questions to Knight indicating that a steady relationship had existed between Saunders and Coomer but when Knight gave answers which were not fully consistent with this, counsel questioned him with a view of explaining away his account on the basis of his posting away from Brisbane. I cannot accept that a very experienced and competent counsel, as Saunders's counsel was, would act in this manner without instructions.

If any further confirmation is necessary it can be found in the statement of Cooper dated 11 March 1993 given to officers of the Criminal Justice Commission in Sydney.

Whilst I was in Brisbane in period August/September 1982, Saunders and Coomer were girlfriend and boyfriend. I can recall they slept together in the one bed on numerous occasions at her home and also in the tent on the Gold Coast. They also slept together in the one room at Byron Bay.

Although Cooper was later to tell me that he had lied to the officers of the Criminal Justice Commission with a view to giving an exculpatory account of Saunders's conduct during 1982, there was no suggestion that he lied to them in this regard. It would appear to me that Cooper gave a truthful account of Coomer's relationship with Saunders in his statement to officers of the Commission because he did not see that to do so would have been inimical to Saunders. I will return to Cooper's evidence in far greater detail later in the report. I should also add at this point that Coomer had no recollection of going to Byron Bay, although I am satisfied that he did go.

In conclusion therefore I am satisfied that at the time Lobegeiger was rejecting Saunders's advances towards the end of 1981, Saunders had commenced a relationship of an intimate nature with Coomer. If Saunders's evidence before me that the idea of having sex with Coomer was "repulsive" was truthful, one wonders why the association continued until 1984. She may have had little respect for Coomer and it is
interesting to note that Tutt in his statement dated 1 April 1982 stated that he did not consider that Saunders held Coomer in high regard at the time; whatever were Saunders's feelings for Coomer I have no doubt that Coomer thought that he and she were in love. I also formed the view that the affection that Coomer had felt for Saunders has not completely abated. I considered that wherever possible in giving evidence before me he gave, whether subconsciously or not, a response which placed Saunders in the best possible light.

4.2 Coomer's character

I gained the very strong impression that Coomer was a person with a weak character who could very easily be led. From his lengthy stay in the witness box he also gave me the impression that he was not particularly intelligent. He stated that he had gone to eighth grade before leaving school and that from what he could recall he thought he was an average English scholar. He conceded that he had never had a job in a clerical capacity or a job that required him to write a lot. He added that recently he had been doing a lot of writing in the nature of invoices but conceded that he did not compose letters or other forms of prose. When asked whether he was a good letter writer he said he was average but acknowledged that he would only write about one page at any one time. I formed the view that he was not capable of writing statements of 20 pages or longer unaided and certainly not statements of the type that had been produced before me which recorded alleged events in chronological order in great detail with only minor corrections.

When Coomer was originally questioned by Counsel Assisting concerning the association between Saunders and Lobegeiger the following exchange took place:

Okay. At that time when you heard that she was being charged with trying to procure the murder of Lobegeiger did you already know of Lobegeiger?---Heard of him.

Right. You had never met him?---No.

And what had you heard of him, up until that time?---Just that she was going with him and I believe she was trying to break it off.

I see?---Break the relationship off with him.
So all you knew was what she told you?---Yes.

You never spoke to Lobegeiger or got letters from him or anybody?---No.

But she had told you that she had been going with Lobegeiger and she was trying to end the association; is that the position?---Yes. That's right.

And later in the examination this exchange occurred:

Okay. Up until this stage now - this is the trip down there [to Miami on holidays with Cooper, Gray and Saunders] - had you heard anything more about Lobegeiger? I mean, all you had heard up until the stage that she had been first arrested was that she had been having an affair with Lobegeiger and she was trying to break it off?---Mm.

Had there been any development?---Only what I read on and off in the papers.

Nothing she had told you?---Just she kept trying to break it off.

That is what she told you, I mean?---Yes.

Yes, all right, and she was saying what, that he did not he was not keen to break it off but she wanted to break it off?---Yes.

And still later in the transcript the following exchange between Counsel Assisting and Coomer appears:

Now, if I could ask you some bits and pieces around the place, as it were, when you were down the Gold Coast that time - remember this, again, was in that month, August, early September 1982?---Right.

The tent holiday, right? Did you observe whether Lorrelle Saunders made any contact with Mr Lobegeiger?---Not while she was with me she did not.

No. Did you know that Mr Lobegeiger, at that time, was
living at a police house, I think, at Miami, not far from where the caravan park was that you were living in?---No, I did not.

You did not know that?---No.

She did not tell you that, and she did not - or, did she tell you that she had been trying to make contact with him or he had been in contact with her or anything of that sort?---No, not that I can recall, no.

You knew nothing about that? You were still, at that stage, of the view that she had broken off with him although he was trying to rekindle the association?---Yes.

It was quite clear from Coomer's answers in these exchanges that he claimed to have had very little knowledge of Lobegeiger and was adamant that he was not aware of Saunders seeing Lobegeiger whilst on holidays on the Gold Coast with Cooper, Gray and himself. These exchanges assist in an assessment of Coomer's character and the way in which his thoughts and attitudes would have been governed by what Saunders had told him.

In complete contradiction to this evidence was a number of statements, some of which were very lengthy, which had been written or signed by Coomer, which suggested that he knew a great deal about Lobegeiger and contact between Saunders and Lobegeiger, including contact whilst on the Gold Coast on holidays. Counsel Assisting questioned Coomer in relation to this apparent contradiction with the statements and in the course of this the following exchange took place:

And you were - you were - you knew - you were assisting because you, in fact, loved her at the time?---Yes.

Is that right?---Yes.

And, you were happy to assist her in any way you could to get her off the charge?---Yes.

Is that fact?---Yes.

All right, and in fact, this statement that she typed out for you, the first one you looked at, she typed it out - - -
—Yes.

- - - and she asked you to make a copy of it because it looked better, in fact, if you had a copy in your own handwriting?---Yes.

That is right?---Yes.

And, insofar as there were things in the statement that you did not know, you, loving her as you did, would have been prepared to get into the witness box and say that those things were true, is not that the case, Mr Coomer?---I would say so, yes.

At the end of questioning in chief by Counsel Assisting Coomer had clearly admitted that he had copied in his own handwriting or signed statements drafted by Saunders and had been prepared to get into the witness box and say things that were not true to assist her.

However in examination by Fleming QC Coomer resiled completely from what one could only consider a very strong statement of position:

Yes. Look, in your evidence yesterday, when you were saying that - agreeing with things that Mr Hampson was putting, were you really saying, well, I do not remember that, or were you saying that could not have happened that way?---No. I don't remember that.

All right?---I think I've said it a couple of times: it is a long time ago.

Yes, it is, and one would expect that you would have this sort of better recollection. Now, Mr Coomer, you are just not the man to make up - you are not the sort of man who would make up stories, are you?---No.

No. You try to be - you are an honest man?---I consider myself one, yes.

Yes, of course. You attempted to give honest evidence. You gave honest evidence in the courts below?---Yes.

It was not - it was not that you were prepared to make up
stories for Lorrelle Saunders benefit, was it?---No.

No. You just wanted to give honest evidence as you understood it?---That is right.

Yes. It was not the case that you decided that Lorrelle needed a bit of assistance, and therefore we will, sort of, sit down and make out some sort of story which was less damaging to her. That did not happen, did it?---No. Well, I am not going to lie for anyone.

And later in the transcript this exchange with counsel for Saunders occurred:

You - yesterday it was put to you that you were prepared to go along with some inaccurate statements because you loved her. You - you were not - you would not tell lies for anybody would you?---No.

And you certainly have not told lies for Lorrelle Saunders, have you?---I don't believe so.

No, so that when Mr Hampson suggested to you that you went along with stories because you loved her that is - that is not right?---Well, I wouldn't say I went along with stories. I helped her out I believe to the best of my ability.

Yes. On what you knew, you did not make things up for her though, did you?---On what I knew.

Yes, on what you knew to be factual and - and that is - that is the way it happened. You are a good friend?---Yes.

You were not such a friend that you would tell lies for her?---No.

No. And you were sticking by her in tough times?---Yes.

Later in re-examination of Coomer by Counsel Assisting the question of his knowledge of Saunders's association with Lobegeiger was again raised. By this time two further statements had been obtained from Coomer's
solicitor's file after legal professional privilege had been waived by him. These statements had been originally provided to his solicitors for his trial in 1983 on the charge of attempting with Cooper and Saunders to pervert the course of justice. As it turned out a nolle prosequi was entered on his charge as the court considered that there was insufficient evidence to place him on his trial. The following questions were asked by Counsel Assisting and these answers were given by Coomer concerning his previous statements and in particular the two recently obtained ones:

Yes. Now, do you remember yesterday you told me that you did not believe that there was any communication going on between Sergeant Saunders and Lobegeiger at the time of her arrest - at the time you went down the Gold Coast, and particularly in that month of August/September?---Right.

Before she was arrested the second time in 1982 - remember that?---Yes.

You are quite clear, you remember you said that yesterday?---Yes.

Remember I asked you about going to the unit for example, the sister’s unit?---Yes.

So you said no but you did not know anything about it being in touch with him. You are quite clear on that?---As far as I can recollect, yes.

Now, let us get it quite clear that you are completely sure that yesterday you gave evidence that to the best of your knowledge there was no communication, and certainly no regular communication between Lobegeiger and Saunders in let’s say August and September of 1982?---As far as I can recollect, no.

Yes - absolutely. And you would have a reason, because you were her lover and he had been the former lover. You would be a bit interested in any communication between Saunders and Lobegeiger, would not you?---Depends if it had anything to do with police investigation or not.

Or anything to do with sexual closeness - or are not you a
jealous man?---Not overly jealous, no.

Not over jealous - so you would not really pay much attention as to whether or not she was meeting again her former lover, even though you were now her lover. Do you follow what I mean?---Yes. I believe she wasn't.

She was not. So that was your - that is what you told us yesterday, and that is your firm recollection that she was not in communication with him at that time. Is that right?---That is right, yes.

Okay. Now - so this is - now Colin and Sue come into it, that is Cooper and Gray, is it?---Yes.

Is that right?---Okay.

And they first arrive up here in mid August 1982, do not they?---I'm not sure of the date now.

All right. Well, I did not give a date

THE JUDGE: Well, I thought it was Exhibition Week you went away?---That's right, yes.

HAMPSON QC: Okay. We will come to that later, because the dates is given in these documents, you see. And see, so:

She told me she'd promised to drive Colin and Sue to Byron Bay. I asked if I could come and Lorrelle suggested I meet her at her place but on the understanding she and I were not to discuss the court case. She also told me Allan had asked her to check out the drug scene in the Surfers Paradise beer garden.

All right?---Where are you up to now?

I am still on the first page; it is about the fourth last line?---Okay.

Do you see that?---Yes.
So, here was a suspended police officer, as you knew, all right?---Okay.

Supposed to be in communication with her former lover, a police inspector, who was supposed to have asked her to check out the drug scene in the Surfers Paradise beer garden at a time when according to you there was no communication between them?---I believe there was no communication.

Well, why did you write this down here then? Look at the next sentence:

Lorrelle told me she'd told Allan about Colin and what a good dog he was, so she said she would try and make Surfers for lunch.

You see that?---Yes.

All right. Look up at the next page:

And went to Byron Bay via Rathdowney.

Did you ever go to Byron Bay with Saunders, and Cooper, and Gray?---I can't remember where I went now; it's too too long ago.

All right. Take your time.

Colin was drinking heavily, and Sue only needs a couple and she's way out. We set up a drug deal at Byron Bay.

Are they your words, "We set up a drug deal"?---No, they're not my words.

Well, that is - they are in your handwriting?---Yes.

How did they get there in your handwriting? Where did you get it from?---Probably her.

And what did you mean by it when you said, 'We' - when you wrote down, 'We set up a drug deal'?---Well, it
wouldn’t have been me and her.

No. Well, who would it have been? What do you mean by, ‘We set up a drug deal;’ what does that mean?—It means that someone set up a drug deal.

No, it does not; it does not mean someone set up a drug deal; it means we set up a drug deal, whatever that means. What does it mean, ‘We set up a drug deal’?—Well, it wasn’t me.

But that is what it says, Mr Coomer?—It might be what it says, but that’s not the way it’s meant to read.

Well, how is it meant to read? What is it meant to say?—I would say it - it’s meant to say her and someone else.

Oh, is that what it is meant to say?—Certainly not me.

Once again Coomer had changed his evidence and now contradicted the previous answers he had given to Fleming QC which had indicated that he was not prepared to make up an account for Saunders. A reading of the transcript of Coomer’s evidence before me shows that he contradicts himself upon important matters. I have to evaluate his evidence then in the light of my assessment of him when answering questions. On what parts of his evidence can I rely?

There is no doubt in my mind that the statements, to which reference is made by Counsel Assisting in re-examination, had originally been drafted by Saunders and provided to Coomer to adopt. I will return later in the report to a consideration of the statements of Coomer in greater detail with a view to highlighting first, the fact that they had been originally drafted by Saunders and secondly, that they contained untruths. Suffice it to say it was a clear example of Saunders attempting to "rewrite" history and have others adopt it. However I do not believe that Coomer consciously perjured himself before me. I am satisfied that his answers were given in an attempt to be truthful. To my mind the inconsistency can be put down to his weakness of character and his lingering affection for Saunders, coupled with his somewhat limited intelligence. It is interesting to note that the single, significant exception to this tendency by Coomer to give answers which were favourable to Saunders was the question of the sexual nature of their relationship. He at no stage resiled from or equivocated in
relation to this.

4.3 **Coomer described as a possible defence witness by Saunders**

As part of the Legal Aid material is a 5 page document headed "Possible Defence Witnesses and Evidence." At page 3 of that document under the heading "Other witnesses that are in actual fact Crown witnesses, ev. for defence under c/e" appears the following:

*Coomer, Roy Alfred. Complainant and was co-accused conspiracy.*

It is clear from this entry that Saunders considered that Coomer would give evidence favourable to her. Bearing in mind that she had drafted his statements one may well think that she had a good basis for believing this. In a typed note for her then solicitor, Peter Sorensen, which was also located in the Legal Aid material is the following extract:

*Coomer will give ev. Prefers to be prepared ... wants deps and statement he gave to Herbert to refresh his memory prior to trial.*

This entry shows that there had been contact between Coomer and Saunders, independent of her solicitor, before all her charges had been determined and probably whilst she had been in prison.

4.4 **Dodd's credit as a witness**

Before embarking upon a consideration of the association between Dodd and Saunders in early 1982 I should say something about Dodd's credit. In evidence available to me Dodd had been variously described as a "terrible criminal," a "shocking liar," a "perjurer," and "one of the worst type of criminals a police officer would be unfortunate enough to meet." I have no doubt all these epithets are accurate. He has a lengthy criminal history dating back to 1971 involving many offences of dishonesty and violence, as well as sexual offences. On 5 February 1985 he was convicted of perjury in relation to evidence he had given at Saunders's committal hearings and trials. He was sentenced to 6 years imprisonment with hard labour. At that time he was serving a number of other concurrent sentences for offences he had committed in late 1981 and early 1982. Having given so many contradictory accounts in statements and in
evidence on oath prior to giving evidence at this investigation I am not prepared to accept any of his evidence unless it is uncontested or there was independent support for it. In this regard I accept the submissions of Saunders's solicitors. In light of this attitude to his evidence I will not make slavish reference to it in the report. Reference to it will only be made when I consider it necessary to do so. I should add that I gained the impression that Dodd on occasions would answer a question with the first thing that came into his head. That is to say I considered that he was not intentionally telling lies but it seemed he could not help saying the first thing that came to mind. Sometimes he would reject or contradict evidence that he had previously given which had been accepted, was uncontradicted and was clearly correct. I also formed the view that he was not particularly bright.

4.5 Saunders's dealings with Dodd as recorded in her Official Police Diary

I should also comment upon Saunders's account of her dealings with Dodd as recorded in her Official Police Diary. Saunders had previously relied on the diary when giving evidence for the Crown at Dodd's trial for perjury in January 1985. She then claimed it was an accurate and contemporaneous account of the events recorded in it for the period of 16 February 1982 to 21 April 1982. In that trial she had relied upon the diary to refresh her memory. It should be noted that Counsel for Dodd tendered the relevant part of Saunders's diary at Dodd's trial after Saunders had sworn on oath that she had completed the diary contemporaneously with the events recorded therein.

In response to questions by Counsel Assisting requesting details of the frequency with which she had met Dodd she responded that she needed to look at her Official Police Diary in order to answer the question. Saunders stated that the diary was a record of dealings with Dodd and some of the other things that were then happening to her, such as threatening phone calls. The following exchange then took place between Counsel Assisting and her:

Yes, I see, and when would you have made those notes?—Well, within - you know, a day of him telling me about it, I suppose.

Yes, so that police notebook that you were looking at last time you were giving evidence, that would have a reference to that and you say that would have been made within a
day or two after Dodd telling you of it?—That's correct.

Is that right?—That's correct.

I see, and when was it you started to write that notebook?—I can't recall. It wasn't when I first met him. It was—

No?—-some time later.

It was some time after you became suspicious of him I think you told us last time. You became a bit concerned about him?—Yes. Not only that, I also thought that he was just not going to give us one lot of information; he sort of kept getting in contact so I thought, well, look, this fellow probably is going to supply information that I'm going to have to recall to do reports on.

I see. All right, so it could have been—in fact, it could have been not until, say, the beginning of March that you actually started to keep that diary?—Whenever the diary starts is when I started keeping it.

Whenever the diary starts is when you started to keep it?—That's correct, on Dodd.

And later in the transcript the following exchange appears after a question from me:

THE JUDGE: Just while you are on that, what was your practice in relation to the keeping of the diary for that period, or the periods that you did keep it. Did you do it daily or—-?—Well, mainly only when I had contact with Dodd, or other, something else significant, sort of, happened, your Honour.

Why did you restrict it to Dodd, when you had contact with Dodd?—Well, the reason being that he'd approached me to give information that I might inform the prosecutor so I wanted an accurate record of what information he'd given us and what action we'd taken as a result of it and also if it became necessary to prepare a report to the department to have him paid any monetary reward for any drug
information, that it was accurate record I could photostat
or take notes from to prepare my report.

Given the stated purpose for the entries in the diary there is very little
record of conversation with Dodd or information from him.

There are several points which indicate that the notes in the Official Police
Diary were not written contemporaneously with the events recorded in it,
as claimed by Saunders, but rather at some time after allegations had been
made against her by Dodd. I should indicate at this stage that the diary
was furnished to a handwriting expert, Gregory Keith Marheine, for his
comments. He was unable to make any conclusions in relation to it. I will
now explore some of these points.

(a) The diary was issued to Saunders on 3 December 1976. The first
entry relating to Dodd is recorded as occurring on 16 February
Therefore there is something like a 4½ year time lapse between
these entries. Saunders explained this gap by saying that Dodd
was her only informant during this period and as she was not
required to maintain a diary she did not do so until this time.
When asked by Counsel Assisting whether she had kept a similar
log of events for other informants she indicated that she may have
done so once in the early 70's and possibly on one other occasion.

Inspector Matthews, who was in charge of the Task Force, in his
statutory declaration stated that he remembered Saunders having an
informant who on more than one occasion visited the Queensland
Police Depot Establishment where the Task Force carried out its
operations. Although he could not now remember the name of that
informant he did recall telling Saunders not to have this informant
around the Police Establishment. There is no suggestion of course
that this person was Dodd. This is clearly inconsistent with the
evidence given by Saunders that she had no other informant during
the period 1977 to 1982. It seems to me that it would be
extremely co-incidental that the first informant she had in this
period turned out to be a person who made allegations against her.

(b) Counsel Assisting raised with Saunders the question of why she did
not have the diary signed or reviewed by a senior officer. Her
responses were most unconvincing. I will set out the relevant
passage in full:
Yes. Did it occur to you it might be wise to get a senior officer to review that book from time to time and sign it?---No.

Initial it?---No.

I mean, that would have proved its authenticity, would not it?---It's just not something you'd do.

Why not?---You're flat out getting your police books and diaries, the official ones, inspected. I mean, it's just one of those things that goes by the book. I don't think my note book at the moment now has been inspected for probably a couple of years.

No, no. I am not saying that you wait - I am not suggesting you just wait until somebody complies with regulations and looks at your book, but that you go to your sergeant, for example, and say, 'Well, look, I'm a bit worried about this fellow, so much so in fact that I'm keeping a record of the contact with him?'---No, I wouldn't do that.

'And I would just like to - you know, I'd like you to initial it every so often so that there can't be any argument in the future about in fact I wrote it up a long time after the event?'---It's not something I would have thought - ever thought of doing.

Even though you were a bit worried about Dodd being - Dodd worried you?---Oh, you know, any informant should worry you. I mean, you've got to be worried when you're dealing with informants.

On Saunders's evidence she was faced with the situation where she had been concerned or worried about Dodd and yet she did not consider that the diary was worth bringing to the attention of a more senior officer.

(c) In an entry in the diary for 17 February 1982 it is recorded:

Gave Dodds home phone number - only in
emergency.

I must say that I find it odd that in such a diary is recorded "-only in emergency." One wonders what relevance that would have been in the early stage of her discussions with Dodd. I would not have thought that such an entry would have been necessary in a diary in which she was to record information from Dodd. One of the concerns raised against her subsequently was that she had given Dodd her private home telephone number in circumstances which suggested the existence of an association something more than that of the normal police officer/informant relationship. One could be pardoned for thinking that Saunders, having heard the suggestion, attempted to explain the conduct by writing in her diary that she had given him her telephone number but only for emergency purposes.

(d) In the same entry Saunders refers to the woman "Jocelyn" as a pusher. "Jocelyn" according to Saunders could only have referred to Joslyn Spires, Dodd's mistress at the time. The question arises, why would Dodd give information to Saunders suggesting that his then mistress was a drug pusher? Although Spires had been convicted and fined $500 on 28 August 1980 for cultivating a prohibited plant, it would be extraordinary, even for Dodd, to have 'dubbed in' his mistress.

(e) In the diary there is an entry for 26 February 1982. It states:

Leaving hotel talked to Bernie (neighbours mate) re
mother and massage chair and spa pool or heating
our pool - DODDS overheard - obviously -
offered to build me spa pool $1000.00 Very
persistent about looking at garden

It is strange that a conversation with her next door neighbour about her mother's massage chair and spa pool is recorded in the diary. Once again it records Saunders's conversation, not Dodd's. I would have thought it would have been of little or no significance at the time. Counsel Assisting questioned Saunders about the entry. I will set the exchange out in full:

Why on earth would you put that in there - that
Dodd apparently overheard this conversation about
your mother's massage chair and spa pool or
heating the pool? Why would you record that?---Because he became very persistent about wanting to come around and say, 'Oh, you could put a spa in here,' and wanting - be very persistent about wanting to come to my home for some reason. And he obviously was listening to what I was saying to Bernie because he picked it up off that and that worried me.

Well, you could not even say that he, obviously overheard. We said that he obviously overheard. But you see the other theory - the other theory about it is simply that, at a later point in time when he started talking to the police, he claimed that you had suggested to him that your mother needed such a massage chair and so forth and that, you know, he should steal one. I mean that is what he claimed, was not it?---I think she already had one back then.

What is that?---I think she had it.

No. You agree with me that that is the claim he made to the police at a later time?---I don't know whether he mentioned a massage chair. I think he said a bed or something.

Well, massage bed or chair, I just forget exactly what it was. But he made that claim later to the police. You know that, do not you?---Yes. That's correct.

You know that?---Yes.

And, you see, that could be a very good reason then for somebody to say, 'Ah ha, now I can remember, I think, that I spoke to Bernie, a neighbour's mate -' not Bernie Hannigan - 'I spoke to Bernie.' This conversation here about mother and massage chair and spa pool or heating our pool. 'Dodd overheard obviously and so forth.' Do you follow?---That's correct. I follow what you're reading here.
Yes. So, the point is - it is, sort of, a bit like a verbal in a sense that you, as it were, say - a lot of people would have said, well, how could Dodd know that your mother needed this massage arrangement unless you told him?---She didn't need it. She had it.

All right. How could he be putting up that she needed it unless you told him?---I don't know.

And, therefore, the way out of that, the verbal, is to go back and write some time, weeks before he tells the police that, circumstances in which he could have got that information by eavesdropping when you spoke to Bernie, the neighbours' mate, on leaving the hotel?---That's how it happened. That's how I wrote it.

I consider Saunders's responses to Counsel Assisting most unconvincing. Not only does Saunders include in the diary that Dodd overheard these discussions but that he overheard them "obviously." To my mind the expression "Dodds overheard - obviously," if written contemporaneously as Saunders claimed, would have been recorded as "Dodds heard," or alternatively, "Dodds present." It would seem to me that the expression "overheard - obviously" would only be written after an event to explain why someone was possessed with information he/she would not otherwise be expected to have. As at 26 February 1982 the date on which this conversation ostensibly occurred with Bernie her neighbour Dodd had made no allegations in relation to her mother's massage chair or the spa pool. However on 28 April 1982 Dodd did make an allegation that Saunders wanted him to steal an orthopaedic chair for use by her mother. One could be excused for thinking that Saunders, knowing Dodd had made this allegation about the orthopaedic chair, inserted in her diary the particular entry to explain how he had become apprised of her mother's interest in a massage chair.

(f) Following immediately on't from the previous entry is the following one:

_Not/int. seems a strange sort of guy - real grub._
Saunders was questioned by Counsel Assisting about this entry as well:

But what I am suggesting to you is a classical piece of verballing, is not it?—Well, I don't think so but, you know, you've got your opinion and I've got mine.

Okay. Is there any reason why you would write, 'Seems a strange sort of guy, a real grub'?—Well, he was. That was my - I would imagine, perhaps, in my report, I would have had to give an impression of him. So, that's how I found him.

But that would be in your mind and it would be a matter that would develop and change. Why would you have to write it down here?—Well, I wrote it down.

Again, that is not part of the verbal, in the sense that, later on, you decided he was a grub because he made accusations against you and you thought - - -?—No. I decided from the minute I met him, he was a grub, Mr Hampson.

A police officer's subjective view of an informant would not normally be of relevance or admissible in evidence in court. It could be argued that the notes were not recorded in the diary for court but as an aid for preparing a report to a senior officer, as Saunders claimed. I reject this possibility. If a diary had genuinely been used as an 'aide memoire' then one would not expect to find the author's subjective views on the character of a person. I do not consider that this is the type of information one would forget. The impression would stay with the author irrespective of it having been recorded. It is also surprising that such a description of Dodd is to be found in an entry dated 26 February 1982 when Saunders had known Dodd for approximately one month and had, as she stated before me:

decided from the minute I met him, he was a grub.

(g) Another entry which could be considered unusual is one for 1
March 1982; Saunders recorded that at approximately 6.30 p.m. Dodd phoned and asked whether they could talk as he had some information. It goes on to record that she suggested the Mansfield shops at 7.30 p.m. The following then appears in the diary:

*I'd be with a friend*

suggesting that she told Dodd that she would be with a friend. The question arises why would there be a reference in the diary to her being with a friend? The diary continues to record what would seem to have been as at 1 March irrelevant and insignificant details. When asked by Counsel Assisting who was the friend, Saunders could not recall suggesting it was "possibly Coomer" but adding that "it could be anybody."

(h) Another matter which I consider is indicative of the fact that the diary is not a contemporaneous account of events is a 12 page entry relating to the theft of the guns from Coomer's vehicle. Saunders gave evidence before me that after an altercation with police officers at the scene of the theft of the guns she went home and wrote up on pieces of foolscap the conversation which had occurred between herself and Coomer and the police officers. She claimed that the following day, which she believed was a day-off, she copied the notes from the foolscap into her Official Police Diary. She claimed that she did not record the events directly into her diary as it was in her locker at work.

On Saunders's account, having taken what must have been a considerable time to record the notes on foolscap, the following day she transcribed all of them into 12 pages of her Official Police Diary, a diary which had not previously been used since May 1977 other than to record communications with Dodd. This is indeed strange as Saunders had claimed before me that she did not think at the time that Dodd was a suspect for the theft of the guns and accordingly had made no reference to him as a suspect to the investigating police at any stage. It is difficult to accept that there could have been any reason for Saunders to re-write the notes; after all they were not ostensibly created for court use. The foolscap pages could have been provided to Webb when she spoke to him when she returned to duty on 9 March 1982. She did have a meeting with Webb on that day which was arranged on the Sunday night.
Also of interest is Saunders's response concerning this matter to counsel for Dodd during Dodd's trial in 1985:

Now, any particular reason for putting the notes relating to the events of 7 March, which is the stealing of the guns, in the same diary that you had notes about meetings with Mr Dodd?--There was only 2 places I could keep the notes. I was worried, you know, the foolscap could go astray or it could be alleged if there was a departmental charge by the sergeant I could have written the notes somewhere later, so I wanted them in context. I didn't feel it appropriate to put them in my official police notebook and that was the only official document I had to put them in. I wasn't working that night so I couldn't put them in the log book.

Why was it not appropriate to put them in your official police notebook?--Well, it was an internal police matter and well, it would be subject to other police officers having access to that notebook and other persons in court, perhaps, and it was an internal police matter.

As I have previously noted if Saunders was concerned that it could be claimed that she wrote the notes after the event why not provide them to Webb on 9 March when she had the perfect opportunity to do so?

(i) For a diary that was primarily intended to be kept for recording communications with Dodd and to a lesser extent the noting of other significant events, I find it unusual that for 8 March, the day after the theft of the guns, Saunders has recorded in it the following:

_AL ph. had to see D/Comm._

One wonders what possible relevance that event would have had to anything other than her personal life. Such entries suggest that the diary was written up some time subsequent to the actual events to explain not only her conduct with respect to Dodd but also to form a basis for defence to a possible charge in respect of the theft of
the guns.

