

**CRIMINAL JUSTICE
COMMISSION**

**REPORT ON A PUBLIC INQUIRY INTO CERTAIN
ALLEGATIONS AGAINST EMPLOYEES OF THE
QUEENSLAND PRISON SERVICE AND ITS
SUCCESSOR, THE QUEENSLAND CORRECTIVE
SERVICES COMMISSION**

JULY 1991



CRIMINAL JUSTICE COMMISSION
QUEENSLAND

Telephone: (07) 360 6060
Facsimile: (07) 360 6333

Your Ref.:
Our Ref.:
Contact Officer:

The Hon Wayne Goss MLA
Premier and Minister for Economic & Trade
Development & Minister for the Arts
Parliament House
George Street
BRISBANE Q 4000

The Hon Jim Fouras MLA
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE Q 4000

Mr Peter Beattie MLA
Chairman
Parliamentary Criminal Justice Committee
Parliament House
George Street
BRISBANE Q 4000

Dear Sirs

In accordance with Section 2.18 of the Criminal Justice Act 1989-90, the Commission hereby furnishes to each of you its Report on a Public Inquiry into Certain Allegations Against Employees of the Queensland Prison Service and its Successor, the Queensland Corrective Services Commission.

Yours faithfully

SIR MAX BINGHAM QC
Chairman



INDEX

Page No.

EXECUTIVE SUMMARY

1

INTRODUCTION

1.	The Genesis of the Inquiry – Parliamentary "Revelations"	14
2.	A Public Hearing	15
3.	Jurisdiction of the Commission	18
4.	Limited Scope for Disciplinary Action	20
5.	Mode of taking evidence	24
6.	Standard of proof	26
7.	Open Hearings and Suppression Orders	28
8.	In Camera Hearings	32
9.	Public Hearing days	33
10.	Appearances	34
11.	Logistics of the Inquiry	34
12.	Presentation of the evidence	35

A. THE PROSTITUTION ALLEGATIONS

1.	The general nature of the newspaper allegations	37
1.1	Specifics pursued – The Fritz and Adams assertions	38
1.2	The evidence of Dennis Melvin Fritz	41
1.2.1	Fritz as a witness	41
1.2.2	The basis provided by Fritz for his allegations	46
1.3	The response of the persons accused	50
1.3.1	Rebecca Jane Fuller	50
1.3.2	Carla Marion Phillips	52
1.3.3	"A"	53

1.4	Conclusion in relation to newspaper prostitution allegations	54
2.	Further allegations of prostitution made	55
3.	Allegations of prostitution concerning "