(j) I also consider strange the entries for 9 March. It is not in dispute that Saunders had two lengthy discussions with Dodd, one alone and one in Krosch's presence on the evening of 9 March. The very diary which was supposed to have recorded the information which had been communicated to her by Dodd has only two lines relevant to the information which Dodd had allegedly obtained in Stanthorpe the previous weekend. On the other hand the steps taken by Saunders to locate Dodd on that evening took approximately 25 lines of her Official Police Diary. When allegations were subsequently made against Saunders the timing of this meeting with Dodd and the circumstances of it became of great importance.

I have pointed out a number of matters which indicate to me that notes in the Official Police Diary were not recorded at the time that Saunders had sworn they were. I should add that the whole diary and all of its entries when read together leave me in no doubt of this. I am of the view furthermore that many of the entries in the Official Police Diary record events or conversations which did not occur.

4.6 Dodd's association with other police

Relevant to any conspiracy theory involving Dodd and police officers was whether there had been any prior association between Dodd and police officers who were prepared to enter into some unlawful arrangement with him to have Saunders 'set up.' As part of my investigation I considered all possible associations between Dodd and those police nominated by Saunders. On the evidence no other police officer arose for consideration in this regard. There is no doubt that Saunders was suggesting that it was Dodd's association with Tutt and Williams which was in some way responsible for her predicament.

(a) Saunders's assessment of Tutt and Williams

Williams was the Sergeant 1/c at Cleveland where Dodd had previously resided and Tutt a Constable 1/c there. Saunders had previously made allegations against these two officers. She had given detailed instructions to this effect to her solicitors as evidenced by the Legal Aid material. She had also given evidence in 1992 before The Honourable W J Carter QC during his inquiry
into Operation Trident. At this inquiry Saunders had been questioned by Counsel Assisting, Jerrard QC, to ascertain the nature of her allegations against Tutt and Williams. In an attempt to encapsulate her evidence Counsel Assisting suggested to Saunders that the allegation she was making was that Tutt and Williams "had acted improperly in arranging the fabricated tape." She agreed that this was the allegation she was making. She indicated that the evidence to support the allegation was with her solicitor.

For the preparation of her statement dated 3 February 1993 to the Commission Saunders was requested to provide any relevant information which suggested a motive for any police officer to have her 'set-up.'

In reference to Tutt she referred to the following matters in her statement:

- Whilst Tutt worked with Saunders at the EDLU he continued to try to "win on" to her. Saunders having refused, Tutt ostensibly continued to make a nuisance of himself.

- During her period in the EDLU a telephone call was made to the 000 number and threats were made to the lives of both Tutt and Saunders. She stated that she could remember listening to the tape of the threatening call, which was recorded, having been a 000 number and remarking that the voice was that of Tutt. She suspected that the call was made by Tutt with a view to giving him the opportunity to offer Saunders lifts to and from work. Saunders agreed to Tutt driving her but when he was driving her home he continued to try to "win on" to her. She was not willing to have a relationship with him and did not.

- During a drug raid on one occasion she saw Tutt urinating over the bedding in the house. Saunders was so disgusted she made a complaint to Superintendent McIntyre. Shortly after, Tutt was transferred from the EDLU to Caloundra. The complaint was not in writing. Since that event Tutt has never discussed the incident with her and she has no knowledge that he was ever told that she was the
complainant. He has never indicated to her, either expressly or impliedly, that he knew that she was the complainant.

In evidence before me Tutt denied all three claims.

Furthermore in her statement Saunders made references to Tutt from which one could only assume she was implying that he had acted improperly or gained information which was subsequently improperly used in the investigation against her. The majority of these matters referred to Tutt in connection with Dodd. For example:

Tutt went to great lengths to convince me that Dodd was a good informant and that I should use him. He felt that Dodd would be more likely to speak to me than him and urged me to be the "middle man."

Tutt stated before me that he had no reason to convince Saunders as Dodd was known to her and was her informant.

The statement also recorded that on the day that Dodd first met her she contacted Tutt at the Cleveland CIB and he indicated that he had previously known him and, further, that Dodd was on a bail reporting condition. Saunders added directly after this:

At my committal hearing Williams denied knowing Dodd before March 1982, but at the trial he admitted that he had known him.

This implied that Williams had lied on oath about his association with Dodd.

The following passage also appeared in her statement:

Arthur Pitts came and saw me after I was suspended and said that everyone at Cleveland Police Station was talking about Tutt going to extreme lengths to set up an alibi for the weekend of 6 and 7 March. In Tutt's own statement of 1 April 1982, he admits he was in Stanthorpe, but says he didn't know Dodd was there and didn't
have any contact with him. I also understand that Bernie Hannigan was up there, but I do not know whether he saw Tutt. Bernie Hannigan, of course, later gave evidence at my committal and my first trial, in which he claimed that I had approached him to find somebody to tell Dodd to shut his mouth after Dodd had been arrested. I deny this completely. When one looks at Tutt's statement, he goes into great length about his activities on 6 and 7 March 1982. I just do not know why they were relevant and why he included them in his statement. This fact has greater significance when one takes into account that during the drug raid, which was based on Dodd's information, that took place on 30 January 1982, of which I have already spoken. Dodd was arrested for dangerous driving and Tutt intervened and had him let go. It also has greater significance when one takes into account that, on one occasion, after I had given Williams and Tutt some information about an armed robber, [nominated by Saunders in her evidence before me to be a person named Burns] that had been passed to me by Dodd, and had been expressed as having come from Dodd, I was never told that the information was false by either Williams or Tutt. The normal procedure is that if a police officer ascertains that information coming from an informant is false, they as soon as possible notify the police officer to whom the informant gave the information, so that that police officer can be wary of any further information coming from that source.

Tutt denied that he had ever attempted to set up an alibi for that weekend and Pitts provided a statutory declaration dated 5 June 1993 to the Commission in which he denied ever telling Saunders that Tutt had been trying to set up an alibi for that weekend. Tutt also denied the incident concerning Dodd and the dangerous driving charge. On the evidence before me neither Williams nor Tutt were able to apprise Saunders that the person named by Saunders as the armed robber, namely Burns, did not in fact commit the robbery as he (Burns) was not interviewed until after Saunders had come under suspicion for the theft of the guns. In
the Official Police Notebook of Detective Mervyn James Neilson it is recorded that he and Williams interviewed Burns in Grafton some time between 28 March 1982 and 31 March 1982. This was after Saunders had been interviewed concerning the theft of the firearms. In any event I do not see that anything turns on it.

In the statement after describing how Tutt was shown firearms in the back of Coomer’s car at some stage prior to 7 March 1982 Saunders added:

This clearly gave Tutt the knowledge of the firearms being kept in the rear of Coomer’s vehicle.

I should say at this stage that Tutt, when giving evidence before me and when giving evidence at Saunders’s committal hearing in 1982, could not recall having been shown firearms by Coomer.

When initially questioned by Counsel Assisting Saunders was taken through her statement and she enlarged upon those matters to which I have already referred. Yet when examined by her own Counsel the following exchange took place:

Sergeant, at the outset, I want to ask you a couple of questions about the people who are mentioned in the first part of your statement; people, for example, like Mr Webb and Mr Williams. Now, the incidents that are recorded in the first part of the statement, do you claim that they somehow or another implicate them in any sort of set-up?---No.

Have you ever made a complaint to that effect?---No, I haven’t.

And shortly after:

Do you have a complaint against Mr Tutt in that in some way or another he is implicated in any set up of you?---No, I do not.

It was strange to hear Saunders make this concession after the impression that I had previously been given by both her statement and her evidence when being questioned by Counsel Assisting.
If there had been any doubts in my mind that I had misunderstood the significance of the matters relating to Williams and Tutt referred to in Saunders's statement to the Commission and in her answers to Counsel Assisting they were dispelled after I read the Legal Aid material. In the Legal Aid material there were 13 typed foolscap pages attacking the credit of Tutt and many more attacking Williams's credit. For example at page 6 of the material relating to Tutt it is recorded:

January I met Dodd and phoned Tutt straight away... knew him well, real grub... I specifically asked Tutt if he was a sex offender because just in that short meeting at Bernie's I got bad vibes... Tutt very emphatic that he had no prev. for sex. offences and it wasn't until some weeks later that I actually checked his history and saw just what he had...

A further example appears on a document titled "Some facts re Greg Tutt." It is as follows:

Tutt phoned me one day and told me that Holland Park Juvenile Aid were looking for Dodd to question him in relation to an unlawful carnal knowledge... he maintained told that he told them he hadn't seen Dodd around for some time. They were aware Dodd was on a reporting condition to Cleveland. I told him I'd let Barry Krosch know which I did and to the best of my knowledge Krosch contacted Holland Park and they interviewed Dodd.

Immediately after this passage appeared an extract from the Police Rules relating to an offence against discipline of the Police Force, where a police officer conceals the location of a suspect or offender. Tutt denied the truth of both matters.

When Saunders went into the witness box for the second occasion she was questioned by Counsel Assisting in relation to the references to Tutt and Williams in the Legal Aid material. Her responses were not only unconvincing but fatuous. For example in relation to the last passage the following exchange took place between her and Counsel Assisting:
All right?---That's correct.

Now, what - it seems to be pretty clear here that what you are saying is that Tutt falsely denied to the Holland Park JAB police his knowledge of the whereabouts of Dodd and you were forced to go behind his back, as it were, through Krosch so that the Holland Park police could find him?---Not at all, Mr Hampson.

That is not what that says?---No, it is not what that says.

You then go on, you see, to quote rule 80(2)(a)(iv) of the police rules which the effect is - - -

I will not read the lot, but this is an offence, you see. So it is an offence, in other words, if you know the whereabouts of a wrongdoer, to fail to report it, let alone to mislead people?---Not only is it an offence, it is - that's pointing out that you should do it.

Yes, but why quote? What is the significance of that? If Dodd had not told you, according to you - that Tutt had not told you that he had, in effect, lied about his knowledge of the whereabouts of Dodd, what is the point of - - ?---I'm not saying that Tutt lied. I'm saying Tutt - and Tutt probably at the time may not have known exactly Mr Dodd's whereabouts. I would have thought though he would've supplied Holland Park JAB with - - -

But then there would be no point in offence under - - ?---No, all the address that Dodd may be at.

- - - rule 82(a)(6)? There would be no offence committed under that particular rule, would there?---I'm not saying he's committed an
offence.

Well, why quote the rule?---I don't know what I was doing in 1982, Mr Hampson.

A further example can be seen in relation to the following passage from the Legal Aid material concerning Tutt:

Arson and wilful destruction of property. In full view of everybody he sat in the middle of the police canteen and proceeded to write his notes up off his statement and my arson notes with the intention of telling the court they were notes made at the time. Thought - thought it was a great joke in telling all and sundry in the canteen - was up too. Of course, I got the blast over it.

Counsel Assisting questioned Saunders concerning this passage:

Okay. Now, you are telling your lawyers here that in fact Tutt had quite blatantly started to manufacture evidence?---No I'm not.

Are not you?---No.

What does that mean?---He was writing the notes up then that he was going to say were written up earlier I - - -

That is not manufacturing evidence?---Well, what was in it was correct.

But it is still manufacturing evidence, is not it, if he is going to write up notes which, when the court says, 'Have you got an independent recollection?' or 'You want me to consult my notes?', he will get permission to look at them. It does not matter whether, in fact, the notes are true or not. The fact is they are fabricated?---Well, I suppose it would have depending on - if he ever gave that evidence but he didn't.

Well, he said he was going to? He - - -
Well, you know, what he says he's going to and what he does, I can't be responsible for that.

Well, why did you put it in here? Why was it if it was such - if it did not matter, why did you put it in?--Because I was asked to go through and put down - try to split up people and - what had gone on because probably just like this inquiry, they were trying to find some reason that I was in the position I was in.

All right.

THE JUDGE: One thing, how did you cop the blast as you put it? I mean - - - ??--I think - - -

- - - you had done nothing wrong whatsoever.
You were there while, on what you say - - -
?---I know, your Honour, I can - - -

- - - Tutt was joking about what he did but why did you cop the blast?---Because I was the senior detective and I was sitting there while this was going on and I can't remember who it was but I know a detective inspector spoke to me about it.

Because you did not intervene and tell him not to carry on like that?---Yes, your Honour.

Notwithstanding Saunders's statement to her counsel that she did not complain that they were implicated in any 'set-up' of her, in view of the nature of the allegations made in the inquiry into Operation Trident, in the Legal Aid material and her statement to the Commission, I considered it prudent to satisfy myself of the nature of the relationship between Dodd and Williams and Tutt.

(b) The prior association of Dodd and Tutt

Dodd gave evidence before me that he knew both Williams and Tutt because he had lived in the Cleveland area for quite a while. In his statement dated 5 April 1993 to the Commission he was more expansive:
I knew Tutt and Detective Graham Williams for many years prior to 1982, in the sense that they were police officers in the Cleveland area and I lived in the area and saw them around. Tutt was involved in my being charged for stealing petrol in 1971. I was brought before the Cleveland Magistrates Court in relation to it and received a month's imprisonment. I also have been pulled up for speeding and other traffic offences by Williams and Tutt. I was never an informant to either of them.

Dodd's criminal history shows that he was convicted of stealing a portable gas stove and a small amount of money in the Magistrates Court at Cleveland on 21 October 1971 and received one month imprisonment. There is no other conviction in his criminal history for which he was sentenced to one month imprisonment except for an offence of stealing petrol which was dealt with in the Wagga Wagga Court of Petty Sessions on 7 September 1965. The QP9 or police brief for the offence for which he was sentenced on 21 October 1971 shows that the police involved were Detectives McNamara and Finlay. Tutt is not recorded as having been involved.

In his statutory declaration to the Commission Tutt gave evidence, which was substantially unchallenged, that prior to the first telephone call that he received from Saunders concerning Dodd his previous association with and knowledge of Dodd had been as follows:

- He had no previous dealings with him.
- He had known of his reputation as a petty criminal in the area.
- He would have spoken to Williams about Dodd but was unable to recall those discussions.
- Dodd had never been an informant for Tutt previously as he had never met Dodd before.

I accept this account of his prior association with Dodd.
(c) The prior association of Dodd and Williams

Bernie Hannigan, through whom Dodd first met Saunders, in his statutory declaration dated 25 March 1993 to the Commission stated that he had learnt from a number of people who did business with him at his workshop in 1982 that Dodd was a 'dog' for Williams. Hannigan could not remember who told him. Hannigan's evidence for reasons which I will give later has been of no assistance whatsoever to me but for the purpose of attempting to discredit Williams, Carew and Company chose to refer to it and so, I assume, to rely on it.

Saunders claimed that at her committal hearing Williams had denied knowing Dodd before March 1982 but at her trial he admitted that he had known him. At the committal hearing on 12 August 1982 Williams gave evidence of his knowledge of Dodd as follows:

Yes I know of Dodd. I can't say that I have had anything personally to deal with him. I know that he is a criminal.

The following exchange between counsel for Saunders and Williams appeared in the depositions:

Did you know of Mr Dodd before 25 March? ---
Yes, naturally I know of Dodd and I know

(Interrupted by his Honour) Yes but on that date though, the question was on 25 March, did you know him then? --- Yes I did.

By Mr Jerrard, Did you know something about him in relation to Det Tutt? --- Yes I did.

Did you understand that he was giving some information for Det Tutt, that he was one of his informants? --- That was my understanding, yes.

Did you also understand that he was an informant for Det Saunders before 25 March? --- Yes.

You would have learnt that through Det Tutt? ---
That is correct.

In the record of interview between Detective Inspector Pointing and Williams on 16 April 1985 where Pointing was investigating the fabricated tape Williams, in response to the question:

Graham, is there any further aspect of this matter that you wish to discuss with me?,

stated:

After receiving initial information from Dodd, I only paid a very minor part in the investigation against Saunders. I can say this, however, I have known Dodd for the past 7½ years, I consider him a habitual criminal, unmitigated liar, and he would go to any ends to satisfy his criminal instincts. It is fair to say that Dodd is one of the worst type of criminal a police officer would be unfortunate enough to meet.

This statement appeared after Williams initially had pointed out to Pointing that he had been at the Cleveland CIB "for the last 7½ years."

Williams' original account to me of his association with Dodd appeared in his statutory declaration dated 10 May 1993:

As far as I can recall I first met Dodd on 25 March 1982, a date to which further reference is made later in this statutory declaration. Once again, I may have met him in passing as I was a very active detective in the area, but there was no contact of any significance. I certainly never charged him and he was not my informant. I certainly knew of the family and that there were two boys who had been in trouble.

25 March 1982 was the date on which one of Coomer's stolen firearms was recovered at premises where Dodd was residing.

In examination in chief Counsel Assisting asked these questions of Williams and he gave the following responses:
All right. Now, you say there that that was - in there [the statement to Pointing] you say, 'I've known him for 7½ years,' but what you have said here in your statutory declaration and so forth is that you really did not know him until 25 March 1982 at all?---Well, I suppose that's one way of saying that, but, I mean, you know a lot of criminals; you know of them. I suppose that's a bit loose the way it's said there, you know.

What you say that you are meaning to say there is that you knew him by reputation for 7½ years?---Yes.

Is that what you are saying?---That's exactly right.

And the fact of the matter is you did not really know him to speak to until 25 March 1982?---That is correct.

Williams was examined by Counsel for Saunders concerning the statement he had given to Pointing and his prior knowledge of Dodd. It is worth setting out in full:

Well, now, that was his record, was not it, over those 7½ years - an habitual criminal?---Well, probably, as I said before when I was speaking to you, I'm talking about the present up - as I knew him then.

But what I am suggesting to you is that you are also talking about the past, because that was his record: he was an habitual criminal?---Oh, yes, of course.

And you knew that?---Yes.

And you knew that you had this man Dodd in your area for which you were responsible?---That's correct.

And he was a man who would concern you - -
--Well, he was a --

- - - within the scope of your responsibilities?--He's a criminal that was in the area. Yes, any criminal that's in the area is of some concern.

And he is a criminal who seemed to have some influence upon young people?--Well, as it turned out, yes.

But you knew that as well?--Well, I'm not saying that I knew that at all at that stage of the game. I'm telling you what I knew as a result of an investigation in 1982 in March.

Unmitigated liar?--That's correct.

And he would go to any ends to satisfy his criminal instincts?--That's correct, and I was aware of that at that time, and that is a true statement, I believe.

Yes, but you always knew that of him, that - and you were making a true statement there. You knew for the past 7½ years all those things about him?--What I'm saying is I've known of him in the last 7½ years like a lot of criminals who I don't deal with but other detectives do deal with - he and his family - and I've made a statement there about him which I believe to be true.

You knew prior to all of this blowing up that he was an habitual criminal?--Yes, I'd say that I knew that he was a criminal yes, habitual criminal.

You knew that he was a liar?--Well, most criminals are, of course, but that's fair comment, too.

Yes, and you knew that prior to this whole matter blowing up?--Yes. Well, I mean, I knew he wasn't a lay preacher and obviously a liar, a
criminal.

And you knew that he would go to any ends to satisfy his criminal instincts?--Well, I wouldn't say that. I wasn't aware of that at the time.

Is it fair to say that Dodd is one of the worst type of criminal a police officer would be unfortunate enough to meet?--And I reiterate that. At the time I told Mr Pointing that, Dodd had been proven a liar, a perjurer. He fabricated a tape, and I think that's a reasonable description of him.

So you did, in fact, have knowledge of him, I suggest, in those respects. You knew prior to March of 1982 that he was an habitual criminal and he was a liar?--What I'm saying to you is, now, and I repeat it again, prior to 1982 I knew that he was an habitual criminal and as far as the other statements - and obviously he's a liar. He's a criminal. Most criminals are. They're not the most truthful people. As far as the other statements, I stand by them because they were well and truly proven at the time, so I don't have to have a great imagination not to accept that.

Well, now, let us go back to the statutory declaration, then, that you swore in this matter. Do you have that in front of you still?--What page are you up to now?

I want you to go to this is the statutory declaration for this inquiry, page 2, paragraph 4:

As far as I can recall, I first met Dodd on 25 March 1982, a date to which further reference is made later in this statutory declaration. Once again, I may have met him in passing, because I was a very active detective in the area, but there was no contact of any significance.

?--That's true.
Except now you are prepared to concede that you knew of him significantly more than that he was just somebody within your area?---What I'm telling you is I can't swear that I haven't come across Dodd somewhere in those number of years. That's all I'm trying to point out to the investigators there. However, I've got no recollection of it, and he is known to me as a criminal, like a lot of other criminals are known to detectives. When you've got an office - I had office of, I think, at that stage probably a dozen or 20 detectives, depending on what people were under my control. A lot of these detectives dealt with these people, but I didn't. I mightn't have been working, or I might have been somewhere else at the time, so I know them by reputation.

I consider Williams honest in his evidence of his prior association with Dodd. I am satisfied that prior to 25 March 1982 he knew of Dodd by his reputation as a criminal and a dishonest person. Although there may have been some contact between Williams and Dodd prior to 25 March, I am satisfied it was of a very minor and inconsequential nature. Williams's statement to Pointing must be judged in light of the extra information that had become known to Williams subsequent to the events of March 1982.

(d) Lobegeiger's prior association with Dodd

In the Legal Aid material is a one page typed account of a telephone conversation which ostensibly occurred on 25 March 1982 between Lobegeiger and Saunders. In that Lobegeiger is recorded as having said to Saunders concerning his association with Dodd:

I had dealings with him years ago.

Also in the Legal Aid material at page 4 of the typed notes headed "Crown Witness ... Douglas Mervyn Dodd" the following passage appears:

Clearly stated he knew Lobegeiger .. mentioned it to Knight at one stage, also. Lobegeiger in c/e by Breen on the conjoint hearing finally admitted he
knew Dodd.

Although it was not suggested by Saunders that Lobegeiger had recruited Dodd to 'set-up' Saunders from the Legal Aid material it is clear that Saunders was suggesting to her legal advisers that Dodd had previous dealings with Lobegeiger and may have had a grudge against him. In the Legal Aid material in a typed document headed "General" the following passage appears:

Allan alleged he had a very threatening call 2/3/82 at Brookings (night Dodd was late meeting Coomer and self at Shell Service Station).

Caller was male person, threatened he get Allan for setting him up years before, fix him and his horses and his women. Mentioned both Cecily and I. Call much along the lines of threatening calls I received. Said he owed him from years before at Cleveland (reason I was so sus. about letter from Potter ... and sub. Dodd when Allan told me he'd known him from years before).

In examination of Saunders by Counsel Assisting the following exchange in relation to the association between Lobegeiger and Dodd occurred:

Did Dodd know Mr Lobegeiger?---As far as I'm aware, he did.

Did Mr Lobegeiger ever tell you this or did Mr Dodd tell you that he knew Lobegeiger?---They both told me they knew each other.

All right. Under what circumstances was it told to you - how they knew each other?---Mr Lobegeiger told me that Dodd had done some work for him in relation to horses at some stage.

And later in the transcript the following appears:

Okay that is one piece of information. What other piece of information is there that Lobegeiger ever knew Dodd?---Oh, he told me that he knew of
him as a criminal when he was - and the fact that Allan lived in the - and had worked in the Cleveland area.

When did he tell you that? --- I am not sure.

After your arrest? --- I can't say. I really can't say.

Saunders claimed that Dodd had told her that following a motor vehicle accident Lobgeiger's nephew was let off a dangerous driving and possible drink driving charge. Saunders further claimed that Dodd had indicated that the accident had involved some of his associates. She stated that this information was communicated to her by Dodd in January or March 1982 and was therefore evidence that he knew of Lobgeiger.

On the other hand both Dodd and Lobgeiger denied knowing each other. In his statutory declaration to the Commission Dodd claimed that the first and only time he met Lobgeiger was at the property at Gatton when he enquired of Lobgeiger directions to Dodd's brother's farm. Dodd stated this was done at the request of Saunders in order to establish whether Bull was at Lobgeiger's Gatton property.

Lobgeiger at Saunders's committal hearing on 12 August 1982 was asked when he first encountered Dodd. He described the same incident as Dodd concerning the seeking of directions. He was never asked either in examination in chief or in cross-examination whether he had known or known of Dodd previously. When Lobgeiger again gave evidence at the conjoint committal hearing in November 1982 the following exchange took place between the Crown Prosecutor and Lobgeiger:

Now, do you know a man named Douglas Mervyn Dodd?

I do now, yes.

Did you ever see him on your property?

Yes, on a Friday, towards the end of February. I'm not sure whether it was the 19th or the 26th,
but about 2 p.m. on that day I was working on the yard with the other members and men I had working there, and Dodd arrived in a whitish coloured Falcon sedan.

Well, at that stage, had you ever seen the man Dodd before?

I didn’t recognise him at that stage, no, as...as the man Dodd.

Yes.

I had seen him many years before, whilst I was stationed at Cleveland, but I did not recognise him immediately.

I see. That was in the course of your police work, was it?

That’s correct.

There was no reference to Dodd having carried out work in relation to horses for Lobegeiger. Notwithstanding Saunders’s statement in the Legal Aid material, Lobegeiger was not cross-examined by her counsel at the November committal hearing, Breen, to elicit his prior knowledge of Dodd. The evidence he gave had been volunteered to the Crown Prosecutor.

When Lobegeiger was questioned by the Crown Prosecutor during the trial of Cooper he described his previous association with Dodd in the same terms as he had given at the November committal hearing. Once again there was no reference to work involving horses.

I am satisfied that Lobegeiger had known of Dodd prior to the theft of the guns. I am also satisfied that this knowledge was only minor and related to events associated with his police work which had occurred well in the past. I do not accept that Lobegeiger ever told Saunders that Dodd had carried out work in relation to horses for him. It would be extraordinary that Lobegeiger, having employed Dodd in the past, did not recognise him on the occasion that Dodd came to Gatton in February 1982. If Lobegeiger had
known Dodd as an employee there would have been no necessity for him to record the registration number of Dodd's car on a railing so that he could identify the driver of the vehicle, as the uncontradicted evidence established he had done.

(e) **The possibility of an association between Dodd and Murphy**

In evidence before me Saunders claimed that Lobegeiger had told her that Dodd had been an informant of Murphy at one stage. Murphy in his statutory declaration to the Commission denied knowing Dodd and added:

> He has never in any way been an informer of mine and I have had no dealings with him in any way whatsoever.

Dodd in his statutory declaration to the Commission stated:

> I did not know Tony Murphy by sight, although I had heard his name. The only time that Murphy was involved in the Saunders matter, as far as I was aware, was when I was brought back to the CIB after picking up the tape recording from Stanthorpe on 23 April 1982. Whilst there with Webb and Williams I heard the name Murphy mentioned and I looked up and saw someone that I believed was Murphy. I did not have any conversation with Murphy but someone in the room said to him, 'What are you doing here Murphy, get out.' He then left the room and that was it. I do not know who told him to get out of the room. I have never been an informant of his.

It would seem that the reference to Murphy by Dodd at the CIB is a reference not to Tony Murphy but to a B J Murphy, who signed the transcript of the fabricated tape, having sat through it with Flanagan, Webb, an officer from the Crown Law and other witnesses.

Other than Saunders's claim that Lobegeiger told her that Dodd was an informant there is absolutely no evidence to suggest that Dodd and Murphy were known to each other. Furthermore there is no evidence to suggest that Murphy worked in an area where Dodd
had resided. I accept Dodd and Murphy's evidence in this regard. I do not believe Lobegerger told Saunders that Dodd had previously been Murphy's informant.

(f) The evidence of Gregory Brian Hyde

Gregory Brian Hyde was Spires's brother. He gave evidence that he did not know Dodd prior to Dodd entering into a de facto relationship with Spires. Hyde explained that this relationship occurred when he was in prison and on the day of his release Dodd and Spires picked him up from the prison. On his release Hyde resided with Spires at Ferry Road, Thorneside with his girlfriend, Julie Gregg and Wills. Hyde stated that his girlfriend now resided somewhere in Sydney. He described an incident which he claimed occurred at the Sunnybank Shopping Centre on a Thursday night when he was late night shopping with Dodd, Spires and his girlfriend Gregg. He stated that he was stopped by two uniformed police officers who thought that he might have been in possession of drugs. They demanded to search him. He claimed that in his possession was one of Coomer's firearms. He described it as a "butt" loading .22 Browning automatic. This presumably dated the incident between the theft of the firearms on 7 March 1982 and the discovery of the final firearm on 25 March 1982.

He stated that he managed to slip the gun that he had in his possession to Spires. He added that before the police could carry through the search Dodd had made a telephone call from K-Mart and a senior police officer arrived. He explained that Dodd did not ask to make the telephone call, he just left the others as the police were only interested in searching him. He claimed that the senior police officer who arrived was in a uniform which had "pips" or "a crown" or "something like that." He stated that this senior police officer first spoke to Dodd and then to the two police officers in the room to which he had been taken. He was then allowed to leave. Hyde stated that he could not hear anything said to or by Dodd because he had poor hearing. According to him the whole incident took between five and ten minutes. He stated that the incident had occurred in front of the shop owner who had given the police permission to use the room in which he was to be searched. After they were released Hyde stated that Dodd boasted about his "great connections" in the Police Force.

During questioning of Hyde by Fleming QC he stated that he saw
no evidence of Dodd knowing anyone "higher up" except for what Dodd had told him.

Dodd denied any knowledge of the incident. Spires in a statutory declaration dated 18 November 1993 stated that she had a vague recollection of an incident at the Sunnybank Shopping Centre but was unsure who was present. She was referred to Hyde's account of the incident and stated that she had no knowledge of Hyde carrying any firearm for Dodd and certainly had no recollection of a firearm being handed to her by Hyde. She said that she had a vague recollection of something happening in an office at the shopping centre with the police but could recall no further details.

Officers from the Commission were able to locate one of the police officers who acknowledged that he was present at an incident which occurred at the shopping centre around that time. The officer was Stalling who had coincidentally been the first uniformed officer called to the scene of the theft of the firearms on 7 March 1982. In his statutory declaration to the Commission he stated that in 1982 he was stationed at the Upper Mount Gravatt Police Station and whilst stationed there performed special duty at the Sunnybank Shopping Centre. He and other police officers were employed by the shopping centre management to provide a uniformed police presence on Thursday evenings for late night shopping. He stated that he had an independent recollection of an incident at the shopping centre involving a person known to him as Dodd and another male person and two females. He stated that he does not now recall how he knew the person to be Dodd at that time. Despite attempts by him to ascertain the name of the police officer who had been with him on that evening he could not locate any records which assisted him in that regard. It would seem that all relevant rosters have been destroyed.

He described that when he first confronted these persons they protested vocally claiming that the actions amounted to police harassment. When he suggested that he wished to search them they claimed that they were concerned that something was going to be planted upon them. He could recall that Dodd was the more vocal male. Both males subsequently agreed to accompany him to the centre management office where they could be searched. In view of their earlier protests he considered that it would be wise to seek the assistance of an independent person to be present whilst he spoke to them and undertook the search. He stated he obtained
the services of an independent person who accompanied him to the office for the purpose of the search. He could not recall what happened to the females during this time. When a search was undertaken a knife was located on the other male person; however no offences were detected so they were allowed to depart. He claimed that other than his partner no police officer was involved in the incident. He denied that he had received any instructions from any police officer on what action should be taken. He stated that because a knife had been found he made entries in his Official Police Notebook. He also made notes because of the initial protest made by Dodd and the other male when initially confronted in the car park.

Inquiries at the Upper Mount Gravatt Police Station located an Official Police Notebook No. B7966. In it is recorded the following:

Thurs 22-7-82  7.55 pm
Gregory Brian Michael HYDE
284 Greencamp Road
WAKERLY
14-6-62  DOB
Brisbane POB
Works for Mrs BARRINGTON
assist to train trotter
Four trotters.

Tattoos R/Shoulder Top half
naked squaw R/U arm 2 Bluebirds
R/L knife GREG AND BOLINDA
167 cm Brown Eyes
Brown hair
L/Shoulder cross BOLINDA
Dagger & skull Raised Hell & Lost
Top Half Naked Woman
Hawian girl dancing L/L arm.

Q. Who owns this knife.
A. John owns it.
Q. John who.
A. John DODD.
Q. Does he know you have it.
A. Yes.
Q. Why were you carrying it tonight.
A. It was in the car that we came here in & so I kept it with me.

Bevan LUCAS - 345 5317

The Commission obtained a statutory declaration from Bevan Alan Lucas who stated that he could recall an incident in the Sunnybank Shopping Centre one Thursday evening. He could not recall the date of it. At the time he operated a toy shop and a small accountancy practice at the centre. He was unable to recall whether there had been one or two police officers involved in the incident but he had a recollection of a uniformed police officer bringing a person into his office and asking him whether he would be a witness to the search. He stated that he had been present when the person had been asked to take his shirt off and possibly his pants. His recollection was that the person had a knife attached to his back. He recalled that after the knife had been located the young man dressed and left the office. He could not recall whether the knife had been taken from him. The whole incident would have taken about ten minutes in his estimation. He also had a recollection of a young woman being with the person but she did not come into the office where the man was searched. He stated that he had a telephone on a table in the office and this was the only telephone in the area. He could not recall if any person involved in the incident had made any telephone calls from that telephone. He could not recall whether any other person was searched during this time. He explained this was the first time that he had been called upon to witness a search by police and he had not been involved in a similar incident subsequently. He did not know any of the parties involved. He stated that he had no recollection of a senior police officer or another police officer coming to the scene.

It is clear from the date in the Official Police Notebook that the incident occurred well after the return of the firearms. Hyde's description of the firearm being a Browning was certainly not consistent with the description of the weapons that had been removed from Coomer's vehicle. There is no doubt in my mind that there was nothing relevant to my investigation in this incident. It is clear a thorough search was undertaken and a knife located. When no offences were detected the group was allowed to leave. It seems to me that as Hyde was allowed to leave the shopping
centre without having been charged Dodd took the opportunity to brag about his influence with the police. I am satisfied that he had nothing to do with the facts that no charges were laid and no arrest made.

In the submissions of 5 April 1994 of Carew and Company it was submitted that the incident to which Hyde had referred was not the same as that described by Stalling and Bevan. It was further submitted that the incident described by Hyde must have been an earlier one. The similarities of the account of events given by the different parties leaves me in no doubt that only one incident occurred. There was no evidence to suggest that Hyde had been involved in two searches at this shopping centre.

As no other police officer was nominated by Saunders as having previously been associated with Dodd, either as an informant or otherwise, and as no other prior association with a police officer was suggested by the evidence, I am satisfied that prior to the theft of the guns Dodd did not have an improper association with any police officer connected, either directly or indirectly, with her investigation.

4.7 Saunders's first meetings with Dodd

In 1982 Dodd was a single man aged 34 years. He had for some time resided at 59 Ney Road, Capalaba with one Helena Dodd, who was his brother's former wife. This association continued until some time around the weekend of 6/7 March 1982 when Dodd went to live at 49 Ferry Road, Thorneside with Spires and her children.

While residing with Helena Dodd in December 1981 Dodd had been charged with having in his possession a concealable firearm whilst not being the holder of a licence. This charge was still outstanding at the time that Dodd first met Saunders.

It is common ground that Dodd first met Saunders at the garage of Bernie Hannigan in about January 1982. Saunders stated that the date of the first meeting was 29 January 1982. There is no reason to believe that this is incorrect. The garage was located at Murarrie on the main road near the old Dandy Bacon Factory. Saunders took her vehicle there on a regular basis to be serviced by Hannigan. On Saunders's account the car had broken down earlier in the day and Hannigan had come to the roadside and carried out temporary repairs. Arrangements were made for her to drive it
to the workshop later in the afternoon. Whilst there she met Dodd. Saunders claimed that at an early stage Dodd recognised that she was a police officer and told her of his previous firearm charge, offering to supply her with information with a view to her advising the arresting officers on the firearms charge that he was assisting police. Saunders stated that she was willing to use him as an informant.

In Dodd's record of interview with Webb on 26 March 1982 he is questioned concerning the first meeting with Saunders. He stated:

*I was getting some work done on my car and she drove in to get work done on hers. We got to talking and I found out that she was a policewoman. After a while, we became friends. She gave me a phone number at work to ring her and I used to ring her and give her bits of information and that.*

At Saunders's committal hearing in November 1982 Dodd gave evidence that at the first meeting with Saunders at Hannigan's garage he told her that he was on a charge and that he had criminal convictions. She asked him whether he would like to help her with her work. He went on to say that a few days later he gave her some information on drugs. At Saunders's trial he when first questioned testified that he had not known that Saunders was a policewoman until two weeks after their initial meeting. Shortly after in evidence however he resiled from this and gave an account similar to that which he had given at the committal. He acknowledged that he had worked on Saunders's car radio on the day they first met. In cross-examination of Dodd at the trial by counsel for Saunders a series of questions was put to him on the basis that the first meeting took place on 3 February 1982 and that Dodd had prior to this given her information. Although Dodd agreed that this was the case it is clearly on all the evidence incorrect. There is no other evidence to suggest that Dodd provided information to Saunders prior to their first meeting at Hannigan's garage. There is no other evidence to suggest that Dodd had been in contact with Saunders prior to the first meeting at the garage. Certainly on Saunders's evidence that did not occur. This exemplifies what I have previously stated concerning Dodd's willingness to respond to questions without having properly considered them.

When Dodd gave his statutory declaration to the Commission he claimed that all his previous evidence concerning their first meeting was false. He stated that one day in January 1982 he was at home at Ferry Road when he received a telephone call from Bernie Hannigan who advised him that he
wished to see him. Dodd stated that he went to Hannigan's garage and
Hannigan told him that there was a woman who wanted a job done. After
about twenty minutes Saunders arrived in civilian clothes driving her own
private vehicle. They went into Hannigan's office and started drinking
alcohol and she told him that she knew that he was a criminal and that he
needed money. She advised him that she had a job that she wanted done
but would not tell him what it was. She indicated to him that she would
contact him the following day. He then went home. The next day
Hannigan telephoned him again and asked him to come to the garage at
4 p.m. because Saunders would be there. When he returned he spoke to
Saunders who told him that Lobegeiger had thrown her over for Bull and
she wanted Lobegeiger and Bull harassed and Bull set up with drugs. He
said that this was all she asked him to do and there was nothing else
mentioned. He indicated to her that he was happy to do the job because he
wanted the money. He then left. When Dodd gave evidence before me he
originally testified that the second meeting occurred after he had received a
telephone call from Saunders at Helena Dodd's place. He then stated that
it took place at Broadwater Park and not at Hannigan's garage. Later he
returned to the account that he had given in his statutory declaration.

Bernie Hannigan's recollection before me and on oath at Saunders's trial
and committal hearing was so poor that it could not be relied upon.
According to him his lack of recollection was due to the excessive intake
of alcohol at the time of these events, stress related to work and disinterest.

I have little doubt that Dodd entered the association with Saunders hoping
to benefit from it with respect to his outstanding firearm charge. I am
satisfied that in order to do this he stated that he was prepared to supply
her with information. Notwithstanding Dodd's differing accounts of the
initial meetings I believe that at the time Saunders met Dodd she had in
mind that he might be an useful assistant in harassing Bull and Lobegeiger.

4.8 Dodd as an informant to Saunders

Dodd denied before me that he had ever been an informant for Saunders,
claiming that the only information on criminal activity that he had been
given had originated from Saunders. He stated that this was to give the
impression that the relationship between himself and Saunders was a
legitimate police officer/informant relationship. This was inconsistent with
all Dodd's previous accounts. It was also inconsistent with Helena Dodd's
evidence before me in which she stated that Dodd, having met Saunders,
had advised her (Helena Dodd) that he was acting as an informant for
Saunders. However what he told Helena Dodd is consistent with the compact he said he had with Saunders; he was to pretend to be an informant.

Saunders on the other hand gave evidence before me that Dodd had supplied her on several occasions with information; the first information resulted in the arrest of Hnoudis on 30 January 1982. Saunders claimed in relation to this arrest that having been advised by Dodd that he had information she had asked him to telephone Tutt and notify him of the details. She added that Knight and she then went down to the Cleveland CIB where Tutt told her of the information Dodd had given him. The raid was then conducted.

In the Legal Aid material was a two page document which was typed by Saunders which purported to describe in great detail the above raid. This two page document was in the form of a statement written in the first person. The purported writer however was not Saunders but her partner Knight. When the document was shown to Knight for his comment he claimed never to have seen it before and had almost no recollection of the material described in it. In this document Saunders recorded that Knight and she had phoned Tutt and he had advised them that a job was on and so they drove straight to the Cleveland Police Station where they took up with Tutt and other police. There they were advised by Tutt of the information that Dodd had given him.

When Tutt gave evidence at Saunders's committal hearing on 12 August 1982 in describing the process of receiving the information for the raid he stated:

Later in January this year, Lorrie contacted me again in relation to some information from Dodd and I subsequently arrested a person by the name of John Andrew Hnoudis for the possession of drugs for a specified purpose.

He went on to say that Knight and Saunders were with him when Hnoudis was arrested. Before me Tutt gave evidence that he received the information mainly through Saunders.

I should add at this stage that at Dodd's committal hearing on 14 August 1984 it was put to Saunders by Dodd's solicitor that the information for the Hnoudis arrest had originated from Saunders.

Other information Saunders claimed that Dodd provided her with was the
name of "Burns" as the offender in an armed robbery. As it turned out "Burns" was not the offender. Reference has already been made to this matter in the report. Saunders also claimed that Dodd told her about some car stealing. She stated that she provided this information to Tutt who told her that the matter had already been handled. She added that she did not know as a matter of fact whether it had or had not been dealt with by Tutt. Saunders also referred to information that she obtained from Dodd after Dodd and she had gone to Gatton. It was during this trip that shots were fired on Lobegeiger's property by Saunders and Lobegeiger. Further reference to this trip to Gatton will be made later in the report; however it is enough to say at this stage Saunders claimed to have received a phone call from Dodd advising her that he had an informant in Gatton who was willing to give him information and requested Saunders to attend with her to Gatton. Saunders claimed that as a result of information Dodd received during that trip she returned to Fortitude Valley and arrested a person named Ogden. In relation to this the following exchange took place between Counsel Assisting and Saunders:

Okay, so anyway, the position was you went that night, you say, as a result of Dodd's information to the valley where, I suppose in combination with your partner, you found somebody whom you arrested on a charge of drugs, is that right?---No, on a - I said on a warrant, a drug warrant.

Yes, but you cannot remember what the drugs were?---No, because it was a warrant.

Yes?---It was not drugs as in drugs. It was a drug warrant, a warrant that had been issued for a previous offence.

Oh I see, so what you are really saying is that you were able to enforce a warrant that particular night in the valley. There was a warrant that had already been issued for a particular person and Dodd's information, you say, was that the person for whom the warrant had been issued, would be able to be found in the valley that night?---Yes.

Is that the point?---In a specific vehicle in a specific area.

Yes, I see, all right, so that was his - it was very good information on that occasion he was able to give you. He
was able to point to the person in the area — —?

— Oh, it was just pure luck.

Oh, it was pure luck. Why was it pure luck?— Well, find the person, find the vehicle. I mean, even though the valley is not that big, it was just lucky that we were there at the right time.

Yes, and he had — you had to go to Gatton with him to get this information?— I didn’t know what information I was going to get from Gatton.

Yes, I see?— He had been giving me stories about drugs coming from Stanthorpe through Gatton.

Right, and you were unable to get your partner in the task force or any part of the task force to accompany you on this occasion, even though you were going to get the drug information. You had to go yourself?— That’s correct.

And, even though that put you at a substantial risk with a person like Dodd?— I was armed.

There were also references in Saunders’s Official Police Diary to some other information that she claimed to have received from Dodd. For example the drug information concerning Spires to which reference is made elsewhere in the report.

A further entry recorded that Dodd contacted Saunders to advise her that he was at a party where drugs were being used. When subsequently questioned about this entry she claimed that she did not go to the party because of the problems associated with the detection of offenders at such gatherings.

There was a clear conflict of evidence as to whether the information Saunders claimed to have received from Dodd had in fact originated from him. Although I am not certain about the source of the Hnoudis information, I have no doubt that Dodd was not the source of the information for the arrest of Ogden. I also have no doubt that Dodd did not provide Saunders with the information concerning Spires. It seems to me that Saunders was attempting to establish the impression that a normal informant/police officer relationship existed between Dodd and her to justify their regular contact. I am also of the view that she acted as a
conduit between Dodd and Tutt as part of this process.

There also seems little doubt to me that the scantiness and poor quality of the information which Saunders claimed she received from Dodd belied her stated reasons for making entries in her Official Police Diary. It will be recalled that she stated that the diary was used because it appeared as if Dodd was going to give a lot of information to Saunders, that she wanted a record of the information to inform the prosecutor in Dodd's firearm charge in order that he could be treated more leniently by the courts and that it may have been necessary to prepare a report to the Department to have Dodd paid for drug information. Of course this supports my previously stated conclusion that the Official Police Diary was not a contemporaneous record of the events recorded in it and that it contained falsehoods.

At this stage I should also refer to some documents produced by Dodd to the police in 1982 which he claimed had been given to him by Saunders. This material was tendered by the prosecution both at Saunders's committal hearing and at her subsequent trial in May 1983. Dodd's account in relation to this material remained consistent throughout from the time he first made the allegation in a statement of 28 April 1982. No reference had been made by Dodd to this documentation in his first statement to police of 29 March 1982.

Dodd stated that during one of his meetings with Saunders on approximately 15 March 1982 she told him that she was having "hassles with the Police Force" and she had some information on certain officials in the Police Force who were "corrupt" and she wished the information to be given to either Kev Hooper or Rick Allen from The Sunday Mail. He added that she then provided him with some information about a priest who she said was arrested for drink driving at Surfers Paradise but the case was stopped from proceeding. He stated that after he told her that he would not be able to remember the information she had just given him he handed her a small notebook that he had and she wrote the following details:

Rick Allen S/M  
Priest  
.15  
SP  
Ch's dropped.

It was explained that the "SP" referred to Surfers Paradise and the ".15" the relevant alcohol level. This notebook was handed to Webb and
subsequently tendered, as I have previously stated, at her committal hearing and trial. At her trial a handwriting expert stated that it was probable that the handwriting, which Dodd claimed was that of Saunders, was the same handwriting as in the mobile logs which from other evidence it was established Saunders had completed.

Dodd went on to say that a couple of days after he had been given this information Saunders telephoned him and asked whether he had given the information to either Hooper or Allen. Dodd stated that he lied to her and told her that he had lost his notebook and added that she said to him that she would meet him at the park and give some more information to him. He claimed that night they met at the park and she gave him a piece of paper that was typewritten and one that was handprinted. They were identical in content and referred to the circumstances surrounding the priest's driving in more detail. At Saunders's trial a handwriting expert gave evidence that the typewritten document had been typed on a typewriter which from other evidence it became clear had been obtained from Saunders. He also stated that the handwritten document was not in the same handwriting as that in the mobile logs.

Dodd stated that approximately a week after this incident he met Saunders again and she gave him some further information. It was originally written down on a piece of paper that she had brought with her but he claimed that she was not prepared to give him the paper as it had been done at work. He claimed he pulled a piece of paper out of his briefcase on which was written some poetry that he had composed. He claimed she wrote on the back of it two lots of information. She told him not to do anything with the first lot at that time as there were further details to come. The second related to a very senior police officer. Dodd claimed that Saunders told him that the wife of this senior officer had been set up on a shop-lifting charge and if the senior officer did not resign his commission his wife would be prosecuted. Dodd claimed that she went on to say that the only reason they wanted this senior officer to resign was to make an opening for Murphy, who was one of the "biggest crooks you'd ever meet." Dodd subsequently furnished this document to Webb and it was tendered against her at her committal hearing and trial. There was no issue that the handwriting was that of Saunders.

Saunders was questioned about some of this documentation by counsel for Dodd at Dodd's trial. She denied that the handwriting in his notebook was hers. She did however admit that the writing on the back of the poetry written by Dodd was hers. When asked to account for her handwriting having been on the back of a document with his handwriting she claimed
that Dodd had given her the page of poetry (presumably earlier) and she had placed it in a book somewhere and "just used the back of it to write this information." The following exchange between counsel for Dodd and Saunders then took place:

You told him you wanted him to pass on some information with the view in mind that you wanted to cause some senior police some hurt?
I certainly didn't. The superintendent mentioned on this was one of the finest officers in the Queensland Police.

Saunders was not questioned at this time concerning the typed document or the other handwritten document which was identical in content.

Saunders had also referred to Dodd's evidence concerning this documentation in the Legal Aid material at page 15 of the notes titled "Crown Witness ... Douglas Mervyn Dodd ... Civilian." In that document it is recorded:

Never mentioned to Dodd that I'd like him to pass info. on to Hooper or Allen ... if I wanted to tell Kev anything I'd ring him. Dodd was carting around a letter to give to Hooper about his treatment by Upper Mt Gravatt CIB. (gun ch prior to my meeting him.)
As for the information ... I did have a few calls about what was happening and if it was correct so possibly could have written it down .. if I was supplying info.. had a lot more than that ... This was around the time Nationwide were doing programmes on police corruption, I think ... there were a great deal of things happening ... I tend to get info and write it on pieces of paper ... Dodd had plenty of opportunities to take things from my car.
I found three love letters from Dodd ... didn't see any of them placed in my bag .. would have told Knight and possibly Tucker.
After tavern found poem .. letter in bag.
Letter in denim bag after Gatton..
Handbag after Dodd in police vehicle.
I always parked my car in the driveway at home .. Allan was always getting up my ribs about it ...
I didn't always lock it.
Typewriter was often in rear of car ...
And on the next page of the Legal Aid material the following appears:

In relation to the typewritten paper .. typed in a funny manner .. I w o u l d (d n T) type like this. There is a key on my typewriter that double spaces words .. maybe it was on and Dodd didn't know. Often if you've been carrying the typewriter it becomes depressed.

I certainly never typed it .. all I can suggest is that Dodd has done it but why .. doesn't make much sense to me. If Webb got the paper after Dodd was out on bail then it does start to make sense .. manufactured along with his tape.

He would rave on about Tony Murphy .. the police Goefather .. one story was that Simone Vogel was alive and working for Murphy in ... Fiji ... I think. Murphy should have gone down over the National but they killed the main witness .. usual stories that are around the traps.

In relation to [named senior officer] I had a very very high regard for him ... Lobegeriger and [named senior officer] did not get on ... I saw [named senior officer] the day he retired ... he was over age ... his wife was very ill ... cancer. I was obviously interested in any stories I heard ... [named senior officer] was in the same "faction" of the Dept as I was ... the transcript of the Nationwide programme Summerfield found would confirm my interest in these areas.

Significantly Saunders's account in the Legal Aid material does not refer to Dodd's notebook in which, in the views of the handwriting expert, it was probable that her handwriting appeared. Saunders's accounts clearly denied that she had provided any of this documentation to Dodd. They suggested that Dodd had somehow obtained her papers without her knowledge or consent. I should add that at Saunders's trial it was not put to Dodd by counsel for Saunders that the information referred to by Dodd had not been given to him by Saunders.

I am unable to attribute a motive for Dodd to lie about these matters. Certainly if there had been a conspiracy by the police to 'set-up' Saunders one would hardly expect to find reference to Murphy, a very senior police officer, as "one of the biggest crooks." On the other hand it is difficult to understand why Saunders would have provided this material to Dodd when it seems she had ready access to Hooper, although it must be said Saunders was unwilling to speak directly to Allen because of previous "scurrilous"
articles he had written. I find Saunders's account in the Legal Aid material of the typewriter having been stolen by Dodd from the rear of her car and necessarily returned to it as fanciful and unacceptable. Furthermore it was quite clear on all the evidence that Saunders was most security conscious and the probability of her leaving her car unlocked seems to me to be too remote. It seems quite clear to me that the document was typed on Saunders's machine by Saunders. I am also satisfied that the handwriting in Dodd's notebook was that of Saunders despite her denial to counsel for Dodd. It is difficult to accept Saunders's response to counsel for Dodd in relation to the document with her handwriting on the back of Dodd's poetry. I find fanciful Saunders's account that Dodd, having given her this sheet of paper with his poems on it, for some unknown reason takes it back after she has recorded the information concerning the senior officer on it. Why indeed would she have retained his poetry in the first place? This is even more bizarre with Saunders having denied to counsel for Dodd that she wished the information communicated to any one. Why then had she recorded it in the first place? Significantly Saunders was unable to produce the supposed love letters from Dodd and I have no doubt that such letters never existed.

Although I find Saunders's account unacceptable in relation to this documentation and I am satisfied she did provide it to Dodd, I cannot say why she did so. Saunders stated that she was at a loss to understand what benefit would have accrued to her by having Dodd pass on this information for her. Of course it is possible that Saunders was providing Dodd with this information to communicate it to Allen and Hooper so as to continue the charade of Dodd being a genuine and useful informant. In any event the dealings with this documentation clearly evidenced an association between Dodd and Saunders which one would not expect to find in the normal police officer/informant relationship. There is no doubt that Flanagan and Webb had regard to these documents in considering the veracity of Dodd's allegations against Saunders and in particular in assessing the nature of the association between Dodd and Saunders. It was entirely proper for them to do so.
CHAPTER 5

THE EVENTS LEADING UP TO THE THEFT OF THE FIREARMS

5.1 The significance of the events leading up to 7 March 1982

To try to understand Dodd's involvement in the theft of the firearms fully it is necessary to examine certain events which occurred between his initial contact with Saunders in late January 1982 and the theft. This must be done in the context of my previous finding that the association of Dodd and Saunders went beyond a normal police officer/informant relationship. It should also be remembered that by the end of January Saunders's relationship with Lobegeiger had for all intents and purposes been terminated by Lobegeiger and Saunders was involved with Coomer. Her involvement with Coomer did not diminish in any way her desire to rekindle her relationship with Lobegeiger with whom she was clearly obsessed. It should not be forgotten that Saunders abhorred Bull who she considered was the primary obstacle to her re-establishing the relationship with Lobegeiger.

5.2 The alleged theft of Saunders's address book

Saunders states in her Legal Aid material that her address book had been stolen from her motor vehicle. Saunders did not report the theft of the address book to the police. The following passage shows that she suspected Dodd:

Next meeting (unarranged) was at B and G Autos on Wednesday 3rd Feb 82. On Friday 29/1/82 I had booked my car in for full service ... 9 am. Car was in workshop and I was sitting in office area when Dodd came into office. He said Bernie had asked him to look at my car radio (I'd asked Bernie if he could see what was wrong). Just after this I found that my address book was missing. It was usually in car ... had addresses, directions to places, Cecily Bull's home ad. work nos and car reg/description etc.) Dodd went back into workshop area and sometime later returned and sat in office and talked.

It was clear from this extract that Saunders was suggesting that any information Dodd had concerning Bull may have been obtained from this
address book.

In the Legal Aid material Saunders also claimed that this address book had the full address, telephone number and "directions" to the home of Cheryl Bernadette Tucker's parents who resided on the Gold Coast. Saunders also recorded that she may have had Tucker's parents' Brisbane address and telephone number in that book as well. Dodd had claimed that Saunders had given him details of Tucker's family home in Brisbane. He also claimed to have been offered the address of the family home on the Gold Coast in which could be located furniture and electrical items.

Clearly Saunders was suggesting an explanation for how Dodd obtained information in relation to Tucker.

There is no evidence that Dodd ever had in his possession any address book of Saunders. I do not believe that he did.

5.3 The ransacking of Lobegeiger's camp at Gatton

Lobegeiger gave evidence at Saunders's committal hearing that in April 1981 he purchased a small grazing property at Gatton where he ran cattle and a few horses. Lobegeiger did not live on the property but was in the habit of frequenting it to check out the well being of the animals. Lobegeiger stated that he never took Saunders to the property and never told her of the specific location although she had been aware that it was somewhere in the Gatton area.

He stated that on 10 January 1982 he commenced recreation leave and shortly afterwards took up residence in a caravan on a property adjacent to his owned by an Edmund Brooking. Whilst residing in the caravan he worked on his property clearing it and he erected a stockyard and some temporary accommodation with the help of a friend of his named Thomas Stephens. In the process they erected an army tent near two dams on his property and used it as a day camp.

Lobegeiger gave evidence that on 2 February 1982 he and Stephens had been working on the property until approximately 5.00 p.m.. That afternoon they left the camp site intact and Lobegeiger returned to Brooking's place. The following morning he returned to the camp site and found it had been ransacked. The tent had been slashed several times and two stretchers that had been in the tent had been thrown into the dam. Two tins of motor fuel had been emptied on the ground and two plastic
bottles which had contained drinking water were found outside with the caps missing. There was soot on the neck of these bottles. The exhaust pipe on the tractor had been partially filled with water and a roll of barbed wire had been removed from the environs of the tent and thrown into another dam. In cross-examination by counsel for Saunders, Lobegeiger made it clear that he suspected Saunders had been involved in the ransacking although he conceded that he had no evidence to support his view. I have no doubt he genuinely held these suspicions.

Dodd claimed that he was told by Saunders that she and Coomer had been to the property at Gatton and had ransacked the site. This allegation was made originally by Dodd in his first statement dated 29 March 1982 to Webb. He maintained it was true thereafter. Coomer and Saunders denied any involvement in the ransacking although Saunders acknowledged that she knew at that time where the property was. Dodd, who had met Saunders for the first time less than five days before the ransacking occurred, also denied having gone to the camp site.

It is interesting to consider how Dodd would have had any knowledge of this event if not told by Saunders or being present when it occurred. The remote possibility exists that he may have been questioned about the matter by Webb and Flanagan and extemporised an account inculpating Coomer and Saunders. In any event, in view of the nature of Saunders's affection for Lobegeiger and also in light of the many unsuccessful attempts she had made to rekindle the relationship, I do not consider it surprising at all that Lobegeiger was suspicious that she had been involved. Of course by the time Lobegeiger had given his evidence at the committal hearing he had also received a letter from Saunders which had been written late in the month of February. Reference has already been made to this letter. It had spelled out her displeasure at not being able to go to his property and made it obvious that she knew that Bull had been there with Lobegeiger. Notwithstanding sharing the same suspicions as Lobegeiger I am not prepared to rely upon Dodd's evidence or to conclude that Saunders was involved. However I am satisfied that this incident would have concerned Lobegeiger greatly and ensured that he would have been vigilant in his endeavours to keep Saunders or any associates she may have had off his property.

5.4 The harassment of Cecily Bull by Dodd

From the time that Dodd provided his original statement to Webb on 29 March 1982 he consistently stated that Saunders had advised him that she
was in love with Lobegeiger and that the relationship between her and Lobegeiger was not a smooth one as he preferred Bull. On Dodd's account, Saunders stated that Lobegeiger had told her that he didn't want anything more to do with her. He also stated that Saunders told him that Bull worked at the Brisbane Airport for Ansett and that she had formerly been an air-hostess but was currently working in the office. In evidence before me Saunders denied ever discussing Lobegeiger or Bull with Dodd and suggested that he may have got whatever knowledge he had of Bull and Lobegeiger from Bernie Hannigan. This account was consistent with her Legal Aid material and also her answers to Dodd's solicitor at Dodd's committal hearing.

From the time of this first statement Dodd consistently gave an account of the following event. Sometime in the month of February 1982 he met Saunders by arrangement at a park near the Capalaba Tavern at about 3.00 or 4.00 o'clock one afternoon. She had arrived in a police car and asked him to go with her to a telephone booth for him to make a telephone call to Bull. According to Dodd she handed him a piece of paper with typed words on it which she requested he read to Bull. Dodd stated that the first telephone box to which they went was near the Cleveland State High School but as it was out of order they went to another in Bloomfield Street. The number which he was asked to ring had been typed down. He rang the number and asked for "Cecily." A man answered the telephone and stated that she was not present and to ring back in 10 minutes time. He rang back at about 4.45 p.m. when a female answered the phone indicating that she was "Cecily." He then read from the piece of paper which Saunders had given him words to the effect that:

Lori Saunders is going up to Gatton this weekend.

When asked who was speaking Dodd replied:

A friend.

Saunders then took the piece of paper from him. Dodd also stated that although Saunders had asked him to make a number of other telephone calls to Bull to say that Saunders was at Gatton he invariably threw away the piece of paper on which she had the details and he did not make the calls. He added that Saunders told him that she had another man making telephone calls to Bull but did not nominate this person.

Saunders at all times denied the truth of these claims.
When Bull gave evidence at Saunders's committal hearing on 12 August 1982 she stated that she had received a phone call on 17 February 1982 from a male who did not give his name. She stated that the person said:

You remember me, I spoke to you once before about Lorrelle and Allan?

(I have made reference previously to a telephone call received by Bull in September 1981 from an anonymous male who claimed Lobegeiger and Saunders were "playing around" with each other.)

She then stated he added:

Well, it's still on, I saw them together yesterday at Cleveland. They were together at his old place in the yard. They were acting like a pair of lovebirds.

Bull further stated that she told the male caller that she did not believe the information. Bull also stated that she received a further call at her office from a male person on 24 February 1982. Bull repeated this account before me. As I have previously stated I considered Bull to be an honest and impressive witness and I have no doubt that her account was correct.

Although the conversation as recalled by Dodd differed from that recalled by Bull there was a common thread in the two versions which left me in no doubt that Saunders had put Dodd up to making telephone calls to Bull. On either version there was an unwarranted harassment of Bull. There is an abundance of evidence, much of which I have previously discussed, which showed that Bull was harassed by Saunders. Of course if one does conclude that Dodd made the telephone call it could only have been at Saunders's behest. If Dodd had not made such a call it is difficult to explain his knowledge of it bearing in mind that Bull did not provide a statement to police until many months after Dodd had made his statement.

Dodd records in his statement of 29 March 1982 to police that on one occasion he was having a discussion with Saunders on the telephone when he told her that he was going up to Gatinon to see his brother. He claimed that he did not know where his brother lived so Saunders suggested that he see Lobegeiger as he would know where everyone resided in the area. He also claimed that to the best of his recollection he drove up to Gatinon on the next Monday or Tuesday after this discussion with Saunders. He added that he followed directions that Saunders had given him, drove on to the property and talked to a man (Lobegeiger) who had walked over to his car.
He claimed that this man asked him what he wanted and he told him he was looking for his brother. After a brief conversation in which this man advised him that he did not know the whereabouts of his brother's land he left the property.

Dodd maintained this account at Saunders's committal hearing in November 1982 although strenuously cross-examined by counsel for Saunders regarding the question of why he would seek directions from Lobegeiger when on his own evidence his mother knew very well where his brother lived. It is fair to say that at the committal hearing Dodd's evidence on this matter was not persuasive.

In Dodd's statutory declaration to the Commission he stated that the above account was false. The correct account, according to Dodd, was that he went with Saunders to Gatton in his car and dropped her off whilst he went on to Lobegeiger's property and spoke to him. The real reason he went there was to see whether Bull was there. As far as he could see Bull's car was not present. After being told by Lobegeiger that he could not assist him in giving directions to his brother's place he returned to Gatton, picked up Saunders and then returned to Brisbane. Dodd maintained this account in evidence before me.

I have referred elsewhere to Lobegeiger's evidence in relation to this incident which resulted in his writing down the number plate of Dodd's vehicle and subsequently providing it to Webb who ascertained that the registered owner of the vehicle was indeed Dodd. Saunders denied any knowledge of the trip by Dodd.

I am inclined to the view that Dodd's account before me is accurate. His unconvincing answers to counsel for Saunders at Saunders's committal hearing left me in no doubt that he did not go to Lobegeiger's property to obtain directions to his brother's property. This was confirmed when, not having had the cross-examination by counsel for Saunders at her committal hearing brought to his attention, he gave evidence that he did know directions to his brother's property at the time. Even if one assumes that Dodd did not know how to get to his brother's property at the time he clearly could have gone to the police station or the post office rather than having sought directions from Lobegeiger. There is only one sensible reason for Dodd having gone there and that was to check up on the presence of Bull. In support of this conclusion is the evidence to which I have already referred of Saunders's partner Knight. He had stated that Saunders had often telephoned Lobegeiger's property or Bull's premises to ascertain whether or not they were with each other.
Dodd also stated in his first statement to Webb on 29 March 1982 that shortly after the incident to which I have just referred he was asked by Saunders whether any of the people that he knew handled heroin. He claimed that she added that she would like to see Bull:

set-up with about half a pound of it in her car at the airport.

Dodd further claimed that when he asked the significance of the "pound" she responded that a little bit wouldn't be any good because she wanted Bull:

busted by the Commonwealth Police, and the more she had, the more they would be convinced that she was smuggling into Brisbane.

Dodd added that on a number of occasions she asked him about the heroin and his reply had been that he had not seen anyone about it. The account of this request by Saunders was maintained by Dodd at Saunders's committal hearing although when asked by the Prosecutor whether Saunders had pursued her original request he replied that she had not. Needless to say Saunders denied these allegations.

There are two matters which suggest that a request in the above terms was made by Saunders. The first of these is that nearly two years after this statement had been furnished by Dodd, Saunders, in her own statement concerning the Mount Berryman incident to which I have previously referred, described Bull as:

a high class prostitute, drug dealer and bird smuggler.

In Bull's account of this incident in her statement of 6 April 1984 she recorded that Saunders addressed her and said:

I am having you investigated right now for all your bird smuggling and drug running. I met someone while I was in Boggo Road who knew all about your heroin deals in a wine bar in Melbourne. I haven't finished with you yet I've just started.

This clearly shows Saunders's desire to have Bull improperly associated with heroin. I have absolutely no doubt that Bull had no involvement in heroin or for that matter prostitution, drugs or bird-smuggling.
The second matter is the resemblance between this claim by Dodd and that made many months later by Cooper in his record of interview with Webb on 8 September 1982. It is worth setting out the relevant question and answer in full:

Q.120 Has Saunders mentioned Dodd to you?

A. Yes, on untold occasions. She said she'd like my help in setting him up, but she did not trust the local cops, it had to be a commonwealth offence, which she talked about her or me stealing pension or unemployment cheques from around the area, getting a bag of grass and a sawn off shot gun that Coomer was going to supply, and either breaking into his house to plant them in his house or hiding it under his house or in his yard somewhere, and for me to give the Commonwealth boys the Tip Off. The whole plan of it was to discredit Dodd as a witness. She showed me his Crim sheet, she only had half of it, but that was enough. She said with his past record they would put him away for sure.

Although the drug referred to by Cooper was not heroin it was certainly a Commonwealth offence that Cooper said was contemplated by Saunders. When subsequently interviewed by officers of the Commission on 11 March 1993 Cooper stated that he could not recall giving this answer but could recollect some discussions involving Saunders's desire to have Dodd "busted." Significantly however when Cooper gave his solicitors instructions to defend the charge laid against him on 8 September 1982 he did not suggest that this answer was untrue. I will deal with Cooper's credit at greater length later in this report but suffice it to say at this time that one cannot dismiss this particular account out of hand.

Notwithstanding these two matters and although I hold a strong suspicion that Saunders had asked Dodd to obtain heroin in order for Bull to be 'set-up' I am not satisfied to the required standard that she did ask this.

In his statutory declaration to the Commission Dodd for the first time made the following revelations which were repeated in his evidence before me. He stated that he had gone with Saunders to Lobegeiger's property at Gatton on three occasions, not merely once (where he asked Lobegeiger for directions to his brother's property) as he had previously continually claimed. He stated he went on an earlier occasion with Saunders to the
property after having failed to spy Bull during her route from work to home. Dodd also admitted being present with Saunders on the occasion when the shots were fired at Gatton on 19 February 1982. I will return to this incident in detail shortly.

Dodd stated that on each occasion they had gone to the property to see whether Bull was there. Although this was the first time that he had given this account, at his committal hearing his solicitor had put to Saunders that the only reason that they had gone to Gatton was so that Saunders could have Dodd ascertain whether Bull was with Lobegeiger.

I have already referred to the direction-seeking visit by Dodd in detail. This Dodd stated before me was his second trip with Saunders to Gatton. The first he explained had occurred some short time before. On that occasion he and Saunders had travelled in her vehicle to a driveway near the technical college close to the hospital at Kangaroo Point and waited for Bull's vehicle to drive past in order for him to identify it so that when he came to "set her up" with drugs he was familiar with it. He stated that Bull did not turn up so they departed and drove to Gatton. When they arrived at Gatton they drove past Lobegeiger's property to see if Bull's car was there. As they did not see it they returned to Brisbane. Saunders remained with him in the car for the whole trip.

This account of Dodd's having sat at the technical college with Saunders waiting for Bull's vehicle must be judged in light of the evidence of Cooper and Bull to which reference has been made elsewhere in the report. In that evidence it was clear that Saunders, with Cooper and Gray, had followed Bull from the Terminal past the location which Dodd described as the one Saunders had indicated would be a good vantage point to identify Bull's vehicle. After considering this evidence of Cooper and Bull, which as I already have stated I accepted, and the great body of other evidence of Saunders's harassment of Bull, I am satisfied that Dodd's account is accurate although I am not persuaded to the requisite standard that the purpose of viewing the vehicle was so that he could subsequently 'set-up' Bull for drugs as he claimed Saunders had requested.

It is appropriate at this stage that I refer to an event which Dodd claimed occurred after the theft of the guns. Although he did not give this account in his original statement to Webb on 29 March 1982 it was included in one of his two statements of 28 April 1982 after he had made his allegations concerning the Tucker payroll and Lobegeiger's murder. Dodd claimed that about 15 March 1982 he met with Saunders and she told him that Lobegeiger suspected her of making phone calls to Bull. He claimed that
she then said to him that the only way to throw Lobegeiger off the track was to break and enter Bull's place and also cut Saunders's car tyres. He claimed that Saunders said this was to give the impression that someone was trying to get both Bull and Saunders and added that if her tyres were cut Lobegeiger wouldn't suspect her. According to Dodd she also told him that she would have had her own house broken and entered except her mother had been there. A discussion then took place concerning the best location to slash her tyres and Dodd was asked by Saunders whether it should be done at her home or at the police car park. According to Dodd he was then directed to Bull's house where it and her yellow car were identified. Dodd claimed that Saunders told him that if he managed to get into the house he could take whatever he wanted and then "wreck it." Bull's house was not subsequently broken and entered.

Dodd repeated this evidence at Saunders's committal hearing and in her Legal Aid material she comments upon it. The following is the relevant extract:

_Had been publicity about slashing of tyres of cars near Police HQ. My car was parked in the grounds of the police depot. I refused to park it in street because danger of going to it alone._

_Never been to Cecily Bull's with Dodd. Cecily has only got a car port and car visible from street. Cecily and her car were at Gatton on Friday 19/2/82._

Although this purports to explain Dodd's knowledge of Bull's car it also makes it clear that Dodd was correct in his statement that Saunders parked her vehicle at a police car park rather than on the street. Once again the suspicion is there that Dodd was requested by Saunders to carry out these criminal acts but I am not satisfied to the requisite standard that she in fact did.

5.5 The shooting incident at Gatton on 19 February 1982

Lobegeiger gave evidence of the events of this day at Saunders's committal hearing in August 1982. I would imagine that the evidence was led to establish that a falling out between Lobegeiger and Saunders had occurred to the extent described by Lobegeiger. The day's events took on a greater significance when Saunders was charged on 9 September 1982 with conspiring with Coomer and Cooper to have Cooper give false evidence at her trial concerning being present with her in Gatton on this occasion (and
one other to which later reference will be made). On 8 September 1982 a search warrant was executed on Saunders's premises at Wishart and a tape recording in her voice was located. The tape recording was relied upon by the Crown as being the version of events of 19 February which Saunders had made up for Cooper to give at her trial. Saunders was not tried on this charge of conspiracy although Cooper was convicted of it and sentenced to a term of imprisonment.

Saunders's account of these events was set out in her 67 page statement to her solicitors and also in her Legal Aid material. She maintained it before me. She stated that at about 11.30 a.m. on that morning she received a telephone call from Dodd at her residence in relation to drug information at Gatton. He wanted to meet her at Gatton. She told him to telephone her back. Saunders then received an anonymous telephone call advising her that Lobigeige and Bull were together at Gatton. Saunders did not know the identity of the caller's voice. As a result of the telephone call from Dodd Saunders asked Knight to accompany her to Gatton. As he was unavailable to go with her she tried to ring the Task Force Office but the telephones were unattended. A short time later Dodd telephoned her again and she agreed to meet with him in the vicinity of the Gatton post office at about 2.30 p.m.. Before she left she telephoned Ansett Airlines and ascertained that Bull was on sick leave. She then drove to Gatton via Bull's house having made a check of the residence to see whether Bull was presently at home. Bull was not.

Saunders stated that she drove up to Gatton in her own private vehicle and parked opposite the Royal Hotel. Dodd arrived shortly in his Ford motor vehicle. Saunders walked over to Dodd's vehicle and got into the front passenger seat. She was carrying a blue denim bag which contained her wallet, car keys, identification, personal papers and credit cards, as well as some photographs of Lobigeiger and herself. Dodd wanted her to accompany him to meet a man who was involved in the sale and distribution of drugs between Stanthorpe, Toowoomba and Gatton. Only "grass" was mentioned. He further said that this man had mafia connections and there was a link between Mareeba and Griffith. Saunders declined to accompany him on this meeting and arranged to see him at the same location at 4.00 p.m.. She told him that she could not wait longer than that as she had to commence duty in Brisbane.

Saunders's account was that as Dodd drove off she realised that she had left her handbag in his vehicle and she waited for approximately 10 minutes hoping he would return with the bag. When he did not she decided to hitchhike out to Lobigeiger's property. Saunders followed the
directions of the anonymous caller and proceeded to Lobegeiger's property. She came to a barbed wire fence and climbed through it. As she moved down a track she saw that there were a few different vehicles in the distance, one of which she recognised as having been owned by Bull. She also recognised Lobegeiger's car and later another car unknown to her. She then noticed Bull near one of the dams. Shortly after Lobegeiger jumped into his vehicle and drove up in her direction. She started jogging across the property thinking that Lobegeiger would see her. When she noticed that Lobegeiger was coming towards her with a firearm she threw herself onto the ground and in the next instant heard a shot. Simultaneously, dirt spattered and hit her in the face. She rolled over and pulled her departmental pistol from her ankle holster and fired a shot in the air. She could see Lobegeiger about 25 to 30 feet away through the scrub.

Her account continued with the explanation that Lobegeiger had yelled abuse as he fired the shot directing whoever was there to come out. She accepted that during the course of shouting abuse his words indicated his belief that two people were trespassing on his property. She holstered her firearm and walked out towards Lobegeiger with both hands in the air. She was terrified that Lobegeiger would shoot her as the shotgun was aimed at her stomach. When he got to about 15 feet from her she indicated that it was her and Lobegeiger lowered the gun stating that he could have shot her. Saunders stated to him that she was sorry but she had received another telephone call and had to know if he had been lying in relation to Bull again. She added the relationship was finished this time. Lobegeiger responded that Bull had just turned up. He asked Saunders to understand his predicament bearing in mind how obsessed Bull was with him. She was then asked why she fired the shot and she replied that she discharged the firearm thinking that he would stop and she could get away. Lobegeiger then put his gun on the ground and put his arms around her and she pulled away from him. He then stated that Bull had received an anonymous telephone call the previous night advising her that Saunders would be at the property and he would get rid of her by the evening. They then kissed and stood holding hands and discussed who had been responsible for the anonymous telephone calls. Lobegeiger then turned and walked back to his vehicle. She jogged back to the road and hitched back to Gatton.

Saunders stated that on arrival at Gatton she ascertained that Dodd had not returned to the Royal Hotel as he claimed he would so at about 4.15 p.m. she went to the Gatton police station with the intention of arranging transport to Brisbane. She entered the police station and spoke to a Sergeant Graham Noyes. She identified herself and indicated that she was
in the Task Force. She asked whether somebody from the Criminal Investigation Branch was in. When she was told that there was not she asked whether there had been any reports of shots being fired in the Tent Hill area. Saunders explained that a shot had been fired near her and she had put a shot into the air. When asked who fired the shot she said that it was nothing and explained that she had come up with an informant and left all her gear in the car inadvertently. She then asked whether she could use the telephone so she could ring her partner and try and arrange for some transport as her keys to her car were in the informant's vehicle. As Knight was not available she phoned Coomer and he agreed to meet her at the overpass approximately 4 kilometres west of Ipswich on the Warrego Highway. Arrangements were made with Noyes to transport her to the turn-off. She then left the police station to see if Dodd had arrived back at the Royal Hotel. As she approached the Gatton post office Dodd walked toward her. She went to his car and obtained her bag and then asked him to take her to the police station so she could cancel the transport arrangements which she had made with Noyes. Dodd and she then drove to her vehicle where he gave her the drug information which resulted in the arrest of Odgaird (reference has already been made to this alleged drug information). Dodd then dropped her at her vehicle and she drove off in the direction of Brisbane. She then met Coomer at the overpass as arranged. Coomer followed her home and she had coffee prior to getting ready for work. A short time later Knight arrived and picked her up in the patrol car. Dodd did not get in touch with her again that night.

Lobegeiger said in his statement of 28 April 1982 that the shooting incident occurred on the same day as Dodd had sought directions to his brother's property. He said that there were two persons walking along the edge of his property and as he approached them one of them disappeared into the long grass and he heard the report of a shot. He then loaded his shotgun and fired a shot into some nearby black wattle. A few seconds later Saunders came out from the grass carrying a revolver. Lobegeiger asked her what she was doing there and she replied that she came up to see if "she" was there. He stated that when he asked Saunders why she fired the shot she stated that she thought it would give her a chance to get away without being seen. Lobegeiger then told her "to get the blazes off the property" and asked who was with her. She claimed that there was no one with her. She then walked off in the direction from which she had come. Lobegeiger basically maintained the same story at Saunders's committal hearing in August 1982.

There was clearly a major conflict between Saunders and Lobegeiger in relation to the sequence of the shots and in relation to whether they were
affectionate to each other.

In Bull's statement of 28 July 1982 she stated that she went to Gatton on 19 February and was sunbathing on Lobégeiger's property when she heard Lobégeiger's car start and drive off at high speed towards the higher part of the property. She then later heard a gun shot followed by a second and louder shot. She stood up and faced the direction of the sound and saw Lobégeiger facing somebody whom she assumed to be a male. She took no further interest in the matter. She maintained this account at Saunders's committal hearing. When Bull gave evidence before me she described the first shot as a:

    loud crack shot, which I assume was a concealable firearm.

She described the second one as:

    a more muffled loud explosion type of shot which I assume came from a shotgun.

When examined by Carew she stated that possibly the second one was louder but she could not now recall. She had earlier given evidence before me that she knew the difference between a shotgun and a handgun as she had been out west on numerous occasions hunting with Lobégeiger and his nephew and both types of firearms had been discharged.

As I have previously stated Dodd had always claimed, until he gave his statutory declaration to the Commission, that he did not go with Saunders to Gatton on this occasion. In this statutory declaration he stated that he and Saunders drove in his car to Gatton. They were both dressed in identical clothes. It was Saunders's idea to dress the same because if either of them were seen it would not be possible to tell at a distance their gender. Furthermore if he had happened to be picked up Dodd was to say that he was going for a bush walk. He and Saunders drove in past the Council depot up a road that came to a dead end near Lobégeiger's property. They went through a barbed wire fence and past a dam. As they were walking across Lobégeiger's property they saw Lobégeiger starting his car and coming up towards them. Dodd went to the left, jumped the fence and hid. Whilst he was hiding he heard the sound of a shotgun. About 10 minutes later he heard a handgun shot and then another shotgun shot. He just laid low and crept away. He did not see anything further. He went back to Gatton where he met Saunders. She had already telephoned Coomer to pick her up as she believed that he had gone directly back to
Brisbane. He drove her back towards Brisbane where he met Coomer on the road. She got out of his car and got into Coomer's. He then went home. He denied giving her any drug information. In evidence before me he gave an account which was not inconsistent with this.

At Dodd's committal hearing in August 1984 his solicitor put to Saunders that she had gone to Gatton with Dodd and had arranged for Coomer to come and pick her up as she had thought that Dodd had disappeared. He then put to her that when she was coming back with Dodd they met Coomer coming up to Gatton. She denied that this was correct.

I have no doubt that Lobegeiger's account was a truthful account. I find Saunders's version to be fanciful and beyond belief. I am also satisfied that Dodd accompanied Saunders on this occasion at her request with a view to giving her support, whether moral or otherwise, when she went on to Lobegeiger's property. As I have already indicated in this report I reject Saunders's claim that she went up to Gatton with a view to obtaining information from Dodd. There was no need for her to attend at Gatton to receive information from him. She could have received it back in Brisbane if Dodd had information for her. Dodd of course denied that he obtained information in Gatton. In reaching these conclusions there were many matters which persuaded me that Saunders was not truthful in her account. I set out a number of these below:

(a) The relationship between Saunders and Lobegeiger had ceased by the end of 1981. There was no prospect of Lobegeiger kissing Saunders or holding her hands. In any event it would have been contrary to his nature as a private person to show affection in the possible view of Bull.

(b) Lobegeiger was suspicious of Saunders having ransacked his property earlier that month. He would have been in no mood to exchange pleasantries with Saunders once he found her on the property with an associate who had run away.

(c) Lobegeiger always claimed that there were two people together on the property. Saunders claimed that she was by herself. Dodd in evidence before me made it clear that he was the second person and that he went on to the property with Saunders dressed identically to her. I can see no possible motive for Dodd to admit this unless it were true. Common sense suggests that it would be most unusual for Dodd to have implicated himself falsely. Interestingly enough, in questioning of Saunders by Dodd's
solicitor during his committal hearing, presumably on instructions, it was put to Saunders that she and Dodd had gone to Gatton together and subsequently Dodd had changed the colour of his car (which he in fact did) because it had been spotted at Gatton on that day. (It was clear from the evidence that a good description had been obtained of Dodd's vehicle whilst in Gatton.)

(d) Bull's account of the order of shots was consistent with Lobeggeiger's account that Saunders discharged her firearm first. I have already indicated that I accept Bull as a completely honest and truthful witness and there is no reason for me to depart from this view in relation to this evidence. Although Dodd talks of one shotgun shot far earlier in time than the two described by all other witnesses no one else refers to this. I believe Dodd is in error in this regard.

(e) Saunders always maintained that she had never travelled to Gatton with Dodd as he was "a real grub." Both Dodd and Coomer gave evidence before me that Coomer had met Saunders as she and Dodd had returned from Gatton in Dodd's car. When they had met she had alighted from Dodd's car and drove off in Coomer's leaving Dodd by himself in his own vehicle. I found Saunders's responses to Counsel Assisting in relation to this matter most unconvincing. They are set out in full:

And the other thing was that according to you, when you drove back on that occasion when the shots were fired, you drove back in your own car. Coomer met you on the road and he followed you to your home, each driving your own car?---That's correct.

That is correct, is not it?---Yes, that's correct.

Were you here when Coomer gave evidence?---Yes, I was. I was quite amazed.

Yes. Coomer was quite clear that in fact he was asked to wait for you and to pick you up and that in fact he waited there and you got out of a car, came into his car and the other car drove off?---Yes - well, they - certainly wasn't talking about that day, because I certainly had my car in
Gatton.

Was there any other occasion when Coomer picked you up in that way, half way to Gatton, as it were on the Ipswich Road, and you got out of somebody's car and then got into Coomer's car?---Yes, a couple of times from memory.

Oh, I see. So there were a couple of such occasions, were there?---That's correct.

I take it you told your counsel that so he had an opportunity of putting that to Coomer when Coomer gave that evidence, that Coomer was mistaken he had these other occasions?---Can't remember.

Well, tell us about the other occasions when you had to ring up Coomer and get him to come and pick you half way up along the road there at the Ipswich By-pass, or whatever you call it?---A couple of times Joy Hallett was running late and she'd drop me there, she was heading back to her property at Jimboomba.

I see. Hallett is the deceased prison officer?---That's correct.

Is that right, yes. So she was involved in both of them, was she?---I think so. It could have been my step-sister and brother-in-law, I'm not really sure now.

You are not really sure. But you have got a clear recollection anyway that on two occasions at least you rang Coomer to come and pick you up at about this same spot?---That's correct.

All right. And was it day or night on these other occasions?---Day time, I think.

I was unable to locate any reference in the Legal Aid material, Saunders's Official Police Diary, the Spirax Notebooks or her 67
page statement to her solicitors to Saunders having been picked up by Coomer at the same spot on some other occasion. I have no doubt that this was false evidence by Saunders.

In the statement which had been prepared for Knight by Saunders to which I have previously referred in this report Saunders recorded the following:

Gatton. Phone you about 1, can't make it. Tell me to be careful. Make sure I've got my 38 with me. Discuss anyone else who could go - negative. Also tell you I've had more calls about Allan so will meet him and check out the calls. Pick me up from home - work 6.30 pm approximately.

This passage was shown to Knight when he gave evidence. He was then examined by Counsel Assisting in relation to it:

See that?—Yes.

Now, do you recall a conversation ever with Saunders that she was going to Gatton on some business about drug information, that she wanted you to go with her, that you could not go, that you told her to be careful because if she was going with Dodd she had better be careful she had a 38 with her and she said she would. And there was some discussion but you could not think of anybody else that could accompany her. Remember any such conversation as that?—No.

That happened early in the morning of a day when she was going up there with Dodd?—No.

And that - did she ever tell you on - well, it will have to be on the same occasion, that she has had more calls about Allan so she was going to meet him and check out the calls and to pick her up from work - from home for work about 6.30 p.m.?—Yes. Well, if this is the night that she went to Gatton - - -

That you picked her up from home?—Yes.
Yes?—Yes.

But until her mother rang, according to you you did not even know yet that she was going to be late or that you would have to pick her up at home?—That's right.

You would expect her to have gone into the depot, sort of thing?—Well, I don't know. We were probably picking each other up. We'd take it in turns.

Yes, all right. So do you say that conversation did not take place?—Not with me.

Yes. It would be extraordinary, would not it, to—I mean, he was a criminal, Dodd, even if he was an informer—for a policewoman to go alone with him up to Gatton?—Yes, I'd say that.

I mean—what I mean, though, it would be dangerous for her safety, quite possibly?—Yes.

And would you have tried to talk her out of it if there had been such a phone call, and say, 'Don't go. We must get someone else to go with you,' or something like that?—Yes.

You would have. But you have got no recollection of it happening, though? Indeed, you say it did not happen?—Well, I'm fairly certain it didn't happen.

It would indeed be extraordinary if her own partner had not been aware of her carrying out a legitimate operation in Gatton, if this had been the case. In support of this view is the statutory declaration of Inspector Matthews who became the officer in charge of the Task Force. He stated that had Saunders performed duty at Gatton she should have requested approval for it from the Inspector in charge of the Task Force. There is no suggestion that she ever did and he certainly had no recollection of it happening.

(g) Although Noyes did not give evidence before me he gave an
account in his statutory declaration to the Commission of what Saunders had told him when she came into the Gatton police station on 19 February. This was consistent with his original statement of 12 May 1982 and his evidence at Saunders’s committal hearing. Although he gave evidence that she came to the Gatton police station on a different date I do not believe anything turns on this. His account remained that after she had introduced herself she told him that she was on a job behind Tent Hill and things had gone wrong. She also told him that her informant had agreed to drive her to Gatton to meet two blokes from Toowoomba to buy some drugs but they must have realised who she was and decamped after a shot was fired by one of them. Her contact took off in his car leaving her without transport. She added that she had just walked about 20 kilometres to get some help.

After arrangements were made with Noyes to have a "half-way meet" with a car from Brisbane she left the police station having made a telephone call presumably to Coomer. A short time after she returned and said that there was no need for the transportation as her informant had returned. Noyes saw a male person in a light coloured Falcon sedan, about 10 years old, pull up outside the police station in Williams Street. He then described the car in some detail. (This description fits Dodd's vehicle.)

Interestingly enough when Knight was examined by Counsel Assisting he gave evidence that Saunders had told him that she had made up a story for the Gatton police by saying that something had gone wrong in an undercover operation and shots had been fired. Saunders’s counsel at her committal hearing did not ask Noyes any questions at all and, significantly, when her legal representatives had the opportunity to have him called before me so that he could be examined on his account they did not avail themselves of this opportunity.

I have no doubt that Noyes's account was truthful. There was no motive for him to lie. I also believe it is substantially correct. It is clear that on the first opportunity that Saunders had to speak to someone other than Dodd about the incident she lied. Noyes's account also confirmed my view that Saunders was in fact driven by Dodd up to Gatton in his car, notwithstanding Saunders's trenchant denials. Furthermore if Saunders was genuine in her attempts to obtain drug information from Dodd concerning a
person who lived in the Gatton area one would have expected her to try to check to some extent with Noyes or other members of the CIB at Gatton the information she claimed to have received from Dodd, namely that there was a man who was involved in the sale and distribution of "grass" between Stanthorpe, Toowoomba and Gatton.

(h) To justify why she went to Lobegeiger's property on that day she claimed that she had received an anonymous "tip-off" alerting her to Bull's presence there. I do not believe she received such a telephone call; I am satisfied it was an invention by her to explain in part why she went there on that day. It would have been an extraordinary coincidence on Saunders's account for her to have received this anonymous telephone call only minutes after receiving a telephone call from Dodd advising her that he wanted to meet her in Gatton to provide her with drug information. On all the evidence the male voice of the anonymous caller was not Dodd's and there is simply no evidence to suggest Dodd was responsible for it. Furthermore I can see no motive for him, or for that matter anyone else, to have made the telephone call. This was only one of a number of telephone calls which Saunders claimed to have received around this time. She produced a tape recording which she claimed recorded a number of these anonymous calls. I do not believe that Saunders received any such calls. I will return to a full consideration of this tape recording later in the report.

(i) If, as Saunders claimed, she had been involved in a relationship with Lobegeiger at that time and she had visited him without Dodd then there would have been no necessity for her to make her entrance on to the property in the way that she did; there would have been no need for her to discharge her firearm in the manner she described. Although in her version of events in her statement to her solicitors she claimed to have gone to the property following the directions of the anonymous person, it is quite clear from her answers to questions put to her by Counsel Assisting that she knew where the farm was by that time.

In conclusion, I have no doubt at all that Saunders went to Gatton with Dodd to ascertain whether Bull was in Lobegeiger's presence and if she found them together to harass them.
5.6 A further trip to Gatton by Saunders on 23 February 1982

There is no dispute that on 23 February 1982 Saunders once again went to Gatton and saw Lobegeiger. Saunders claimed to have gone with Dodd. Dodd denied all knowledge of the trip. Lobegeiger acknowledged that Saunders saw him at Gatton but denied that she was there with his blessing and that they were in any way affectionate to each other as Saunders claimed. I will now set out in detail Saunders's account of the events of this day as they have significance not only because of the dispute over what occurred but also because Cooper was charged with conspiring with Saunders to give false evidence at Saunders's trial about the events of this day.

Saunders's account was originally set out in her 67 page statement to her solicitor. It was consistent with the Legal Aid material. She maintained this account before me. She was contacted at home by Dodd who again wanted her to meet with him in Gatton as he was to take up with a drug dealer there. She made arrangements to meet Dodd at the Gatton Liquor Barn at about 2.30 p.m.. She arrived at the Liquor Barn at approximately 2.15 p.m. and Dodd was already there. At about 2.45 p.m. she said to Dodd that she had something to do and that she would meet him back there in a little while. She then drove out to Lobegeiger's property where Lobegeiger walked over to her and said, "So you made it." Lobegeiger told her that as there were workmen around they should meet later that evening and arranged for her to meet him at the post office at 7 p.m..

Saunders's account continued with the claim that she then drove back to the Gatton Liquor Barn where she met Dodd who told her that his informant had not shown up. They then agreed to drive to the Tent Hill Creek Hotel as Dodd stated that his informant may have been at those premises. They could not locate the informant at the Tent Hill Creek Hotel so they returned to Gatton where Saunders made enquiries about booking a motel unit for the night for Lobegeiger and herself. Dodd departed after advising Saunders that he would stay at his brother's property and might meet a couple of other people.

Saunders claimed that she phoned Lobegeiger at Brooking's residence at approximately 7.15 p.m. and Lobegeiger came to the phone and told her that he was on his way. Arrangements were made to meet at a telephone booth in Gatton. At about 7.30 p.m. Lobegeiger arrived and handed her twenty dollars asking her to go and purchase a drink as his back had "gone again." She went and purchased some beer and wine and then returned to where Lobegeiger was and followed him out to his property. Lobegeiger
parked in the gateway and she parked nearby. They consumed alcohol and discussed their personal relationship. He was adamant that he was not involved with Bull. Lobegeiger then questioned her about going out with Coomer and told her that she was not to see him any more. He went into a fit of jealousy over Coomer. They subsequently sat in Lobegeiger's vehicle and were intimate.

Lobegeiger gave a very different version of events in cross-examination at Saunders's committal hearing in November 1982. Until that time he had not referred to the events of this day either in his statements to police or in evidence in chief. Lobegeiger gave evidence that a couple of weeks after the shooting incident she arrived at his property without prior knowledge on his part. She advised him that she wanted to talk to him urgently and he responded that he was busy working with a number of men on the property. She then said she wanted to see him that night and he agreed to meet her at the front gate of his property. There was no time set and after a brief discussion in which he asked her what she wanted to see him about she departed.

On his account Saunders turned up at approximately 7.30 p.m. to 8 p.m. that evening at the front gate. She was in her own motor vehicle. They then talked for about an hour while standing outside the car. He could not recall whether he had anything to drink. He was not asked whether they were intimate that night but had previously given evidence that the relationship had finished in late 1981.

Lobegeiger's account of events changed somewhat by the time he had given evidence at Cooper's trial on 20 April 1983. Instead of giving evidence that he had arranged to meet Saunders at the front gate of the property that night he claimed that he had said to her when she first arrived that he was not interested in seeing her. He then claimed that he happened to go to Gatton at about 7 p.m. and went into a telephone box in William Street. When he came out she was waiting for him. He had no knowledge she would be there. They then drove to a position outside his property and had a conversation. He was however adamant that the relationship was not renewed that night and they were not intimate. He maintained that he was outside the motor car and denied standing arm in arm with her. They mainly discussed whether the association could be started again but he was not prepared to do so.

Lobegeiger's version of meeting with Saunders in the evening had changed between the time of his giving evidence at the committal hearing and Cooper's trial. However he vehemently maintained throughout that they
were not intimate that evening and that the discussions centred around her unrequited affection for him. I have no doubt that his evidence in this respect was truthful and correct. I reject Saunders's account. I also reject her claim that she went up there with a view to getting drug information from Dodd. I have already explained the implausibility of Saunders having gone to Gatton with Dodd to get information from him and especially in light of the events of 19 February 1982. It is quite clear that her only intention was to take up with Lobegeiger with a view to re-establishing their relationship.

I am fortified in my view by reference to the letter written by Saunders to Lobegeiger which commenced:

   Allan, firstly I would like to explain why I phoned you on Wednesday evening 24/2.

I have already made a number of references to this letter in the report. This letter was written to Lobegeiger the day after this meeting of 23 February 1982. It is clear from it that the relationship had well and truly terminated by that date. It is also clear that they were not intimate the previous night. There was no reference in the letter to Coomer as one would have expected if Lobegeiger had gone into a fit of jealousy the previous evening as suggested by Saunders in her account. Significantly, there is also no reference in this letter to Dodd having gone with her to Gatton as Saunders claimed.

5.7 Further alleged requests for Dodd to harass Lobegeiger

In his first statement to police Dodd recorded that Saunders asked him to go to the Coast and "wreck a house down there." According to Dodd when he asked her whose house it was she would not tell him. Dodd claimed that he told Saunders that he did not go in for "break and enters or wilful destruction of people's property." His criminal history belied this.

In one of Dodd's statements of 28 April 1982 he claimed that Saunders had asked him to travel to Gatton and put Condy's crystals in Lobegeiger's dam. According to Dodd she also asked him to go to Gatton and shoot a few horses of Lobegeiger's. He claimed that she stated the following:

   There's a stallion there worth about $10,000 and some mares worth about 5 and this would make him think that someone was after him. The only way to get back at
someone is to hurt them in the pocket. The horses are his pride and joy.

Once again this shows that Dodd had knowledge which one would not have expected him to have. Lobegeiger did have and was proud of valuable horses on his property. Lobegeiger was stationed on the Gold Coast in a police house. Although suspicion arises once again that Saunders was seeking Dodd's assistance to harass Lobegeiger, I am not prepared to accept Dodd's uncorroborated or unsupported account.

5.8 The anonymous telephone calls

I have already referred to the anonymous telephone call which Saunders claimed she received on 19 February 1982. According to Saunders the caller had advised her of directions to Lobegeiger's property and informed her of Bull's presence there. Saunders gave evidence that she gave a tape recording to Pointing and Menary on which she had recorded a number of anonymous telephone calls to her. A tape recording was found by officers of the Commission in material forwarded to the Commission by the Queensland Police Service for the purposes of the investigation. In each case the male voice was the same and the female voice was that of Saunders. A transcript of the six telephone conversations on the tape recording was read out to Saunders by Counsel Assisting. She indicated that although she could not remember the specific details of the conversations they accorded with her recollection of the original telephone calls. It is clear that the first telephone conversation recorded on the tape recording was the anonymous phone call allegedly received by Saunders on 19 February 1982 as it recorded Saunders being advised that Lobegeiger and Bull were together at Gatton. It also recorded the caller giving directions to Lobegeiger's property.

The tape recording records that the second telephone call commenced with the telephone ringing. Saunders then answered the phone saying hello. The male voice then said:

It's me again.

Saunders replied:

More exciting information and more lies about Allan I suppose.
The male voice then advised that Lobegeiger could not get rid of Bull as she was following him around the countryside. The caller then indicated that he believed that Lobegeiger was going to the doctor that afternoon because of his back. He stated that the back problem had been compliments of Bull. He then added that the scene at Cleveland where Lobegeiger had been cuddling her (Saunders) had been very touching. He then indicated that Saunders would hear from him again.

In the recording of the third call Saunders was told that Lobegeiger's manhood refused to function because of her (Saunders). The caller then claimed Bull had been prowling around Saunders's place and making phantom phone calls. The caller then asked Saunders how she thought Lobegeiger had obtained all his property to which Saunders responded:

*By honest hard work.*

The male then indicated that Saunders was naive if she believed that and Saunders slammed down the receiver. It would seem from the tape recording that, shortly after, a fourth call was received. The male voice is heard to say to Saunders:

*You fucking slam the phone, you just don't want to listen do you?*

After Saunders asked again who the caller was the following reply was given:

*Lobegeiger's a cunt. I'll cut you up so far he won't know where you fucking arse begins and your fanny starts. He knows how tight you were and you tell him you'll be so far cut he won't be able to enjoy what's fucking left of you. I'll cut your tits off too and post them to the cunt. Your days are getting close now.*

The fifth conversation commenced with the male voice indicating that Saunders had not heeded the previous advice. It was followed by words disparaging of Lobegeiger and threatening of Saunders. It concluded:

*Oh by the way, you know them fucking letters you leave lying around, they're fucking lovely, I really loved the last episode thanks, but you haven't many more days to live anyway.*
The final telephone conversation commenced with the male saying:

You still haven't fucking woken up. Get with it.

Saunders responded that she was no longer willing to tolerate the calls and advised the male caller that she was going to report the calls. The male caller then stated:

Cecily finally convinced him that she'd fucking commit suicide if he leaves. Fucking families I hear. You're too fucking stupid to look at anyone else. More fool you you fucking. Don't know what you're missing out on. Actually it's quite good. Do you remember the dog shit in your pool? Next time it will be your fucking dogs. Cut their throats and the Red Sea will look yellow compared to the colour of the fucking water at your place you fucking bitch. Wake up or die. Oh I hear that old cunt Mr Lobegeiger won't even let you report these calls from me. Gutless fucking wonder.

After some further abuse from the caller the conversation ended.

On Saunders's evidence the last of the telephone calls was received some time before she was interviewed by Webb and Flanagan on 26 March 1982 in relation to the theft of the guns.

Saunders claimed before me that Lobegeiger had advised her not to report these telephone calls as the department may have found out about their relationship. I found Saunders's answers to Counsel Assisting concerning this most unconvincing:

All right. Now, why was it that Lobegeiger, according to you, advised you not to report the phone calls?---It'd just blow up our personal relationship in front of the department.

Yes. Now, you are an experienced police officer at this time, with 10 years' service, and the phone calls could be one of two things: they could be serious threats or they could be just crank calls, somebody trying to tease you and frighten you, do you follow?---Yes.

One or the other. Now, you say that a superintendent of
police or he was inspector, I suppose, at that time, inspector of police. Well, I had - he was a superintendent at the time.

He was a superintendent by that time, all right, a superintendent of police who, in fact, had been your commanding officer, he told you, in effect, even though these could be serious threats on your life, 'Don't report them because people might get to know about our relationship'. That is what you say? The department.

The department might get to know about our relationship. Administration, that's correct.

And, that is more serious than the possibility of your being killed? That is really what it amounts to, on analysis, is not it? Not really. I mean, he - - -

Well, what else does it amount to? Well, he'd had threats too, and he wasn't reporting them. He just - he didn't want it blown up, our relationship. He just wanted everything kept quiet. I did what he wanted.

Yes, but let us - if we just analyse it a moment, what you were agreeing to do, no matter how brave he might be about himself, you are agreeing at his suggestion that you should run the risk of being murdered if the calls were serious rather than let the department learn about your relationship? I probably - I don't think I thought I was going to be murdered.

No. Well, did not you take the calls seriously? Did you think they were probably just crank calls? Oh, there were threats. It was pretty scary calls but I didn't really think someone was going to come around and murder me.

Yes. Well, did you really think that it might well have been some other police officer who was - just thought he would make you nervous. He knew that you stressed or freaked out easy or something like that? Do you think that is what the - - - I didn't stress or freak out easily in those days.
You knew it was not Dodd. You did not think it was Dodd, did you?---I didn't know who it was.

But, you knew Dodd's voice?---Yes. No, that's what I'm saying. I don't know who it was.

Well, you did not believe it was Dodd?---Certainly not.

No, and I mean, if it was Dodd, if you believed it was Dodd, you would have reported the call, would not you?---I would've done what Lobegeiger told me to do.

Oh really? I see. So, I suggest that you did not take the calls seriously. You thought it was some sort of a hoax done for the purpose of trying to embarrass and annoy you?---I really don't know what I thought.

Now - - -?---But I was concerned enough to tell Allan about it, and to also tape it.

I do not believe these telephone calls were genuine. I believe that some time after Saunders was interviewed by Webb and Flanagan on 26 March 1982 she fabricated these conversations to corroborate her account of events.

I should say that the tape recording was provided to a professional phonetician by the Commission for his comments on the conversations. He stated that:

_It appeared that this was a recording of a series of genuine conversations and that it did not seem that the recording had been prescripted._

I am unable to accept this evidence. Of course the expert did not have available to him my understanding of the facts surrounding these events which would no doubt have assisted him in relation to possible motive. I should also add that the same professional phonetician stated in relation to the fabricated tape which had been produced to Webb and Williams by Dodd that:

_There is a strong indication that the recording was made of a genuine conversation and that it was unlikely that the recording had been prescripted._
There was no doubt that this tape was not of a genuine conversation and had been prescribed.

In the submissions dated 5 April 1994 of Carew and Company it was submitted that support for the existence of such threatening telephone calls could be found in the statement of Cheryl Tucker dated 30 July 1982. This was a statement in Saunders's Legal Aid material and had been written in Tucker's own hand as an addendum to the statement she had previously given to police. It records:

*Saunders and her mother had received a number of phone calls when people would just hang up and also phone calls telling Saunders of the whereabouts of Lobegeiger and Cecil Bull. I knew Saunders was making some attempt to tape these calls.*

There is nothing in the statement to indicate when it was that Saunders apparently had told Tucker of these matters. This passage is equally consistent with Saunders having told Tucker at the time of these alleged telephone calls as it is with her having told Tucker months after the alleged telephone calls. In any event for reasons expressed elsewhere in this report I am not prepared to rely upon this statement of Tucker as I am confident Saunders was the original author of its contents.

There are many reasons why I have concluded that these telephone conversations were not genuine. I will set out some below:

(a) Saunders claimed that Lobegeiger had told her not to report the telephone calls. Her reasons for this as I have previously stated were unconvincing. If one accepts Saunders's account Lobegeiger did not wish her to report the threatening phone calls because he did not want knowledge of their ongoing relationship to be made public. No relationship then existed between them. It had ceased months before. In any event, it was clear that a number of her police colleagues including Knight, Krosch and Tutt had known of the relationship in 1981. She could have easily reported the calls to them for them to take official action. It is clear that she did not.

(b) In examination by Counsel Assisting Saunders's evidence on how the conversations were recorded was most unconvincing:

*How did you manage to record the first conversation in full? Were you waiting for him to*
ring up, or what?---I've got no idea. I might have just been lucky that I had the tape at the phone.

It was just already there and suddenly in comes a threatening call, stick down the button, and bang, you have got him, sort of thing; is that the way it happened?---I could have had calls before it and had the tape there.

I see?---I just don't remember now what order calls came in.

All these calls, the whole five of them, were recorded on one tape. Did you keep a special tape, you know, sort of for this caller?---I obviously did.

You did not, I mean, record them as the fourth call on one tape, and the second call on another tape, and the third call on another tape, and then at one time put them together as a master threatening telephone call tape? That did not happen?---I don't think so.

So there is no editing or effort to bring them from different tapes on to the one tape - - - ?---Not that I can recall.

- - - with a common subject?---Not that I can recall.

So what we really have here is that your recollection is from the word "go" you just had a special tape which was entirely dedicated to the recording of calls from this mysterious telephoners?---Yes, that's probably how it was.

Is that right?---That's - yes, that's my memory of it, yes.

And there was only the one tape kept? You did not - and you did not edit it?---I don't think so.
Take things off it or put things on; so there was, just the one tape. You did not make any copies of it?—Mr Hampson, I don't know now; I really don't.

Well, you may know. That is why I am asking you, you see. If you do not know you tell me you do not know?—Well, I don't know.

All right, you do not know. Good, that is an answer then. Quite happy with that if you do not know. And did you have some system then for getting this particular dedicated tape whenever he came on the phone?—Maybe I left it in one of the recorders; I don't know.

And so when he came on the phone you had to pick up that recorder and plug it in, as opposed to, you know, to another recorded on which you were recording Lobegeiger and yourself, or your mother and Lobegeiger?—No, I didn't record Mr Lobegeiger and myself until long after this.

I see. Well, what else were you recording at that stage?—Music, I suppose.

How many other—how many recorders did you have at this stage? We're talking— we seemed to have identified it as February/March?—Maybe five or six.

Five or six different recorders which were capable of recording telephone conversations?—No, some of the bigger ones obviously weren't. Probably—I might have had three smaller tapes at that time.

Three—three machines which were capable of recording telephone conversations, is that right?—I don't know. I suppose—if they picked it up they recorded it. I—they weren't— they were just ordinary tape recorders.
Yes?---I had - you know, again, one of Mr Dodds' allegations, I had more stereo and tape gear than you could poke a stick out in my house.

Well, that may be so but I am only interested - I am not interested in the music or hi-fi or anything at the moment, I am interested in tape recorders and you had three of them?---That's just a rough estimate. I could have had more.

And - could have had more, okay. You had at least three and one of them had in it a dedicated tape, dedicated to the recording of calls from this particular caller, is that right?---I would imagine I would have left in on there - left the tape near one of about three telephones in the residence.

Yes, I see, and how - see, sometimes you actually get the commencement of the call, do not you? How would you know that he is going to be on the phone?---Don't know, just luck I guess.

Do you know what I mean? You see, conversation 2:

Phone ringing, "Hello, it's me again."

How would you know? Were you telepathic almost to start recording while the phone is ringing before you answer it and discover that it is the mysterious caller?---Well, I guess if it had been the mysterious caller, I would have cut the tape off. I don't know now.

No, that is not right because you only had the dedicated tape, you see, on which you recorded the mysterious caller. You did not have a succession of tapes on which you indifferently recorded incoming calls and then transferred only the mysterious caller to a particular tape. You told me that before?---Yes, I said that's what I believe happened.
Yes, okay. Well, was that just good luck that on conversation 2, you actually got the phone ringing before you answered it?—It could have been. I mean, if it had been a mysterious caller I might have wound the tape back to the point where the other tape stopped, I don't know now.

(c) The first two conversations offer friendly and helpful advice to Saunders. The calls then become violent and threatening. I am unaware of any evidence which would explain the motivation for any one to have acted in this manner.

(d) For a single person to have made all the telephone calls that person would have had to have knowledge of the following matters:

- Specific dates for Lobegeiger and Bull being together at Lobegeiger's property.

- Directions to the property.

- The supposed sexual association between Lobegeiger and Bull.

- That Lobegeiger was to go to a doctor on the afternoon of the second conversation.

- That Bull had been supposedly prowling around Saunders's place.

- That Bull had been supposedly making phantom phone calls.

- That Lobegeiger and Saunders had been supposedly kissing and cuddling on a previous recent occasion.

- That Lobegeiger had supposedly obtained his property by ill-gotten means.

- That Bull was supposedly suicidal.

- That Saunders had letters lying around her home.

On the evidence before me if these matters had been true there
would have been no person capable of knowing all this information. When one looks at these matters it is striking to see how many have been claimed by Saunders elsewhere and established to be false. For example, that Lobegeiger and Bull had been sexually involved; that Bull had been prowling around Saunders's place; that Bull had stated that she intended to commit suicide and that Bull had been making phantom phone calls. Saunders had also claimed that Lobegeiger had been able to purchase his extensive property because of income derived from illegal activity.

In Saunders's evidence before me she claimed that she did leave letters lying around her house to which access could be had by others. I reject this. From all the evidence Saunders's house was like a fortress. Unauthorised entry would have been extremely difficult, especially with her mother residing there.

(e) In the statement of Carnes, her partner just prior to her being charged with theft of the firearms, he stated:

*I am unaware of any threatening telephone calls made to Saunders before her arrest, but I do know of some afterwards. Saunders told me about them.*

And later in this statutory declaration, he stated:

*When I was visiting Saunders, she would tell me about threatening phone calls she was receiving, about people following her around and being in the paddock near her residence surveilling her. I was not present when any such call was received nor did I see any person acting suspicious near her home. Saunders never played any tapes of alleged threatening telephone calls to me. I passed off these matters as part of her imaginations because of her highly distressed and emotional state after being arrested and her advices about the falsified tape made by Dodd.*

It is a telling factor that Saunders's own partner was not apprised of these threatening telephone calls at the time they were supposed to have occurred. Furthermore, when he was subsequently told about them he did not believe that they had occurred.
Although Knight has some recollection of Saunders advising him of threatening calls he was not sure whether this occurred prior to her being charged.

Tutt also gave evidence that he could not recall Saunders telling him of any threatening phone calls around this period.

(f) In a 20 page statement which Coomer provided to Pointing and Menary on 13 March 1984 the following was recorded:

_Just as we were about to leave the phone rang. Lorrelle answered it. We were in the upstairs lounge and she said, 'I can't hear you, hang on', and she said to me, 'Pick up the downstairs' phone'. I did this and I hear a male voice saying words to the effect of, 'You're going to be fuckin' cut open, you bitch. Your fuckin' cunt is going to be cut so that bastard will never enjoy you again'. The caller slammed the phone._

When Coomer was questioned about this passage by Counsel Assisting the following exchange occurred:

_Now, that just never happened, did it, Mr Coomer?—Not that I can recall, no._

_No, no, not at all. That never happened at all, did it? That was something that Lorrelle put in the statement after her arrest and you were prepared to run along with because you, in fact, were in love with her. Is not that the truth of the matter?—I will agree with that, yes._

_Yes, all right, and it goes on, you see:_

_The caller slammed the phone down. The voice seemed to be rough. I went back up to Lorrelle and she was visibly upset and shaking. I asked her what was going on. She told me it was typical of the calls and so forth. Do you see that, about taping and so on?—Mm._
None of that happened, did it?--Well, I never heard any of it happen.

No. Well, if you had not heard it, it would not have happened so far as you are concerned?--That is right.

It is right for me to say what is written down here never happened in your presence?--No.

This was something that Lorrelle had written; is that right?--Yes.

So it could not be true that you went up to her and she was visibly shaken. But what you are saying is--well, it could have been true that, at some occasions, when you were not there, she got threatening phone calls?--Right.

But she never got them when you were there; is that right?--Not that I can remember, no.

And up till this stage of the thing, she never told you that she had got threatening phone calls?--No.

Up to this stage. And this particular episode here, that is described in great detail, just did not happen, did it?--Not while I was there.

Exactly. It is something that she has composed. Did you read this statement through, in the first instance, when she gave it to you, and, of course, when you were writing it out?--Not that I can recall, no.

Well, but when you were writing it out, making the handwritten copy, you see?--Mm.

I take it she suggested it would look more fair dinkum if you had a copy in your own handwriting?--Right.
Yes, you agree with that?---Yes.

And so you wrote one out in your own handwriting, and in the course of writing it out, you would have come to that passage?---Yes.

So you would have realised it was there, but again, the point was, you were prepared to go along with it?---I just kept writing.

Exactly. And if necessary, if it had been put on you in court to say that that was the truth, you would have said it?---More than likely.

To try to defend her?---Yes.

Is that right?---Yes.

I have no doubt that Saunders did prepare this statement for Coomer's signature. I also have no doubt that the events as outlined in the passage did not occur. If Coomer had been present for such a telephone call he would certainly have recalled it.

Although Saunders mentioned to Webb on Sunday, 7 March 1982 that she had received threatening phone calls she did not advise him that she had a tape recording of some of these. If these had been tape recorded by Saunders at that time and they were genuine telephone calls I have no doubt she would have provided them to Webb at their meeting of 9 March 1982. One would certainly have expected Saunders to provide the tape recording of the threatening phone calls to Webb and Flanagan after her interview of 26 March 1982. Notwithstanding the opportunity she had to add to the interview she did not refer to the tape recording of these threatening phone calls. It is clear that Saunders thought that this tape recording was of value to her defence because in her Legal Aid material in a document headed "Notes for Peter Sorensen" the following extract appears:

How do we get threatening tapes into court?

Ask Lobegeiger if voice same as his calls.

Did she know that the male voice on her tape was the same as that
which had made threatening calls to Lobegeiger?

In conclusion, I am of the view that this is yet another example of Saunders rewriting history to support her account of events.

5.9 Dodd's introduction to Barry Donald Krosch

In March 1982 Krosch was a Detective Senior Constable of Police attached to the Special Branch in Brisbane. He had an association with Saunders as they were both members of the Emergency Squad at Greenbank. It does not seem to be in dispute that some two weeks before the theft of the guns Saunders, who knew that Krosch was interested in having an informant infiltrate the Ananda Marga, suggested to Krosch that Dodd would be an appropriate person. Krosch and Saunders had previously discussed Stanthorpe in the context of the Ananda Marga as some time before Saunders had attempted to recruit a female to infiltrate the group in that area.

It was stated in the submissions of Saunders's solicitors that:

“It seems likely that Dodd had been working with police in the Special Branch for some time prior to 7 March 1982.

There is not the slightest evidence that this was the case. Krosch always maintained that he had no direct physical contact with Dodd and only one telephone conversation with him prior to the theft of the guns. In his evidence at Saunders's committal hearing and at her trial he stated that this telephone call had been made on the Friday before the theft of the guns, 5 March 1982. Before me he had the benefit of his Official Police Diary to refresh his memory. It recorded that on 3 March 1982 he received a phone call from Dodd on his unlisted telephone number at home. No call was noted for 5 March 1982. This was the first contact he had with Dodd and therefore he could not have given Dodd his unlisted number. In evidence before me he stated that as he didn't give Dodd the number he could only assume that Dodd got it from Saunders as he had previously supplied it to her. During this telephone conversation Dodd advised Krosch that he was going to Stanthorpe the following weekend with his girlfriend and her children to attend the Apple and Grape Festival. In all Krosch's accounts of his dealings with Dodd he maintained that he did not wish Dodd to go to Stanthorpe to carry out any enquiries for him. He advised Dodd that he did not approve of any plans he may have had to infiltrate the Ananda Marga but acknowledged that he had no authority to dictate to Dodd what
he could do in Stanthorpe. Before me Krosch made it clear that he would have fully briefed Dodd if he had been carrying out duties for him in Stanthorpe and he would have had Dodd infiltrate the Ananda Marga in Brisbane before any attempts were made to infiltrate it in Stanthorpe. Krosch stated that he had made no arrangements with Dodd to contact him after he had returned from Stanthorpe as he did not condone any attempt Dodd may have intended to make to infiltrate the Ananda Marga. At Saunders's trial Dodd stated that he had arranged with Saunders and not Krosch to meet Krosch on his return.

Krosch gave evidence before me that he sought approval from Lewis some time in March to use Dodd as an informant in relation to another group that the Special Branch was monitoring. Krosch was unable to say whether this occurred before or after 7 March 1982. He stated that as part of the application he would have advised the Commissioner that Dodd was Saunders's informant. Lewis denied ever having a meeting with Krosch concerning Dodd. He stated that there would have been no reason for him to have had a direct meeting with Krosch to approve the use of Dodd as an informant. It could have been done through the Inspector in Charge of the Special Branch. No reference to such a meeting could be located in either Lewis's diary or that of Krosch. I did not feel the need to resolve this inconsistency as on all the evidence Lewis played no part, either directly or indirectly, in the events of 7 March 1982. Having said that I should say that I did not form the view that either of the witnesses had been lying.

Saunders's account in the Legal Aid material and before me departed from Krosch's version in some material aspects. Saunders told me that she could not recall whether she gave Krosch's silent phone number to Dodd but doubted that she would have without his consent. In the Legal Aid material she claimed that Krosch had told her to get Dodd to telephone him during the week subsequent to the festival at Stanthorpe. She also claimed that Krosch had given her his silent phone number and said if Dodd turned up anything that sounded interesting to get on to him. The following passage appeared in the Legal Aid material:

*Barry said he wanted to interview him asap after he came back from Stanthorpe and first time he'd get me to come along.*

Saunders claimed that Dodd had told her that he hated the Ananda Marga because they had "taken" a friend's daughter and "converted her." She claimed that Dodd told her that the daughter had become quite strange because of this involvement. Before me Dodd denied any such
conversation and, furthermore, denied that he had ever known anyone involved with the Ananda Marga. Counsel Assisting canvassed with Dodd his knowledge of the Ananda Marga in Stanthorpe:

Were you asked to do anything that fitted in his area of activity in the Special Branch?---Well, he just asked me to go up to Stanthorpe and check out the Ananda Marga up there.

Did you know anything about the Ananda Marga?---No.

Well, how were you going to go to Stanthorpe and check that out?---Well, the Apple and Grape Festival was on.

Yes?---I was going up anyhow.

But what did that mean?---So I went up there and had a - done what I had to do and then just came back.

Well, what did you have to do? I am just interested to know how you check out the Ananda Marga, you see, at the Apple and Grape Festival?---Well, I didn't know anything about them.

You did not know anything about them?---I still don't know anything about them.

In all previous accounts he had consistently maintained that he had not obtained any information from Stanthorpe. As discussed elsewhere in the report Dodd had given evidence before me that Saunders had attempted to create the impression that he was a good informant.

There was a clear inconsistency in the evidence. On Krosch's account he was aware of Dodd's intention to go to Stanthorpe but he in no way approved of any attempts Dodd may have intended to make to infiltrate the Ananda Marga. On his account there had been no urgency associated with Dodd's trip to Stanthorpe and no need to make arrangements for Dodd to contact him on his return. On the other hand the impression given from Saunders's account was that Krosch enthusiastically embraced Dodd's stated intention to go to Stanthorpe to obtain information concerning the Ananda Marga and Dodd was asked to report back to Krosch as quickly as possible.
I accept Krosch's evidence. He impressed me as a witness. It was not suggested that Krosch had any motive to give a false account against Saunders. On the contrary, there was evidence that Saunders and he had been friends. I reject Saunders's account where it departs from that of Krosch.

5.10 Information concerning the Emergency Van

In his statement dated 29 March 1982 Dodd stated that he had been advised by Saunders that she knew of another way to get guns. He claimed that she had stated that there was an Emergency Van in which were stored "heavy guns, bullet proof vests, gas and everything that is needed for a siege." He further claimed that she advised him that the van only had two occupants; the driver and his assistant. According to Dodd he then had the following conversation with Saunders:

Dodd: You've got to be stupid. They'd have every policeman in Queensland after you.

Saunders: What would be the worry, you wouldn't have an Emergency Van.

Dodd: What about the Games?

Saunders: That wouldn't matter, I'm getting out of the Emergency Squad anyhow.

Dodd: Well that's what I'm employed as now to try and stop anything happening at the Games.

Saunders: Is that all?

Dodd: Yes that's all that counts with me at the moment.

Strangely enough, in the beginning of this statement it is recorded that this conversation occurred prior to 7 March 1982 but towards the end this appeared:

The account of my conversation I have just given you with
Saunders concerning the Emergency Van did take place after I had stolen the guns from Coomer and after I had met Detective Barry Krosch.

Krosch gave evidence before me that he was quite surprised with the knowledge that Dodd had shown in describing the equipment in the van. It will be recalled that both Saunders and Krosch were in the Emergency Squad together. However I think that any person could have guessed that such equipment would be located in an Emergency Van. Although I have no doubt that Saunders had discussed with Dodd matters involving her involvement in the Emergency Squad, I am not satisfied that she had advised him to consider obtaining weapons from the van. Dodd's account does not sound credible. However, Dodd's knowledge of details such as Saunders having been employed in the Emergency Squad and her intention to resign from it confirm my view that this was not a normal informant/police officer relationship. It would appear from Saunders's personal file that she made application to withdraw from the Emergency Squad on 23 March 1982.

5.11 The introduction of Coomer to Dodd by Saunders

It is unclear from the evidence on how many occasions Dodd met Coomer prior to the theft of the guns. Before me Dodd could not even remember having met Coomer prior to the theft of the guns although it is clear on all the evidence that he did. On Coomer's and Saunders's evidence Coomer and Dodd met only once before 7 March 1982. On Dodd's previous evidence it was once or twice.

Dodd, Coomer and Saunders agreed that the location of the first meeting was at a park on Broadwater Road at Mount Gravatt.

In Coomer's statement of 26 March 1982 he stated that this meeting took place two weeks before the theft of the guns. At the committal hearing he stated that it took place on 2 March 1982. Coomer gave evidence at Saunders's committal hearing and trial that at this first meeting a discussion with Dodd took place in relation to his (Coomer's) firearms. He was not asked to elaborate on this discussion by the prosecutor and was not cross-examined by counsel for Saunders about it. His recollection before me of this meeting was understandably poor. In any event he never suggested that during this meeting he told Dodd that Saunders and he would be going to Toni's Restaurant on Sunday night. It was on the Sunday night that the firearms were stolen from the vehicle outside Toni's Restaurant.
Dodd's account was that when Coomer had gone to obtain some alcohol from the hotel Saunders advised him that if he ever needed any guns Coomer carried his in the back of his four wheel drive. On the other hand Saunders claimed that she and Dodd were never alone and it had been she who had gone to the hotel to obtain the alcohol. Coomer's account accorded with that of Saunders. In cross-examination of Dodd at Saunders's trial Dodd acknowledged that during this meeting Coomer had advised him that he had four hand pistols and a rifle which were stored in cases. He also learned that Coomer regularly went to the Belmont Rifle Range to shoot. He also acknowledged he learned from Coomer that he was going with Saunders to the Rifle Range on Sunday, 7 March 1982. He however would not accept that Coomer had advised him where they would be going after they left the Rifle Range. During this cross-examination Dodd claimed that the date of this meeting had been the Thursday prior to the theft of the guns. During the committal hearing he claimed it had been on the Friday prior to the theft of the guns. In his original statement to Webb he had stated it had occurred two weeks prior to the theft of the guns. This is clear evidence of how unreliable Dodd was as a witness. I do not intend to suggest that he had been lying intentionally here, as there would have been no need to lie about the date of the first meeting with Coomer. Such a meeting was never in dispute. This is an example of what I have previously described as Dodd answering without first considering the matter.

Saunders's account in her Legal Aid material of the first meeting was as follows:

Only met Dodd at the park in company of Coomer on two occasions. [The second time occurred after the theft of the guns.] Made arrangements to meet him at the Mansfield Shopping Centre on Monday 1/3/82. Coomer and I waited but Dodd didn't appear. (I was on 8am-4pm either VIP or Emergency Squad.) Following night met Dodd at the Shell Service Station at intersection of Mount Gravatt-Capalaba Roads and Mount Petrie Roads. He was again late ... believed he'd been followed ... gave this as reason for not showing up prev. evening. Usual "winge" about not having any money and being short on petrol ... worried he'd been seen so followed us to park. I left him and Coomer and went and got him a beer.

And further on in Legal Aid material she had this recorded:
I had warned Coomer not to mention too much in front of Dodd but he'd started to talk away ... it is hard for a civilian to deal with a "dog" I guess - hard enough for police.

She claimed that she had arranged the meeting as Dodd had telephoned her and wished to give her some information. The information she ostensibly obtained is recorded in her Official Police Diary. There is reference to Dodd attempting to obtain Spires's correct name and telephone number for Saunders. The diary recorded previous references to Dodd claiming that Spires was a drug dealer. I have referred elsewhere in the report to the implausibility of Dodd providing drug information on Spires to Saunders. The diary also recorded the following:

Biggest crims in Qld Tony Murphy - Terry Lewis - Murphy M/M Beerburrum Mail Truckjob with an ex-cop & hold up on bookies money - the big job back around 1977 - Murphy has got Vogel stashed away in Fiji or somewhere because she's got too much on him.

It is interesting that these allegations are against the very two persons who Saunders at some stage claimed were responsible for her predicament. One wonders why Saunders would have recorded this general information in relation to events which had occurred five years before. It certainly had nothing to do with her duties in the Task Force and it could never have been the basis of a payment to Dodd for providing good information - one of the reasons provided by Saunders for maintaining the diary.

Saunders's diary had no reference to any conversation concerning Coomer's firearms. She maintained that she had no recollection of a discussion concerning firearms.

Although I am unable to conclude when this first meeting occurred, the fact that the meeting even took place is to my mind significant. Why would Saunders introduce Dodd, who she knew to be a "real grub," to the person with whom she was then having a relationship. I cannot accept the suggestion that she was unwilling to meet with Dodd by herself and therefore was forced to take Coomer with her. It is clear that she could have refused to see Dodd until a time when she was accompanied by her police partner. It is even more extraordinary when Saunders well knew that Dodd had an extensive criminal history and was on a charge of possessing a firearm while Coomer was, in Saunders's words, a "gun-nut." Not only was there an introduction but on any version of the meeting the
parties sat around drinking alcohol together. On Saunders's and Coomer's account Coomer and Dodd were left together. One could be pardoned for thinking that the introduction may have been made by Saunders so that at some future stage she could point to the meeting to explain the source of any information which Dodd had acquired to be able to steal the guns in the manner in which he did.
CHAPTER 6

THE THEFT OF THE FIREARMS ON 7 MARCH 1982

6.1 Reservations at the Italian Restaurant for Sunday, 7 March 1982

The firearms were taken from a vehicle parked at the rear of Toni's Italian Restaurant on the evening of 7 March 1982. It is not clear when reservations for dinner at the restaurant were made. There was no evidence led by the prosecution or the defence at Saunders's committal hearing or trial from staff at the restaurant to confirm when a reservation had been made.

The question was not canvassed in Coomer's two initial statements to the police. Saunders in her record of interview with Webb on 26 March 1982 stated that she had made the reservation in the name of Coomer some time during the week. She stated that she had not advised Dodd of this fact. Before me both Coomer and Saunders were unable to recollect who made the reservation or when it was made.

Saunders maintained at all times that she and Coomer had been to Toni's Restaurant a number of times before 7 March 1982. In cross-examination of Coomer at Saunders's trial he gave similar evidence. In evidence before me he explained that the previous times that they had gone to Toni's Restaurant together had been for "a take-away."

6.2 Dodd's evidence of prior discussions with Saunders on Friday, 5 March 1982

Dodd claimed throughout that Saunders had advised him prior to the theft of the firearms that she and Coomer would be at the Belmont Rifle range on the Sunday afternoon and that they would be subsequently going to dinner at Toni's Restaurant at six or seven in the evening. The firearms were to be found in the rear of Coomer's Toyota Landcruiser four wheel drive. It is fair to say that his account of how and when this information was communicated to him by Saunders varied greatly.

In Dodd's record of interview with Webb taken on 26 March 1982 the following questions and answers appeared:

Q.35 How were these arrangements made?
A. She told me the last time I saw her before I stole the guns that she would be going to a certain restaurant for tea on the Sunday after shooting. And if I waited around there I would see them drive in and know what type of vehicle they were in. They were going for a meal then. They'd be in there for a couple of hours and that was the conversation.

Q.36 Where were you when these arrangements were made?

A. Out along Broadwater Road.

Q.37 Had you arranged to meet her there?

A. Yeah.

Q.38 Had you travelled there in your vehicle?

A. Yes.

Q.39 How had the arrangements been made for the two of you to meet there?

A. She rang me at my home and asked for a meet.

Q.40 Can you recall what date this was?

A. I think it was on the Friday before the guns were stolen.

Later in the record of interview this question and answer appeared:

Q.48 Could I get this quite clear please, did she make the arrangements with you over the telephone or at Broadwater Road?

A. We started the conversation at Broadwater Road but she left in a hurry because her mother was sick and she couldn't stay very long and that she would give me a ring and later on she rang me at my home.
When Dodd gave evidence at Saunders's committal hearing in November 1982 he again claimed that on the Friday before the firearms were stolen Saunders gave him details of when she and Coomer would be going to Toni's Restaurant. However on this occasion he stated that the day on which Saunders gave him the details was the same day as he first met Coomer and he claimed that this conversation with Saunders took place whilst Coomer was away purchasing beer. In the record of interview Dodd claimed to have met Coomer for the first time two weeks before the firearms were stolen. He also told the Magistrate that sometime earlier he had been shown the restaurant where Saunders and Coomer would be having dinner. It was not made clear whether this meant earlier on the Friday or on a previous day. There was no reference in his evidence to a subsequent telephone call that Friday night by Saunders to finalise the details as he had claimed in his record of interview. I should add that he was not asked whether he received such a call that evening.

When Dodd gave evidence at Saunders's trial he reverted to the original account given to Webb that he met Coomer on a separate day to the day when the final arrangements were made with Saunders. This time he claimed to have met Coomer on Thursday, the day prior to the final arrangements with Saunders. He also claimed that Saunders showed him the restaurant on this evening. There was no reference to an evening telephone call to finalise the details but he was not specifically questioned about such a call.

Saunders denied having any discussions with Dodd on the Friday and denied ever showing Dodd the Italian Restaurant. She also denied having planned with Dodd the theft of the firearms.

6.3 Dodd's discussions with Joseph Gary Wills on Friday, 5 March 1982

Dodd maintained throughout that he advised Wills on the Friday evening of the plan to obtain the firearms from Coomer's vehicle on the Sunday. Wills, with whom Dodd stole the firearms from Coomer's vehicle, claimed in his record of interview of 26 March 1982 that on the Friday night Dodd did receive a telephone call at home and after this call he and Dodd finalised details to steal the firearms on the Sunday. At the time Wills was living at Spire's residence at 49 Ferry Road, Thornside. Wills stated that Dodd was living there at the time as well.

In the record of interview with Wills the following questions and answers are recorded:
Q.18 What was your first knowledge of this matter?

A. On the Friday night, when John told me what the phone call was about, we said we'd probably be able to sell them to Ananda Marga.

Q.19 Where did this conversation take place?

A. In the house at Thorneside.

Q.20 Is there a telephone connected to that address?

A. Yes.

Q.21 Who took the phone call?

A. John.

Q.22 What time of the day was it?

A. About 8.30 that Friday night.

Q.23 After John received the telephone call, what did he tell you?

A. He said that the guns would be easy to take and that we'd hang on to them for a couple of days and then we could sell them.

Q.24 Did he mention the person, Laurie, to you?

A. Yeah.

Q. What did he say in respect to Laurie?

A. He just said that the set-up would be for Sunday night at 7 o'clock. I had to go to the car, break in and then rig the ignition and steal the car. Then from there, I'd meet him down the road a bit, transfer the guns and ammunition into his car and I was to take the car down the Coast and roll it. Then meet him back there, back at the house.
And later in the record of interview this question and answer appeared:

Q.46  How did you get into the car?

A.  I opened the quarter window up. It was already unlocked, then just reached around and unlocked it from the inside.

Wills did not give evidence at Saunders's committal hearing. At her trial he maintained his account. Wills again gave a consistent account at Dodd's trial and maintained this position before me. There was no doubt from his answers and his attitude to counsel for Saunders that he still considered Saunders and Dodd to have been responsible for organising the theft of the firearms.

6.4  Discussions between Helena Dodd and Dodd prior to the theft of the firearms

Helena Dodd first gave a statement to Webb on 19 April 1982. She gave an addendum statement on 28 February 1983. She explained in this second statement that the matters in that statement were not originally mentioned in the first one as she thought they were "trivial." In this second statement the following extract appeared:

Approximately a week later, to the best of my recollection I think it was about the Tuesday before the 7 March 1982, I was in bed asleep at my house at Ney Road when Douglas Mervyn Dodd woke me up. He had been out earlier that evening.

He was very excited. He said to me, 'Guess what,' guess what. I am going to work for the police.'

I said, 'Are they going to pay you.'

He said, 'Yes, but I'll still be able to collect the dole because this is all secret. I am going to be supplied with a gun on Sunday afternoon.' He then mentioned a number of types of guns. I cannot recall what types of guns he referred to. I have no personal knowledge of firearms.

He said, 'I can have a choice of any of those. I can keep
one for myself. Which one do you think I should take. I like, (he mentioned a particular firearm) and I like (he mentioned another particular firearm). Which one do you think I should take out of the two.'

I said, 'I don't think you should take any. I don't like the idea of it at all. You are already up on a gun charge, what if the police catch you with it.'

He said, 'She'll fix it all up and everything will be alright if I am caught.'

I said, 'What the hell do you want a gun for anyway.'

He said, 'Because it is to do robberies with. I've been getting in thick with all the louts around the place and it looks better if I've got a gun, they'll think I'm one of them and when they go to do robberies I go along with them and then supply the information about the robbery to the police.'

I said, 'What if you are all caught.'

He said, 'Then I'll have to go before the court like the others but the police will get me off with an alibi.'

I said, 'That sounds ridiculous. You'll have to have a solicitor. What about all the expense.'

He said, 'The police are paying the expenses but the whole thing has got to look as normal as if I was one of them.'

This second statement was obtained after the committal hearing and prior to the trial of Saunders. The prosecution did not attempt to lead the evidence at the trial. Before me Helena Dodd maintained that this account was correct. She was examined at length by Fleming QC concerning the fact that she had originally considered the information to be trivial. She stated that she did not even know that Dodd had been charged with offences concerning firearms at the time that she had given her original statement to Webb. I accept that at the time she considered the matters to be trivial and they did not warrant reporting to Webb. No doubt her belief that the information was trivial would have arisen to some extent from the fact that at the time she believed that much of what Dodd had been telling
her had been what she took to be his fantasy. One has to be extremely careful in accepting evidence of Dodd's words and actions. I accept Helena Dodd's evidence of Dodd's words and behaviour at this time. I find it hard to believe that those words and behaviour are explained by a desire to lie to impress Helena Dodd. They go beyond what one would expect of a criminal informant and are consistent with the surprise and delight of a criminal who has found a police officer who has promised to protect and support him in relation to illegal activities.

Before me Helena Dodd stated that she had been able to date accurately this occasion as having occurred on a Tuesday. She explained that Tuesday had always been a big day at work for her and she would go to bed early. She could recall having been woken up by Dodd as he was so excited he could not wait until the morning.

6.5 The motive for the theft of the firearms

Wills had always maintained that Dodd had told him that the firearms were to be sold to the Ananda Marga.

When Dodd was first asked by Webb on the morning of 26 March 1982 why he stole the firearms he told Webb:

She was setting me up to get into the Ananda Marga for the games. She said it would be easy to get in with them if I could offer them the guns.

In Dodd's record of interview with Webb later that day he was asked the following questions and gave these answers:

Q.41 What was arranged between you two on this occasion?

A. She knew I wanted to get in with the Ananda Marga and that she knew a way to get me in. And that was through the guns.

Q.42 Will you explain what you mean in more detail please?

A. Laurie said the way to get in with the Ananda Marga is with the guns and the best way to get
them was to steal them from Roy.

In evidence in chief at Saunders' committal hearing Dodd was questioned by the prosecutor concerning the matter:

Q. Did she tell you why it might be that you could get guns from him?

A. Yes Sir, she knew that I wanted to get in with an organisation.

Q. Well what organisation was that?

A. Ananda Marga.

Q. And you'd had previous conversations with her about that?

A. Yes Sir.

Q. And what did she say about your infiltrating that organisation?

A. Well she reckoned the best way to get in would be to have guns that they'd be interested in.

He was not cross-examined on this account by counsel for Saunders at the committal hearing.

At Saunders's trial Dodd gave the following evidence concerning the motive for the theft of the firearms:

And I just said that the Ananda Marga would be the place to get in because they seem to be the ones that were causing a lot of trouble. Lorrelle said that the way to get in with them would be through guns and we got discussing different aspects of guns and Roy Coomer's name come up, that he carried guns in his car all the time.

And later on in the transcript he is recorded as saying:

Well I thought it would get me in with the organisation I said I wanted to get in with.
In cross-examination of Dodd by counsel for Saunders at her trial Dodd's assertion was not specifically tested. He was, however, asked whether he had at any previous stage claimed that he had been given the authority of the Special Branch or the Queensland Police Force to take the firearms. After his initial denial he was cross-examined about a letter sent by him to the Crown Law Office:

Did you also say in a letter given to your solicitor when parole was refused, that you thought that you had assisted in the removal of certain firearms from a car that she had previously identified for you at a pre-arranged place?--Yes.

That these firearms were to be placed in her custody?--Yes.

And your assumption was that you were assisting in the prevention of a possible crime?--Yes.

And this you were writing, in effect, for the Crown Law Office to read?--Yes.

Did you write that what she [indicating], she was going to do with them you didn't know?--Yes.

That with what you had previously read in the newspaper - and I quote - 'I thought it was somehow connected with the very near Commonwealth Games'?--Yes.

'... and it was my duty to assist the Police as any member of the public should?'--Yes.

... and in fact as I later found out, the entire operation under Lorrie Anne Saunders' direction was one totally outside her office?--Yes.

'... to put it bluntly, blatant illegal?'--Yes.

'These actions eventually resulted in not only Lorrelle Anne Saunders being charged, but also myself at the same time as being the dupe of the entire fiasco?'--Yes.
So you were claiming to the Crown Law Office that you were the dupe of a fiasco, that you thought you were somehow preventing a possible crime, and this was connected with the very near Commonwealth Games, and you were doing your duty to assist a member of the Police as any member of the public should?--Yes.

And you claim in that document that you later found out it was all illegal?--Yes.

And that you were the dupe of a fiasco?--Yes.

So you were saying at the time you took the guns you thought you were doing a public duty?--Yes.

And you didn't know it was illegal?--I knew it was illegal, yes.

And you said in the letter?--In the letter I said yes.

You wanted the Crown Law Office to think you were performing a legal action?--Yes.

And that Detective Saunders had led you to believe that this was all legal?--Yes.

And you have denied on oath before this very Court that you have ever suggested any such thing, haven't you?--I never even thought about that - writing that.

You didn't know that I had it?--I knew all of the papers that I sent to my solicitor was in this courtroom somewhere.

You also said that you thought this was sanctioned by law?--Yes.

This was just another argument to get out of gaol; wasn't it?--Yes.

It was a lie; wasn't it--How do you mean a lie?

According to you you always knew that the guns that you
stole were being illegally taken?--Yes.

In his statutory declaration to the Commission the following passage appeared concerning the original reason for the theft of the firearms:

_In the answers to questions 41 and 42 of the record of interview, I state that Saunders wanted me to get in with the Ananda Marga and that the way to do it was through stealing the guns. Although this was a later consideration, the original reason for stealing the guns was so that they would be located by her and that would help in her police record. She was not to actually find the guns but was to provide information which led to their recovery. There was never any suggestion or inference that the guns were to be used to shoot Lobegeiger. Saunders suggested that she could make it worth my while to steal the guns as I had been complaining that no money had been forthcoming in relation to the harassment of Bull and Lobegeiger._

In examination of Dodd by Fleming, QC the following exchange took place:

_All right, and - so nothing at all happened about the Ananda Marga, not from you or anybody else?---No._

_But what about the guns?---The guns weren't stolen for the Ananda Marga._

_Were not they?---No._

_That was never the plan?---No._

_So the guns and the Ananda Marga were never discussed together?---They might've been discussed in the same thing, but they - I don't think the guns were to go to the Ananda Marga._

_That was never the case?---Not as far as I understood it, no._

_What was to happen to the guns?---They were just to disappear, be sold._
To whom?—Anybody.

After his previous accounts had been read to him by Fleming QC the following exchange took place:

Okay. You stole the guns because you thought it would get you in with the Ananda Marga?—The guns were set up by Lorrelle Saunders to be stolen. That's why the guns were stolen. It wasn't to get in with the Ananda Marga.

Mr Dodd, did you say in your trial under oath when you were asked, 'Why did you agree to take them?' 'Well, I thought it would get me in with the organisation I said I wanted to get in with.' Did you say that?—That I said I wanted to get in with.

Did you say that?—Yes, in there.

Is that a lie?—Yes.

It is a lie?—Yes, because I never wanted to get in with the Ananda Marga.

But nevertheless, you told the court that?—As I said before, I told a lot of lies during these court cases in this. You want the truth here, but you don't want to - you don't really want the truth. You want a scapegoat, let's be honest.

Later in his evidence Dodd was again questioned by Fleming QC concerning the matter.

Now, would you tell us again the reason for stealing the guns?—The reason the guns were stolen was it was Lorrelle's idea to steal them from Coomer.

Right. Yes, for what purpose?—Well, they were supposed to be dumped then found.

Did you not tell us yesterday that they were going to be sold?—At one stage they were.
Well, at what stage were they going to be sold?--The original idea was to steal them to sell them, and then it was changed.

All right. Well, let us get this straight. The original idea was to steal the guns to sell them for money?--That's correct.

All right. So when was it changed?--When I was told to get rid of them, a couple of days later.

Well, what was to happen then?--They were to be dumped.

All right?--So that they could be found.

By whom?--How do you mean by whom. They were to be dumped by me and Joey. We were the ones that dumped them.

All right?--Because they were too hot to handle.

Well, who were they to be found by?--They weren't to be anybody. They were--Lorrelle was going to say that an informer told her where the guns could be found.

All right. But the first reason why the guns were stolen was to raise money, was to sell them off?--Yes.

After they became too hot?--They were to be got rid of.

It was decided to turn this to account, to dump the guns, and Lorrelle Saunders would then be able to pass on information and she would be credited in some way in her police work with that?--That's correct.

Later again in Dodd's examination by Fleming QC he was questioned about his statutory declaration to the Commission in which he had stated that it was a later consideration that the way to get into the Ananda Marga was through the firearms:

Was it ever a later consideration that the guns somehow - the stealing of the guns would somehow be related to
infiltrating the Ananda Marga?---The guns were already gone.

All right?---They didn't stay in our possession very long at all.

So we can put a line through this. It was never a consideration that the stealing of the guns was somehow or another associated with the infiltration of the Ananda Marga?---You can put a line through it, yes.

All right, so that is a lie?---All right, we'll say that's a lie.

Shortly after, the following exchange concerning the statutory declaration took place between Fleming QC and Dodd:

Mr Dodd, would you go to the second sentence, where it says:

The original reason for stealing the guns was so they would be located by her and that would help in her police record

?---That's correct.

Is that a correct statement?---Yes.

All right. You have told us at least twice, perhaps three times now, that the original reason for stealing the guns was so that they would be sold off?---Yes.

Well, which of those two is true; the original reason? I am looking for the reason at the beginning?---It all comes into the one category. They were stolen to be sold, then they were too hot to be handled, then they were to be found, dumped and found.

Still later in Dodd's examination by Fleming QC the following exchanges occurred:

I want you to go down - and this is the record of interview that you made with Mr Webb, okay?---Correct.
All right. You made an arrangement at about question 39 to meet Lorrelle Saunders. Question 40:

Can you recall what date that was?

I think it was on the Friday before the guns were stolen.

Question 41:

What was arranged between you two on this occasion?

Answer - and please note:

She knew I wanted to get in with the Ananda Marga, and that she knew a way to get me in and that was through the guns.

?---Yes.

Okay. Question 42:

Will you explain what you mean in more detail, please?

Answer:

Lorrie said the way to get in with the Ananda Marga is with the guns, and the best way to get them was to steal them from Roy.

?---That's correct.

Okay. Now, that is the arrangement that you said was made when Mr Webb interviewed you?---No. I was going to be known as the guy that stole the guns.

All right. All right. So - but the stealing of the guns was still associated with the Ananda Marga. That is the reason why they were stolen?---It wasn't - they weren't stolen for the Ananda Marga.
All right. All right. Let us just put that aside. But the reason why they were stolen is that you could then say, 'I am the man who stole the guns'---It would get out, yes.

And that would be said to the Ananda Marga and you would have some credit?---I don't know who it was going to be said to, but they would probably get wind of it.

In re-examination of Dodd by Counsel Assisting the following exchange took place:

Now as I understand it, there are some things that had nothing to do with the taking of the guns, and they were to use them to kill Mr Lobegeiger, that is out, you have said that never was mentioned, never ---?---That's correct, that's out, that was never mentioned.

I also think that it was not, they were not being stolen to use them for a robbery or anything of that nature?---No.

All right, so we put that aside. Now, what have come around at enormous length and frequency are three different reasons. One is that by being the, by apparently being the stealer of the guns you would have certain notoriety with the Ananda Marga people?---Not only them, but with a lot of other people as well.

With other people in the criminal community?---Yes, yes.

Okay, that was one point. Another point was that by stealing the guns there would be a benefit in that they could be sold for money?---That's correct.

And you would have money from that?---Yes.

Another reason was that, so far as Lorrelle Saunders was concerned, if the guns were returned, pursuant to what was apparently a tip from her, as to how the guns could be found to be returned, that would be to her credit with her police career?---Yes, that's correct.

Okay. Were there any other reasons? We have put aside bad reasons ---?---No.
we are left with three good reasons, as it were?---That was the reason.

Any other good reasons?---No.

Okay. Now, could you tell his Honour, just to try to get it clear, in your own words just how those three reasons came into it. You used the expression it was mixed up, or it was all part of the one thing?---Yes.

but I take it there was more than one conversation which ended up with the guns being stolen?---That’s right, correct.

Could you just take your time and try to say how those three reasons came into it, or what part they played?---Well, the way that Lorrelle could have benefited by them being found was that once the heat was taken off her, the tip was there, she was no more involved, and it would help her.

Look, Mr Dodd, I can understand the reasons, what I do not follow at the moment is how they fitted in, you see. Apparently they all became, at one stage or another, part of the reason for it, all right. So, at one stage, according to you, it was mentioned that it would be possible to steal guns from Coomer, is that right?---That’s correct, that’s correct.

According to you Lorrelle Saunders said that?---Yes.

Now, at that first suggestion that guns should be stolen from Coomer did she tell you anything to indicate why you should do it?---Just that it, if they were stolen and then found later on, as her tip, as she got tipped off, it would benefit her, it would help her.

All right?---Later on, it came about that, if it was known that I - was the one that stole the guns, it would also get me in good with other crims, the Ananda Marga, and different people.

Yes. And what about the third reason of selling the
guns?---Well, that was just to make money.

But when did that - when was that mentioned as a reason for doing it?---That would have been about the same era - about the same time.

The same time as which?---As the Ananda Marga and - it would have been all come out in the same conversation.

Oh, I see. All right?---It was not one particular conversation about one thing - you know, one - it was mainly just a general of how they could be benefited.

So what you are saying now is that in the conversations these three topics were mentioned?---They have all been mentioned.

More than once, as it were, and in the one conversation. Is that what you are saying?---Yes.

It would seem that before me Dodd was attempting to explain that once it became known that he had stolen the firearms it would place him in a good light amongst criminals and members of the Ananda Marga. He was adamant that the firearms were never physically to end up with the Ananda Marga. It is difficult to conclude from the evidence given by Dodd why the firearms were originally stolen. It seems clear that at different times there were different considerations. Unfortunately, one does not get any assistance from the circumstances surrounding the eventual disposition of the firearms because they were not sold, they were not provided to the Ananda Marga and they were not located as a result of a "tip-off" from Saunders. All but one of these valuable firearms were simply abandoned. The question remains why would these firearms which were particularly valuable in the hands of criminals be abandoned within two days of their theft?

6.6 Dodd's trip to Stanthorpe on Saturday

It seems clear that Dodd travelled to Stanthorpe with Spires on Saturday morning, 6 March 1982. It is also clear that the primary purpose of his trip was to visit the Apple and Grape Festival although there is no doubt that he had told Krosch he was going to find out whatever he could about the Ananda Marga.
On Spires's uncontradicted account they were to travel to Stanthorpe on the Friday night but as it was raining they postponed it to the next day. At about 8.45 a.m. she and Dodd travelled to Stanthorpe in his car. They arrived there around lunch time and camped on the side of the road that night. They left about 8 o'clock the next morning and returned to Brisbane after dropping off a hitchhiker at a flea market at Aspley. They arrived home at about 1 pm. A girlfriend had been looking after Spires's children. Dodd's account was consistent throughout with that of Spires. He also maintained that they returned home at approximately 1 p.m. on the Sunday.

There is no evidence that Wills went to Stanthorpe on that weekend. There is some evidence that Bernie Hannigan was there, but no significance can be attached to this. Helena Dodd was also in Stanthorpe on 6 March 1982. Apparently her daughters saw Dodd but she did not. Coincidentally Tutt and his family were also in Stanthorpe at some time during the weekend but there is no evidence that Dodd met Tutt there.

6.7 Telephone calls from Saunders to Dodd on Sunday

Dodd claimed in his record of interview with Webb on 26 February 1982 that Saunders telephoned him on Sunday and advised him that there had been a change of cars and that Coomer's Toyota four wheel drive which was originally to be driven to the restaurant was no longer to be used. He claimed that she gave him the make and registration number of the new car to be used, which was a Torana. He recorded the registration number on a piece of paper but had thrown it away by the time he had been interviewed by Webb. He claimed that Saunders told him that she was at the shooting range and they would be leaving there about 6.30 p.m. and going to the restaurant. He stated that this telephone call was received by him:

about dinner time, about midday I was feeding the youngest child.

At the committal hearing after the prosecutor had questioned Dodd about Saunders's discussions with him on the Friday prior to the theft of the firearms the following exchange took place:

I think you said that she said that it would be Coomer's car that they'd be travelling in?
Yes Sir.

Well when were you next contacted by the defendant?
It was after the guns went. That was on the . I went down to Stanthorpe on the Saturday. I was back on the Sunday. I think it was Monday or Tuesday.

Was there any communication from her to you on the day the guns went off? That she'd been pulled over the coals.

No. The guns went off on the Sunday the seventh? Yes Sir.

Did you receive any telephone call or anything from her on that day? I don't think on the Sunday. I think it was the next day.

Well what were your movements on the Sunday? There was a change of plans with the car.

Yes. Well we'll just it one step at a time. Where were you on the Sunday? Coming back from Stanthorpe. Well I never got back until about one o'clock.

When had you gone to Stanthorpe? Saturday.

And what was your interest in Stanthorpe? Well that was in connection with Barry Krosch.

Yes. That's the detective from Special Branch? Yes.

Right. Was it also the occasion of the Apple and Grape Festival? Yes Sir.

Alright. Well you returned home at, I think you said about one o'clock. Yes Sir.

What happened when you got home? It would have been about half past four, five o'clock I received a phone call saying that the cars had been
changed.

Well who was this phone call from?
Lorrie Saunders.

What did she say to you?
She told me that the cars had been changed and Coomer
wouldn’t be taking his car but his sister’s car.

Did she tell you what type of car that was?
Yes Sir.

What did she tell you?
That it was a .. she also give me the registration number of
it as well. It was a blue coloured, I think it was a Datsun.
I’m not too sure now.

Well she told you that there’d been a change in plans to
the extent that they’d be travelling in this other vehicle?
Yes Sir.

And you say she gave you the registration number. Did
you make a note of that?
I did Sir but I don’t know what happened to it.

Well you can’t find that now?
No Sir.

In cross-examination by Saunders’s counsel at the committal hearing it was
brought to Dodd’s attention that although he had given evidence before the
Magistrate that the telephone call was made at about half past four or five
o’clock, he had previously stated to Webb that the call came in around
midday when he was feeding the youngest child. He maintained that he
did receive a telephone call in the afternoon and gave an explanation of the
terms "dinner time" and "midday" which was incomprehensible.

At the trial he gave an account consistent with his original record of
interview to Webb. He again claimed that the telephone call he received
was:

between one and five past one.

In Dodd’s statutory declaration to the Commission he confirmed that the
evidence he gave at Saunders's trial was correct. In evidence before me in examination by counsel assisting he stated that he believed that it was Helena Dodd who advised him of the change of vehicle after Saunders had contacted her. In examination by Fleming QC when asked whether he was sure of this he replied:

*Oh I'm not sure, but she got - Lorrelle was trying to get in touch with me through her.*

It is clear that Dodd was mistaken in thinking Helena Dodd had advised him. On all the evidence, although Helena Dodd had received at least one telephone call on the Sunday from Saunders, she had not seen or heard from Dodd between 5 March 1982 and some time after 15 April 1982 and would therefore have been unable to pass a message from Saunders to him.

Spires in her statement dated 29 March 1982 to the police claimed that when she returned from Stanthorpe with Dodd she was told by Dodd to expect a telephone call from "Lorrie." She claimed that at approximately 5.30 p.m. a female, who identified herself as "Lorrie," asked for Dodd. She handed him the telephone but did not take any particular notice of what was said. She could recall that Dodd and Wills left the home after this. She maintained this account at Saunders's committal hearing. The Magistrate asked Spires whether prior to this date there had been any telephone calls to her premises from Saunders. She replied:

*There's been a few .. couple of phone calls. He might have .. but .. you know he used to come around there a lot and there used to be phone calls there then.*

In her statement she had explained that in total she had received "about twenty calls" from "Lorrie," but she had not nominated when they had been received in relation to the Sunday.

At Saunders's trial Spires stated that they returned to the house at about 1 or 2 o'clock. She claimed to have received a telephone call from "Lorrie" at about 5 or 6 o'clock. On this occasion the prosecutor asked her whether there had been any calls to her home from "Lorrie" prior to this one and she replied:

*There was probably a few before then. I can't say how many or what time or what days or anything.*

When Spires gave her statutory declaration to the Commission she stated
the following:

I recall that when we got back to Thorneside Dodd told me he was expecting a call from Saunders. She did telephone that afternoon and I answered the call. I handed the phone to Dodd who was at home at the time. I remember hearing Dodd say words to the effect that everything was set. I cannot recall if this was said during his phone conversation with Saunders or when Dodd spoke to me afterwards.

She then added that although she could not recall the exact time of the telephone call from Saunders on the Sunday, the time nominated in her statement of 29 March 1982 was correct. When she gave evidence before me she conceded that she could not remember, without reference to the statement, the fact that Dodd had told her that he was expecting a phone call from "Lorrie," although she could recall the telephone call from Saunders late in the afternoon.

In examination of Spires she was asked to comment upon the fact that she had originally said that she had spoken to Saunders on twenty occasions whereas she had said before me that she had spoken a couple of times on the phone to Saunders. She indicated to Fleming QC that whatever was in her original statement was correct. I would not have expected Spires to have had a better recollection after all this time of the number of telephone calls received in total from Saunders.

At Dodd's committal hearing and trial the issue of receiving a telephone call on Sunday was not canvassed with Spires.

In Wills's record of interview with Webb the following question and answer appeared:

Q.28  Did you receive a telephone call on the Sunday?

A.  No, I think John did. There was a transfer of cars. He was supposed to arrive in a Land Rover but they changed it to a Torana.

He maintained this account in his subsequent evidence and before me.

Coomer gave evidence at Saunders's trial in response to a question from counsel for Saunders that after 3 p.m. he remained with Saunders at the
Rifle Club. During this time she made no telephone calls. In re-examination he acknowledged that he did go to the lavatory on a couple of occasions.

Saunders denied ringing Spires's home on Sunday to contact Dodd. She claimed that at that stage she did not know that he had shifted from Helena Dodd's home to Spires's residence. She claimed that she did not have Spires's telephone number until Dodd gave it to her on Tuesday, 9 March 1982. Her diary for 9 March recorded that on that date Dodd gave her a telephone number which was apparently Spires's.

In her statement of 19 April 1982 to Webb Helena Dodd stated that on Sunday, 7 March she was at her home at about 2 p.m. when she received a telephone call for Dodd from Saunders. She claimed the following conversation occurred:

_She said to me, 'Helen, this is Laurie Saunders. Is Doug there please?'

_I said, 'No, I haven't seen him since Friday. But I know he was at Stanthorpe because the kids saw him.'

_She said, 'When he comes home, if it is before 5.00 p.m., get him to ring me at the Belmont Pistol Club. I am at the Belmont Pistol Club and I've got a job I want him to do.'

_She then gave me a telephone number. I wrote that telephone number down but I have mislaid it at the present time.

_I said, 'Listen, does this job take up so much of his time that he doesn't even come home for days?'

_She said, 'Yes, it could.'_

In the statement she did not say that this was the only telephone call she received on this day.

When Helena Dodd gave evidence at Saunders's committal hearing she described two telephone calls that she received from Saunders on Sunday. She explained that during the first call she told Saunders that Dodd was not there and Saunders asked whether she would mind if she telephoned later. Helena Dodd indicated that she did not mind. She stated that she
received a second call about an hour later. This call was as described in her statement to Webb. When Helena Dodd was cross-examined by counsel for Saunders at the committal hearing the following exchange took place:

And the defendant made it clear to you she wanted some information on the job he was doing in Stanthorpe, the Ananda Marga, as soon as possible?
No, she never said anything like that.

Well you knew he was in Stanthorpe on a job as a police informer, didn't you?
Yes.

And the conversation with the defendant was relating to the job, the job as a police informer he was doing in Stanthorpe?
The conversation I had with Laurie Saunders?
Yes.
No, I didn't know anything about a job. I just said I knew he was at Stanthorpe.

But the conversations you had with the defendant on the Sunday afternoon related to the job that he was doing as a police informer in Stanthorpe?
It didn't relate to the job. I just told her I knew he was at Stanthorpe and I hadn't seen him since.

And she wanted information she made it clear to you that she wanted information from him as soon as he got back from Stanthorpe?
No, she told me she had a job for him to do at the Belmont ... to ring her.

Yes?

At the Belmont Pistol Club.

At Saunders's trial Helena Dodd again described two telephone calls. Although questioned about these two telephone calls, it was never suggested by counsel for Saunders that there were not two calls.

In a statement dated 23 March 1984, undoubtedly prepared for the trial of Dodd, Helena Dodd stated that:
I received a telephone call from a woman I believed to be Policewoman Saunders.

She did not state that this was the only call that she had received.

When Helena Dodd provided a statutory declaration to this Commission on 3 March 1993 she stated that her recollection was that Saunders rang her a number of times. She added that:

It seemed that sometimes she was ringing every ten minutes.

When questioned by Counsel Assisting she gave a figure of six to eight times. When examined by Fleming QC the previous inconsistent accounts of the number of telephone calls received on the Sunday were put to her. The following exchange then took place:

You see, the impression you are trying to give is that Lorrelle Saunders was really quite anxious to contact Doug on that day?---Yes, that's the impression.

That is the impression you want to give?---That I got. Yes, that's the impression I got that day.

But that is the impression you want to give now, is not it?---Yes. Well, that's the - - .

That she was anxious - - ?---That's the point I'm trying to make, yes.

Yes, that she was anxious - - ?---Mm.

- - to contact Doug - - ?---Yes.

- - that day?---That's right.

Saunders gave evidence before me that on the Sunday she rang Helena Dodd on two occasions in an attempt to locate Dodd to ascertain what had happened in Stanthorpe in relation to his Ananda Marga enquiries. On both occasions Helena Dodd advised her that Dodd was not at home.

In her Legal Aid material she confirmed having telephoned Helena Dodd once on the Sunday. The following extract then appeared in her notes
headed "Crown Witness Helena Dodd:"

Page 185 [page number of depositions]
Sunday 7th March.
Lines 18 - 32. I don't recall speaking to Helena Dodd on two occasions on the Sunday ... I rang from home prior to Coomer picking me up and no-one answered ...
Page 186 Yes I certainly did phone Helena Dodd ... and did leave phone number ... anxious to interview Dodd over Stanthorpe if he returned ... for Krosch ... and very handy to meet him at Capalaba Tavern ... Coomer would have either come with me if not shooting or let me take the car ... and I was rather bored in the club.

At page 186 of the depositions Helena Dodd had testified that Saunders had telephoned her from the rifle club and asked her to tell Dodd to ring Saunders back at the club. This extract from the Legal Aid material therefore confirmed Helena Dodd's evidence that Saunders had telephoned Helena Dodd from the rifle club. This was contrary to Coomer's evidence that she had made no calls from the rifle club.

At Dodd's committal hearing it was put to Saunders by Dodd's solicitor that she had telephoned Helena Dodd on four or five occasions. She replied:

That is not correct. I phoned her twice.

I believe that Saunders was "anxious" to speak to Dodd urgently. Whether Helena Dodd received one or eight calls there can be no doubt that she correctly gained the impression that Saunders was seeking Dodd urgently.

6.8 Saunders and Coomer at the Belmont Rifle Club on Sunday afternoon

Coomer in his statement of 10 March 1982 to police from the Upper Mount Gravatt Criminal Investigation Branch stated that he arrived at the Rifle Club at about 9 a.m. on the Sunday in the Torana. He made no reference to a late change of vehicles although he did state that he normally carried his firearms in the four wheel drive. He competed until 11.30 a.m., when he ate lunch. He then went to Saunders's home to convey her to the Rifle Club. Upon arrival back at the club he then continued "the competition shoot" until rain interfered at about 3.30 p.m.. He stated that he then took all of the firearms which he had with him on
that day, four concealable handguns and an armalite semi-automatic rifle, and placed them in the boot of his vehicle. He then returned to the club house and consumed a number of beers with Saunders. He gave a similar account in his statement of 26 March 1982 to Webb except on this occasion he stated that the four handguns had been put in two cases in the boot of the vehicle and the armalite was placed in a soft gun case on the back seat.

At the committal hearing Coomer explained that when he had gone to pick Saunders up from her home she had been ill and had decided to stay home, but he managed to talk her into going out. Before me Saunders repeated Coomer's claim that she had been ill on the Sunday. She stated that because she had influenza she remained in the club house with some of Coomer's friends until it was time to go.

It was uncontested that when Coomer went to pick Saunders up from her home he was not travelling in his Toyota Landcruiser four wheel drive but in his sister's blue Torana. In his statement of 26 March 1982 to Webb Coomer explained that his four wheel drive vehicle had developed mechanical trouble and he had to take his sister's Torana sedan. The following passage then appeared:

I did not tell any person about this change of vehicles until I met Saunders at her place of residence. She said to me, 'I didn't know you had a Torana,' and I said, 'It's my sister's. Mine's buggered.'

He maintained this account at the committal hearing.

In his first statement to the police from Upper Mount Gravatt on 10 March 1982 he had stated that Sunday, 7 March 1982 was the only time that he had used the Torana to convey his firearms to the club. However at Saunders's trial he claimed he had previously taken firearms to the Club in the Torana "on a couple of occasions." When Coomer gave evidence before me he was asked why he had not used his own four wheel drive on this occasion and he responded that he used to give his sister's Torana a run every so often and that it was just the day to give it a run. Later in examination by Counsel Assisting he acknowledged that if somebody had been aware that he had been carrying firearms in his vehicle they would have normally looked for a Toyota as it was unusual to have the Torana. Saunders in her evidence before me acknowledged she expected to see Coomer arrive in the Toyota. She was not prepared to agree with Counsel Assisting's suggestion that it was unusual for Coomer to have the Torana.
6.9 The route taken from Belmont Rifle Range to the restaurant

In the course of the investigation it became important to ascertain the route actually taken by Saunders and Coomer from the Belmont Rifle Range to the restaurant on 7 March 1982. This was because a letter dated 14 July 1982 written by Dodd described a route which Dodd in the letter claimed he and Wills took in following Saunders from the club house to the restaurant. The account of Dodd in this letter was completely inconsistent with his admissions to Webb in the record of interview of 26 February 1982 that on Saunders's information he had been waiting outside the restaurant for Coomer and Saunders to arrive. It was also inconsistent with Wills's account throughout of having sat outside the restaurant and waited for Coomer and Saunders to arrive. If Wills and Dodd had followed Saunders and Coomer then Dodd's allegation that his sole knowledge of when and where the firearms would be on Sunday evening came from Saunders was clearly false. Dodd subsequently claimed at Saunders's trial that the route described in the letter was a creation. Also in this letter Dodd had written that Saunders was not guilty of stealing the firearms but once again at Saunders's trial and before me he claimed that the letter was false in this respect. I will return to the letter in greater detail later in the report. In giving evidence at Saunders's trial he maintained that he and Wills had been sitting at the restaurant waiting for them to arrive. When Dodd gave evidence before me he reiterated that the letter was in this regard false. If the route described by Dodd in this letter was correct the irresistible inference was that Dodd and Wills had followed Saunders and Coomer on that Sunday. By the time the letter had reached the hands of Saunders's defence team to enable Dodd to be cross-examined on it at her trial no full account had been given in evidence or by statement of the route taken by Coomer and Saunders on the Sunday.

The most detailed account that had been given by this time was by Coomer at the committal hearing of Dodd and Wills on 9 July 1982. Of course Dodd and Wills were present whilst Coomer gave this evidence. There Coomer gave the following evidence:

We had a couple of beers and the smoke was affecting our sinuses so we drove down here [Cleveland] to see Greg Tutt and on the way down she remembered that he was on night shift, so we went to a park just down the road here and just filled in some time at the water's edge, and then we drove back to the range, bought a bottle of wine and then went to Toni's Restaurant.
Saunders in her statement of 3 February 1993 to the Commission stated that although she could not originally remember the route taken from the Rifle Club to the restaurant when interviewed by officers of the Commission, she had the opportunity to read Dodd's letter dated 14 July 1982 and agreed that the route described in it was the route that they had taken. In her statement after setting out the route described in Dodd's letter dated 14 July 1982 she stated:

*I have great difficulty in understanding how Dodd would have known about this route unless he actually followed me.*

The route described by Dodd in the letter and adopted by Saunders in her statement to the Commission was as follows:

*When they did Joe and I followed them, then they left the gun club and went along Old Cleveland Road towards Capalaba. They went through Capalaba towards Cleveland, they pulled up at the RSL Club for a while then they went to the park near the waters edge. At no stage did I have a chance to get at the guns. When they left Cleveland they headed towards Brisbane but vied off on to Mt Gravatt Capalaba Road and headed towards Mt Gravatt. I thought that Coomer was taking Lori Saunders home and I nearly gave up following them but I kept on just to make sure then they turned into Broadwater Road. I knew then he was not taking her straight home. They then vied into Logan Road, headed towards the City and I then saw them pull off the road and go behind an Italian restaurant.*

When Saunders gave evidence before me on 11 May 1993 Counsel Assisting questioned her about the route that she took:

*And how did you go from the Belmont Pistol Club to Mount Gravatt? Did you go anywhere else on the way or did you go directly?—We went down to Cleveland first.*

*Sorry?—We went down to Cleveland first.*

*Yes. Whereabouts at Cleveland did you go?—Just down to a park. I was going to contact Tutt and then I remembered he was on night work or going on night work*
and I didn't.

Well, what was the point of going to the part, I am sorry?---Just to fill in some time - sit and talk in the park. Watch the water - watch the boats.

Right. And you did not get in touch - I do not quite follow what it means. You were going to go to Capalaba all the way to see Tutt and you remembered that he was not on duty so you stopped in the park and just filled in time. Is that what you are saying?---What I'm saying is that, you know, it was a bit of both. I mean I wasn't going specifically to see Tutt, but seeing we were going to go for a drive I was going to give him a call and have a chat to him about Dodd.

I follow, all right. So you were at this park at Capalaba. Is there only one park at Capalaba or is it - or can you identify it?---No, the park was at Cleveland, sorry.

Cleveland - I am sorry, yes?---On the waterfront.

On the waterfront?---Yes.

Is there only one there?---There's parks all along the waterfront. This one was sort of near the RSL.

Near the RSL, okay. Now you were there for some time and then I suppose you judged it, the right time to leave, to get to Tony's Restaurant at about 7. Is that correct?---That's correct - 7 to - whenever the booking was.

Whenever it was, all right, and you drove more or less straight there from there?---That's correct.

And by that - at that stage, I suppose, it would have been still light but starting to get dark by the time you left to go to the restaurant?---Can't remember.

Cannot remember. Can you recall which way you drove to the restaurant?---Back up Old Cleveland Road - Mount Gravatt-Capalaba Road, Broadwater Road to the
restaurant.

Saunders's statement and her original account before me was the only evidence which suggested that the route taken by Coomer and Saunders was that described by Dodd in his letter dated 14 July 1982. In Saunders's Legal Aid material the description of the route taken to her legal advisers was as follows:

We were out at Belmont and went down to Cleveland then back to the range and then here.

When this description was given by Saunders Dodd's letter had not yet been handed to her defence team by the prosecution and therefore Saunders would have been unaware of it.

When Coomer was in the witness box he was examined by Fleming QC in relation to the route. Coomer maintained that after they left the club Saunders and he drove to Cleveland and sat for a while in a park by the sea. They then returned to the club and had a few drinks and picked up a bottle of wine. They then left the club and went to the restaurant. It was clear from Fleming's QC questions that Saunders's instructions had changed to reflect that she and Coomer had gone to Cleveland and then returned to the Rifle Club before ultimately going on to the restaurant.

Fleming QC put to Coomer than when they left the Rifle Club to go to the restaurant the route they took had been left into Mount Petrie Road and down to the intersection where it met with Mount Gravatt Capalaba Road. When they had reached that intersection they then went down Broadwater Road to the restaurant. This was not adopted by Coomer who was adamant that they had departed and turned right onto Mount Petrie Road then left into Old Cleveland Road and down Creek Road to the restaurant. In his statutory declaration to the Commission although Coomer could not recall the route he described the route he would have taken as follows:

To old Cleveland Road, then to Creek Road and follow this to Logan Road at Mount Gravatt.

In Coomer's first two statements to the police in 1982 he did not give a specific description of the route taken between the Rifle Club and the restaurant, although in both statements he made it clear that they had travelled to Cleveland first and then returned to the Rifle Club. He gave similar evidence at Saunders's committal hearing. At Saunders's trial he gave the same evidence and this time was questioned in relation to the
specific route taken once they had returned to the Rifle Club from Cleveland. He indicated that he thought that they went "up Creek Road."

When Saunders was called to give evidence on the second occasion before me on 25 August 1993 Counsel Assisting questioned her concerning these inconsistent accounts:

When you gave evidence in your statement to the Commission of 3 February 1993 in paragraph 15.1 you were asked to deal with the route that had been followed from the Belmont Pistol Club to the Mt Gravatt restaurant, and you were asked - this is what the thing says - let me read it:

Although when originally interviewed -

this is paragraph 15.1 -

by Mr Lambrides, I could not remember the route taken from the rifle club to the restaurant. I had the opportunity to read the letter dated 14 July 1992 from Dodd in which he states the following -

and of course in that letter he does set out a route that was followed?---Yes.

And that is then quoted, and you said:

I agree with this account of us travelling from the rifle club to the restaurant.

All right?---Yes, I'd say so.

Well, now, there is a very good reason why you might want to agree with his account, because that would make it more likely that they had followed you to the restaurant, you see?---Yes, but I mean, I thought about it as well, and that's the way I normally would go.

Yes?---I couldn't see why I would have changed the way I'd go on that particular evening.

You are sure you were driving that evening?---Yes, I'm
pretty sure. I think - because I think Roy Coomer had had a few drinks.

You think he had a few in him, sort of thing, and that is why you drove?---Yes, possibly enough to, you know - and he was a shocking driver, so I normally drove.

I see. All right. Now, when you gave evidence on 11 May 1993 - this is at page 264 and 5 of the transcript - you said that the route - you said what the route was - taken by you as being via Cleveland, and you said that when you got to Cleveland you and Coomer sat in a park near the RSL club and then returned up Old Cleveland Road to Mt Gravatt-Capalaba Road, then Broadwater Road to the restaurant; right?---Yes, we went back - we went back to the club house.

Yes, but that is what you said when you gave evidence, you see. You did not say any - you made no suggestion that you returned to the rifle club before going to the restaurant?---Well, yes, we did.

Well, that was left out of that particular material. And then in your legal aid material - this is at page 561 - it is noted:

We were out at Belmont and went down to Cleveland, then back to the range and then here.

That is what you are supposed to be telling Lobegeiger, you see, on the phone call after the gun had gone; right?---Yes.

Okay. Now, the - when Mr Coomer was in the witness-box at page 1469 of the transcript it was suggested to him by Mr Fleming that the trip to Cleveland occurred prior to returning to the rifle club and that you and Coomer went straight to the restaurant from the rifle club by turning left into Mt Petrie Road and down to the intersection where it meets Mt Gravatt-Capalaba Road, and then went down Broadwater Road to the restaurant. That is what the transcript shows was put to Coomer?---Yes, sure.
And that is not your route; that is not the one that you say?---Yes, that's right.

Or it is the one, you say?---Yes, that's the one I'm saying.

Okay. Anyway, Coomer said no, that was not so. He said that you and Saunders---that he and Saunders had originally left the rifle range, gone to Cleveland by the water, then returned to the rifle club but you then departed and turned right into Mt Petrie Road, then left into Old Cleveland Road, then down Creek Road to the restaurant?---Well, you know, that's his recollection. Mine is that we went---my recollection is that I was, in fact, going to call home for something and then decided not to.

The directions that he gave would be a shorter way, would not it ---?---I tested it ---

--- to Mt Gravatt than the way that you are saying?---I tested it in a police car the other day and in fact there is one kilometre shorter, the way I'm saying.

The way you are saying is one kilometre shorter?---I checked it on the speedo and odometer of a police car just recently.

Did you check it in terms of time, though, in terms of lights and traffic and so forth?---In those days there were far more traffic lights in the way that Mr Coomer is saying.

Why did you check it the other day? For what reason did you check it the other day?---Because I was thinking about which way we went, so I drove over the route.

I see. Now, Coomer's account, of course, that he gave in evidence here is the same as the account which he gave in his statutory declarations to the commission of 1 April 1993; you noticed that?---No, I didn't but I'll take your word for it.

All right. Then, of course, you have got Coomer's original
statement of 10 March 1982 when he said that when you left the rifle club, on the first occasion, you went to Cleveland where you met Greg - presumably Greg Tutt - and then you went back to the rifle club, and then directly to the restaurant from the rifle club?---Yes, well he's

That meeting with Tutt, you see?---Yes, well that's - he's obviously confused about - -

That is not correct?---No. He had - we had gone from there and met Tutt one day, but certainly not on that occasion.

All right. And, in fact, he took that back in the next statement. Did you discuss that with him, in fact, that he got that wrong?---I don't know.

Because in his next statement of 26 March he retracted the statement that he saw Greg at a hotel on that day; merely saying that you had gone to a park at Cleveland. You do not remember discussing his account with him?---Not now.

All right?---I think on that - on the day that we went to Cleveland, the day of the guns being stolen, I'm reasonably sure I stopped at a phone box and I was going to ring Greg and then I remembered that he was going on night shift - -

Yes?--- - - and I didn't ring him. That's my recollection of it.

Yes. When he gave evidence at your committal of 10 August - or, at your trial, perhaps I should say, on 3 May 1983, he added that the route taken from the rifle club was via Creek Road, do you remember that?---No. But I would assume that if he was going home that would have been the way he - I think that was the way he normally went home to his place from the rifle club.

Yes. And have you looked at the statement - you probably looked at it but you might not remember this: the statement
that Coomer gave to Menary and Pointing - the one I have dealt with before - in that the trip to Cleveland occurs prior to the return to the rifle club, that the route taken from the rifle club to Cleveland was along Mt Petrie Road, right into Old Cleveland Road and straight down to Cleveland, right?---Yes.

See, what I am getting at is: none of these are really agreeing with Dodd's letter, are they?---Yes, that's going to Cleveland, what you just read out. That's - - -

Yes, I realise that last bit is, yes, that is right?---Yes.

But the others that I have read out so far - let me take another example, then, of the - what happened later. In that addendum to that statement it deals with the after part of the route, and that is said to be from the rifle club to the restaurant along Mt Petrie Road, left into Old Cleveland Road, left into Creek Road, and then on to Logan Road, and it also has a - it also adds there, 'We never stopped at the RSL, or were never out of each other's sight.' All right?---Yes, well, I don't know. I'm fairly sure we went near my place and I was going to call home, but - - -

Well, that is inconsistent with Dodd. I mean, these accounts that I am giving are really inconsistent with Dodd's letter, are not they?---Oh .................. is inconsistent, yes.

Yes. Oh, and of course, there is a greater inconsistency in the evidence of Wills and Dodd in that they say they did not follow you but they were waiting there - - - ?---That's correct, yes.

I have no doubt that the route described by Dodd in his letter dated 14 July 1982 was not the route taken by Saunders and Coomer on the Sunday evening. It seems most likely that it was Dodd's best attempt to extrapolate a route from the brief description given by Coomer on 9 July 1982 at the committal hearing of Wills and Dodd. I accept Coomer's evidence that the route taken was from the Rifle Club to Cleveland then back to the Rifle Club, right into Mount Petrie Road, left into Old Cleveland Road, then down Creek Road to the restaurant. This route is inconsistent with the route described in the letter and also with Saunders
having wished to call home for something and then having changed her mind, as claimed in her evidence before me.

6.10 Dodd and Wills wait outside the restaurant

In Dodd's record of interview with Webb on 26 March 1982 he was asked the following question and gave this answer:

Q.57 Well, was there some arrangements made to take the Torana.

A. Yes, Joe was going to knock the Torana off to make it look better. When it was coming up time for it to be done Joe and I went to Mt Gravatt and I dropped Joe off and he just waited around for the Torana to come we got there early and just waited around until it came in. We were at the bus stop and when they come in he give them a few minutes and that's when Joe and I split up. He went to get the car and I went to mine. I waited for him and later on he turned up in a different car. I got out of mine and walked over to him and asked him what happened and he didn't get the Torana and he said he couldn't get it started but he had the guns.

At Saunders's committal hearing Dodd gave the following evidence:

Alright. Well what did you do?
Well we went...when it was coming time to go we went from there to Mount Gravatt in my car.

This is yourself and Wills?
Yes Sir.

Yes?
And I parked it up a side street and we sat around in a bus depot near a bus stop near where the cafe is and seen Lorrie Saunders and Coomer come in in the car.

What car were they in?
His sister's, the blue one.
Was it a blue vehicle?
Yes Sir.

Right. Now did you actually see Saunders and Coomer or did you just recognise the vehicle from the description?
Recognised the vehicle to start with.

Where did this vehicle go?
Just before you get to the lights there's a little alley way.

Yes?
It drove in there into the park at the back.

Right. Did you see who was in it?
Yes Sir.

Who was?
Lorrelle and Roy Coomer.

Well what happened after they'd gone and parked in there? Well they ended up going... we watched them go into the car and we give them about five minutes and then Joe went to get the car.

Alright. Well was that the plan that Joe would take the car?
Yes Sir.

At Saunders's trial Dodd gave a similar account and explained that the bus stop was some four or five yards up the road from the restaurant. In his evidence before me and in his statutory declaration to the Commission Dodd maintained that he and Wills had been waiting at the restaurant for Coomer and Saunders to arrive. The following exchange with Counsel Assisting canvasses where Dodd was waiting for Coomer and Saunders:

Do you remember where you were, where you were waiting?---Yes. The - there's a little lane, then there's the carpark behind. The restaurant's on the left-hand side of the lane; I was over on the right.

And where was Joey?---He was out the back.

I see. There's a bus-stop there, is - a bus-stop
shelter?---Yes.

Remember the bus-stop shelter?---Yes.

At any time, were you both waiting in the - sitting in the bus-stop shelter?---At first we might have been, and then he went around the back, when it was getting close.

In examination of Dodd by Fleming QC Dodd gave the following account of their actions outside the restaurant:

Now, you had met Coomer, had not you, two weeks at least before the guns were stolen?---I don't know exactly when I met Coomer.

But certainly before the guns were stolen?---I met Coomer, yes.

You had met Coomer before the guns were stolen, had not you?---Possibly. I don't know. I can't recall.

And your evidence at the trial is that you and Joey Wills were sitting on a seat outside the restaurant where they were going - that is Coomer and Saunders, were going in to have dinner?---It would have been on the other side.

What other side?---The other side of the road, until it was near time for them to arrive.

The other side of the road?---Because we weren't exactly at the restaurant.

Oh, I see. See, Joey Wills says that this seat was just outside the restaurant. In fact, you had to walk within three or four feet of it if you were coming out of the carpark and into the restaurant. That is what Joey Wills says. Is that not right? He said that here in - - - ?---I can't remember. All I know is that before they arrived, Joey Wills was gone. He was at the back of the place.

So he was not there when they arrived?---No. I had to show him where the car was.
Were you sitting by yourself on this seat when they arrived at the restaurant?---I don't think - I was thinking I was standing looking in the shop, and I seen them - and I seen them coming.

On the same side of the road or the other side?---No, the same side.

The same side of the road?---Yes.

You were standing looking in the shop. You were not sitting on a seat the other side of the road at all?---Earlier on we were.

All right. So - well, let us get this straight. At some point in time you were sitting on the other side of the road on a seat with Joey Wills?---Yes.

All right?---Then we cross over the road.

And Joey Wills - sorry, you both crossed over the road?---We crossed over the road, yes.

This is before they arrived?---Yes.

All right. And what then happened?---Went and checked out the carpark.

Who did that?---Me and Joey.

You both walked into the carpark?---Yes.

Checked it out?---Yes.

Did you come out again?---We came out again.

And where did you stand or what did you do then?---I was on the righthand side of the laneway.

The righthand side of the laneway. Is that the same side as the restaurant, or the other side?---No, it is the other side.
The other side of the restaurant?---Yes.

And what were you doing?---Just standing there looking in the shops and that.

Waiting for them to arrive, were you?---Yes.

Now, why were you standing there. Where is Joey Wills, at this stage?---I think he was around the back.

Still in the carpark, was he?---Yes.

When they arrived where were you?---Still at the front.

And where is Joey Wills?---He was around the back somewhere.

Well, how did he know what car that they were in?---Because I went and told him.

When did you tell him that?---After they had gone out to the restaurant.

What, did he come out again, did he?---No, I think I went in.

You went in?---Yes.

All right. Did they drive up a laneway in close proximity to yourself, did they?---I don't know what you - whether you would say it close. I was just up the road a bit.

How far away from them were you?---Oh I wasn't all that far.

Would you take your transcript of the trial of Lorrelle Saunders of 3 May 1983. Have you got that?---Yes.

Page 86. Now at about line 5, at the top:

What was the next thing that you did in relation to this matter.
This is your evidence-in-chief that is being led by Mr Glynn, the Crown prosecutor:

What was the next thing that you did in relation to this matter?---Well, we done nothing until about half past six that night.

What did you do then?---We drove from Ferry Road to Mt Gravatt:

Whereabouts in Mt Gravatt did you go?---I parked up a side street, and me and Joey then went and sat on the bus stop.

Whereabouts was this bus stop in relation to this restaurant that you have been shown?---Just up the road about four or five yards.

What happened next?---We were waiting there and Lorrelle and Coomer came down in the blue car, drove into where the carpark was. We sat there and waited. They came out and went into the carpark.

What was the light like at that stage?---The area was lit.

Was it like any other man made lighting, what was the natural light like?---Moonlight.

What happened next?---Well, they sooner went into the restaurant, waited a few minutes then Joey went to get the car.

That was the evidence that you gave at Lorrelle Saunders' trial?---Yes.

Is some of that not true?---Well, I can't recall exactly how the thing went.

You seemed to be doing a pretty good job just before of recalling how it went?---Well, Joey and I went there, were there first and Joey went—we went and checked out
the carpark and then we came out and as I said I don't know whether Joey went back, but I thought he was in the carpark.

The fact is that you were sitting at a bus stop on a seat?---We may have been, yes.

And you were in a position to be only a few feet away from where Saunders and Coomer were passing, were not you?---It would be about the distance of this room, yes.

The distance of this room. You were sitting at the seat when they passed?---When they went in, yes.

You are now sitting at the seat?---Well, I don't know whether I was sitting on the seat or I was at the window. I know I was there, in the vicinity.

All right?---Because I seen them come in.

You were not afraid that Mr Coomer would recognise you?---No.

Well, you had met him?---I said before, I wasn't sure whether I had or not.

In Wills's record of interview the following questions and answers were asked:

Q.33 What time did you arrive at Mt Gravatt?

A. About 6.30 Sunday night.

Q.34 Why did you select that time to go there?

A. I wanted to check it all out and find out where the exits were, how many people walked through. Just a surveillance.

Q.35 Did you know what time the vehicle with the guns would arrive.

A. Approximately 7.
Q.36 Did you know before you went there how many people would be in the vehicle?

A. Yes, two. The owner of the guns and Laurie.

A.37 Did you know whether Laurie was a male or a female?

A. At first I thought it was a male but when she got out of the car, I knew it was a female.

Q.38 Did you have any indication before you went to Mt Gravatt how many firearms would be in the car?

A. Only that there would be an Armalite and a couple of pistols and some ammunition.

Q.39 Did you know where abouts in the vehicle the firearms would be?

A. In the boot.

Q.40 Who told you this?

A. John told me but Laurie told him.

Q.41 Did you ever speak to Laurie?

A. No.

Q.42 Have you spoken to Laurie since?

A. No.

Q.43 Where were you when the Torana arrived?

A. Sitting at a bus stop near the entrance to the car park.

Q.44 Where was John?

A. Parked about two or three blocks up in the car.
Q.45 What did you do when the two people got out of the car?

A. Waited until they went into the restaurant and gave them about five minutes then I went around and broke into the car.

At the trial of Saunders Wills gave the following evidence:

Did you subsequently leave the house there at Ferry Road?—Yes.

What time was that?—I don't know, about half past 5, 6 o'clock.

And where did you travel to?—I'm not sure of the exact address but it was some restaurant at Mt Gravatt.

And how did you travel there?—In Doddsy's car.

That is John Dodd?—Yes.

What happened when you got to this restaurant at Mt Gravatt?—We just sat on the bus stop outside this car park.

You got out of the car, did you?—Yes.

Where was the car?—It was just down the road a bit.

How far down the road?—A couple of hundred yards, I suppose.

That is from the restaurant?—Yes.

You will have to answer. You see, it is being taken down?—Yes.

And yourself and Dodd went and sat on this bus stop?—Yes.

What did you do there?—Just watched the car park entrance. I went into the car park and just had a look
around to see if there were any spots that I could be seen or anything like that.

How long did that take? -- Ten minutes or so.

What did you do after that? ... -- Just waited for the car to turn up.

Where did you wait for the car to turn up? -- At the bus stop.

Despite vigorous cross-examination by counsel for Saunders Wills maintained this account. When giving evidence for the Crown at Dodd's trial he repeated that he and Dodd had been waiting for Coomer and Saunders at the restaurant.

Before me Wills was questioned by Counsel Assisting in relation to this matter:

Okay. Now -- but what I meant was, where were you waiting? You did not take a table in the restaurant to wait? -- No, no.

Well, where did you wait? -- We were sitting at a bus stop between where the carpark was and where the restaurant was.

I see, so there was a carpark behind the restaurant, was it? -- I do not know if it was so much behind the restaurant as up the road a bit from the restaurant.

I see? -- It would not be directly behind the restaurant. It seemed to be further down the road.

And, is the bus stop one of those that are partly enclosed or just marked? -- No, I think it was just a seat.

There is a seat there? -- I think, yes.

So, you and Dodd are waiting there. Is it dark at this time or partly dark, do you know? -- Well, that -- I do not remember. If it happened at 7.30 obviously it was dark but I do not -- I know it was late in the afternoon or early
evening.

Was late, all right?---I cannot remember if it was dark or light.

Okay, and then you had said earlier it was going to be a Toyota but you were told now that it was - or Doddsy told you it was going to be some other sort of car? What was the other sort of car?---Blue Torana.

A blue Torana, and did such a car arrive?---Yes, it did.

All right. Well, tell us. You are sitting at the bus stop?---We saw the car go up the driveway into the carpark. A couple of minutes later this blonde-haired lady with a bloke walked out and they walked past us. Apparently the lady is Saunders. I had never seen her. I did not know her from a bar of soap so John said, 'Here she comes now'.

Dodd said, 'Here she comes now'?---Yes.

Yes?---And, as they walked passed she just sort of looked us and just kept going and then I went and did the job.

Fleming QC also examined Wills on where he was seated:

Okay, 'Here she comes.' Now, at that stage you were sitting on the seat between the entrance to the carpark and the restaurant?---Yes.

They had to walk past you and John Dodds - - -?---To get to the restaurant.

--- to get to the restaurant. You are both sitting there. He said, 'Here she comes.'?---Yes.

All right. And would you have a look at your record of interview, which Mr Hampson showed you, Friday, 26 March 1982. Have you got that there still?---What's that? The second one?

Yes?---That one? Yes.
And that is your answer - page 3, have you got page 3 there?---Yes.

And question 37, do you see that?---Yes.

Now, that - that is your recollection about all of that? That is firmly in your mind that that is the way it occurred?---Yes, well - see, this could be more accurate than what I've just said now, about how I first thought she was male, and then when she got out of the car I knew she wasn't. That's obviously more accurate than what I am now.

Yes?---Because it's ten years later. I don't remember exactly how everything happened.

But you have this clear recollection that John was sitting beside you and he said, 'Here she comes.' That is the way you knew that she was - - ?---That's how I remember it, yes.

That is the way that you remember it. He was sitting there with you?---Yes.

On the seat as they came out?---Yes.

All right. Would you then go down to - - ?---24.

- - - question 41:

Didn't you ever speak to Lorrie?---No.

your answer. Question 42:

Have you spoken to Lorrie since?---No.

Next question:

Where were you when the Torana arrived?---Sitting at a bus stop near the entrance to the car park.

Right. Question 44:
Where was John?—Parked two or three blocks in the car.

What did you do when the two people got out of the car?—Waited until they went to the restaurant.

?—Yes.

See what I am suggesting?—Yes, that Dodds wasn't there.

Dodds was not there?—Well, I'm sure he was sitting beside me at the time.

You are sure that he was sitting beside you?—Like, except for identifying a blue Torana driving into the car park I wouldn't really have known if that was Saunders or not because I'd never seen her.

You would not know - - -?—Except for seeing the car drive in, that's the only way - if Dodds wasn't there that's the only way I would have known something was right - was the right car drove in, but I certainly wouldn't have known Saunders from a bar of soap.

But you, in fact, recognised her that night?—Well, because - that's what I'm saying he must have told me it was her, otherwise I didn't not even know whether it was male or female.

Well, now - - -?—With a name like Lorrie I thought it was a bloke.

Yes. And that night you learnt that she was a female because John told you as you were sitting there?—I didn't even know she was a cop.

You did not know she was a cop?—Not until all this came up in court or something, I think.

Had John ever talked to you about Coomer?—Coomer?
Coomer, yes, the owner of the guns?—Not that I know of. Not that I know of.

Sorry?—Not that I know of.

Not that you know of?—No. He could have said something to me about him, but - - -

You see, Dodds knew Coomer?—Right.

Right?—Yes.

And you are suggesting that Dodds and yourself were sitting in a seat between the entrance to the car park and the restaurant - they had to walk past you - what, two or three feet away?—Oh, I don't know. I can't remember the exact distance. They just walked past us. I don't know how far it was between the restaurant door and the car park entrance. I was - - -

Going to your statutory declaration that you have sworn here, or declared at least, before a Justice of the Peace on 4 April, I think it is, 1993 - have you got that document?—That one, yes.

Yes. Would you go to paragraph 3.3, thanks?—Yes.

It is on page 2. All right. Paragraph 3.3:

I have a clear recollection of waiting with Dodd at a bus stop near the restaurant and seeing the Torana being driven into the car park at the rear of the restaurant. I have some recollection of Saunders showing some acknowledgment to Dodd and I as she and her boyfriend entered the restaurant. Cannot recall who was driving. However, one of the quarter windows -

and so on, so on. So now you have a clear recollection of Saunders walking past and acknowledging you both there?—Yes. She had to go past us to get to the restaurant.
But you now have a clear recollection that she acknowledged you there; that is what you say?—Yes.

THE JUDGE: It is only a very minor point but there is a distinction between the clear recollection in the first sentence and no clear in the second, Mr—-

FLEMING QC: No, some recollection of Saunders showing some acknowledgment to Dodd. That is the word, your Honour.

THE JUDGE: I am just saying the word "clear" is left out of the second sentence, and I like you to be accurate when you are putting the words from the declaration to the witness.

FLEMING QC: Yes, thank you.

Well, that is your recollection that Saunders acknowledged Dodd?—Yes, as far as I remember. We were sitting there and she's—I don't know, waved or looked or something as she walked past. I really don't remember what she did, but it seemed to be that, you know, go ahead, go get it, type of thing.

She was, more or less — —?—That's — that's what come across, yes.

— — that was the impression she gave you?—Because as soon as they went into the restaurant, Dodds said, 'Wait on a couple of minutes, then go get the guns.' Well, to go and get the car, I suppose. So — —

Are you sure you were not in front the first time and — —?—He then parked up the road.

— — Lorrelle was around the corner?—I don't know. It just seems to me if there is—if he was up the road, how would I know it was Saunders getting out of the car.

Yes?—You know, like I said, I hadn't seen her before so I don't know what she looks like. So that is why I am saying he must have been with me to show her to me.
And it is highly unlikely - it is highly unlikely that Saunders would have walked past and nodded to Dodd as if to say, go get it, boy?---Well, you know, I don't know.

Especially when Coomer knew Dodd?---That's a point.

Apart from the circumstances mentioned later in the report the importance of the evidence of Dodd and Wills of their "wait outside the restaurant" does not lie in determining whether Wills's recollection ten years after the event that he and Dodd had been seated together at the bus stop when Saunders and Coomer walked by is correct. From the earlier statements and evidence made and given by Wills it would appear that Dodd had left the bus stop by that time. The importance of the evidence lies in Dodd's and Wills's statements to Webb and Flanagan that they had waited at the restaurant for the arrival of Saunders and Coomer. This from the prosecution's point of view pointed directly to a prior arrangement necessarily made with Saunders. I am neglecting in this behalf the alleged telephone call to Saunders's mother which I deal with below and which to me is merely another instance of the "proactive" course taken by Saunders in formulating a defence. The only alternative to there having been a prior arrangement is to adopt as correct (as Saunders has done) Dodd's account in the letter of 14 July 1982 of how he and Wills followed the Torana to the restaurant. This alternative not only suggests that the would be thieves shadowed the Torana with some vague hope that the occupants would at some time present them with the opportunity of stealing firearms but depends on an assumption that they knew that the firearms were in the Torana and not as they usually were in Coomer's four wheel drive vehicle. Which of the two alternatives is the more acceptable is obvious.

6.11 The telephone call to Saunders's mother on Sunday afternoon

In Saunders's statement to the Commission she stated that whilst she was away from home on that Sunday afternoon her mother received a telephone call from someone identifying himself as "John" from the Task Force. This person was seeking Saunders urgently. Saunders claimed that her mother gave this person fairly explicit directions as to where she was and where she was going. She claimed that her mother prepared a statement for her lawyers containing this and other relevant information. Saunders continued by saying that her mother was not called to give evidence at her trial because she did not want her mother to be stressed because of her age and medical condition. There was no such statement in the Legal Aid material although there was an addendum statement dated 30 July 1982 by
Tucker in which it was recorded that she had been told by Saunders on 9 March 1982 of this telephone call. This statement by Tucker refers to terms usually used by police such as "crims" and "dogs." In light of the lateness of the statement and the detail in it, as well as its language, I am confident Saunders was the original author of its contents and I am not prepared to rely upon it.

In the Legal Aid material was a series of questions prepared by Saunders for her legal advisers to ask Webb when he gave his evidence at her trial. Three of these questions were as follows:

Is not it also a fact that Saunders told you her mother had told her that late Sunday afternoon she had received a phone call from a male person named 'Greg' claiming to be a member of the Task Force and the caller claimed they had to contact Saunders urgently.

Is not it a fact she told you that her mother told the caller that Saunders was with Roy Coomer at Belmont Range shooting and that she was then going to Toni's Restaurant at Mt Gravatt for dinner?

Is not it a fact that Saunders said then that the caller had asked her mother if they were in Roy's 4 Wheel Drive and her mother had said they were in a little blue car but had a table booked at the restaurant at 7 p.m..

In evidence before me Webb denied ever receiving this information. Saunders on the other hand told me that she did communicate it to him. Counsel Assisting questioned Saunders concerning the information:

You mentioned a phone call to him that your mother is supposed to have got in which she says, 'Oh, they've changed the car.' How did your mother know they changed the car?--Because he's given - you know - he's given evidence, I assume, and I've prepared this, and I know that I would have spoken to him about the fact of the cars, because I think - I think he asked us - questions, you know.

But what would it matter two hoots whether the car was changed or not?--Well, I don't know.
If somebody was going to steal the guns and was going to follow you, they would follow whatever car you got into from the Rifle Range, whether it was a Toyota or a blue Torana or a Rolls Royce?---That's what I suspect. All right, I'm suspicious. The car has been broken into. I checked at the Task Force and no one had rung and looked for me. I thought that was fairly relevant: that someone had rung my home asking where I was, saying I was needed urgently for court, or a court case, and nobody had done it.

All right. So, therefore this is supposed to be - well, let us assume, for the moment, this is the malefactor now, the person who has really committed the offence. He has rung up to try to ascertain where it is a convenient place to steal guns that he is not sure will be in the car. He finds out that you are going to be at Tony's restaurant at 7 - or there is a booking there at 7. He also asks what car it was going to be in and he is told it is not the Toyota; it is the blue Torana?---Well, I don't know. But it happened.

Yes, in the best tradition of the verbal, I suggest to?---And I suggest, if my mother was alive and if her statement had turned up in that file, you would see it.

Yes. I see. All right. And I suggest to you that Mr Webb is here - he is alive - and he does not accept that any such - any of this information was given at all?---Well, it was.

So, he is liar, too?---I gave Mr Webb that information, and he knows it.

And that would be important information?---Well, he knows I gave it to him.

Okay. So, he is a liar too?---Well, I'm sure he is.

In the Legal Aid material Saunders claimed that this information had been communicated to Webb on 9 March 1982. By that time Dodd had not been questioned and had not given the account of the telephone call from Saunders on the Sunday advising of the change of vehicle from the Toyota to the blue Torana. The change of cars was not even a consideration.
am of the view that the telephone call did not take place. I am satisfied that this was another telephone call Saunders created after the allegations had been made against her to bolster her account of events.

6.12 The removal of the firearms from the vehicle in the carpark

The Torana was parked behind the restaurant in a small car park which usually housed staff member’s cars, customer’s cars and an industrial bin. At Saunders’s trial one of the staff members from the restaurant named James Kenneth Cooper described what the lighting was like at the back of the car park:

Well there is only a single light that is attached to Toni’s restaurant. It just shines virtually on about the first two cars and after that it dims and has enough lighting for us to see just to get to our cars as well as to the garbage can.

James Cooper gave evidence which was not the subject of any cross-examination that Webb required a torch to carry out his search at the back of the premises on that evening. There was no suggestion from James Cooper that at this stage the light in the back area had been turned off. In fact it would seem that the light was still on because James Cooper had been going out into the car park to deposit the garbage in the industrial bin.

Saunders in examination by Counsel Assisting was adamant that the car park was not a dark place and stated that when Webb was making his enquiries the lights in the car park had been turned out because the restaurant had closed. This evidence is clearly contrary to that of James Cooper. It is also contrary to Coomer’s initial statement to the Mount Gravatt Criminal Investigation Branch in which it is stated that the car park was "unlit."

I did not consider that the recent photographs tendered before me by Saunders of the car park were of great assistance in determining the state of light in the car park on the evening of 7 March 1982. In any event I am satisfied that the light in the car park was at best dim and certainly not as brightly lit as the area beneath the street lights on the main road.

Wills gave the following description of the removal of the firearms in his record of interview with Webb on 26 March 1982:
Q.30 What did you and John do that Sunday evening?

A. We went down there, I broke into the Torana, I ripped all the back dash out. Stuck my arm down and felt around until I could find the guns. Then I grabbed all the guns and put them in a bag with the ammunition then went and hid them in a garbage bin. Then I went to find John.

In further explanation he was asked these questions and gave the following answers:

Q.46 How did you get into the car?

A. I opened the quarter window up. It was already unlocked, then just reached around and unlocked it from the inside.

Q.47 Where was the ArmaLite rifle?

A. On the back seat.

Q.48 You told me earlier that you reached into the back of the vehicle, is that correct?

A. Yes.

Q.49 By the back of the vehicle, do you mean the boot section?

A. No, inside the cabin of the car. When I dived into the back seat, I hit my knee on the ArmaLite. I reefed the back seat out, tried getting in through there but it was all steel. Then I got out and tried picking the lock on the boot but I couldn't open it. So I got back inside the car, lifted up the back dash, put my arm through the speaker hole and started feeling around for the briefcases that the guns were in. I found the guns and pulled them out through the hole. Then put them all into a bag and then went back for the ammunition. I put that in the bag and then got out.
Q.50  Did you know that the handguns would be in briefcases?

A.  Yes.

Q.51  How did you know that?

A.  Laurie told John over the phone.

Q.52  What did you do after you removed the firearms from the car?

A.  Hid them in a garbage bin and then went looking for John.

Q.53  Where did you find John?

A.  Where he was supposed to be parked.

Q.54  What did you tell him?

A.  I told him that I got the guns but I couldn't get the car.

Q.55  Had you tried to start the car?

A.  Yeah.

Q.56  Was this part of the agreement?

A.  Yeah.

Q.57  What did you do then?

A.  I told him I'd meet him the next street up behind the restaurant and I went back for the guns. I got them and jumped a couple of backyard fences and then met him out on the road.

Q.58  What did you do then?

A.  Put them in his car and then went home.
Q.59 How many handguns were there?

A. .357 Magnum, a .44, I think it was a Magnum, a .45 and a .22. And the Armalite, too.

At Saunders's trial Wills explained that he had tried to pick the boot lock with a screwdriver but was unable to do so. He testified that he gained entry to the vehicle through the quarter window which had been closed but unlocked as he had been told beforehand by Dodd that it would be. Wills and Dodd did not indicate in their records of interview that the quarter window would be left unlocked although neither was asked the question. When Dodd testified at Saunders's committal hearing he gave evidence that the window would be left unlocked. He gave the same evidence at Saunders's trial.

Saunders always maintained that the windows of the vehicle had been secured. Coomer had previously maintained that the windows of the vehicle had been left secured however before me he stated that he "could not be 100 percent sure."

Dodd in his record of interview and before the Magistrate at Saunders's committal hearing claimed that the firearms were never in his possession. He claimed that Wills stole a car and placed them in that vehicle and drove them from the scene. However in his evidence at Saunders's trial and before me he conceded that he did give perjured evidence in the Magistrates Court concerning the removal of the firearms from the scene by Wills. He admitted that when Wills obtained the firearms from the back of Coomer's vehicle he did not then go and steal another vehicle and drive away with the firearms but placed them in Dodd's vehicle and they drove away together. He conceded that he had lied to the Magistrate so that he would not be charged with further firearm offences.

6.13 The hiding of the firearms

In his record of interview Wills claimed that the firearms were taken to 47 Ferry Road, Thorneside where he hid them in the bush.

At Saunders's trial he gave the following account:

*When we got home we sussed them out and just mucked around with them and then I took them down the road from the house and put them in the swamp area, wrapped them*
up in a canvas bag and put them in the swamp.

In his statutory declaration to the Commission Wills stated he could not recall hiding the firearms in the swamp area and added he thought he kept them at the house. Before me he gave the following evidence:

What did you do with the guns?---I think we just stashed them outside in the marsh or under some bushes or something because there was a swamp out in the back yard, just outside of the fence. I think we dumped them in some bushes out there.

Did you wrap them up first?---Yes.

Yes. Wrapped them up and then dumped them in some bushes in this swamp?---Yes.

In Dodd's record of interview with Webb he was asked what had happened to the firearms. He replied:

Joe wrapped them up in a plastic bag sort of thing and reckoned he hid them under water so they wouldn't be found.

At Saunders's committal hearing Dodd stated that Wills had wrapped the firearms in a blue child's swimming pool and had taken them away. At her trial Dodd expanded on his account and explained that prior to going back to Ferry Road he had let Wills off at Ricketts Road. Wills took the firearms and hid them. Dodd claimed that he did not know where they were hidden. In Dodd's statutory declaration to the Commission he again expanded on his previous evidence. He explained that when they reached Ricketts Road Wills got out of the car with the firearms and hid them. Wills then returned home and once the children were asleep Wills left and came back with the firearms. Dodd claimed not to have known where they were hidden by Wills before he got to the house at Ferry Road. Dodd stated that when Wills arrived home with the firearms they filled the bath tub, washed the firearms so that there were no fingerprints then wrapped them up in plastic and put them in a mulch heap in front of the old caravan in the yard of the house at Ferry Road. He stated that the mulch pit had water in it and the firearms were placed under the water. In evidence before me he described the firearms having been secreted in a mulch heap at the back. Dodd throughout maintained that the firearms remained secreted until Saunders instructed him to get rid of them.
Carew and Company submitted that Wills had changed his account from that which he gave during his record of interview of 26 March 1982. It was submitted that Wills changed his account to match that of Dodd to give the impression that the firearms had been at Ferry Road, when in fact they had not been there. It was further submitted that the "significance of the guns allegedly being at Ferry Road is that they then had to be 'gotten rid of." I assume that this submission attempted to adopt the views Saunders expressed in her statement to the Commission:

I do not understand why the guns were apparently taken from a swamp area in order to dump them in a stolen car and then call the police. DODD claimed that it was my idea. This obviously further implicated me. I believe that dumping the guns on 9 March 1982 was consistent with DODD (if not WILLS) at that stage being part of a plan to set me up. I say this because otherwise I cannot understand why criminals would go to the trouble of stealing guns, take them from a perfectly good hiding place, steal a car, put the stolen guns in the car, drive the car off the highway and then telephone the police to tell them about it. I believe it is more likely than not that at this stage at least DODD was acting in concert with corrupt police.

I have no doubt that if Dodd had been acting in concert with corrupt police at this stage Wills was also involved and they would have worked out precisely where the guns were supposed to have been secreted prior to their abandonment. In any event I regard where they were hidden beforehand as insignificant compared to the fact that they were abandoned in the circumstances in which they were. I will return to the abandonment of the firearms in the following chapter.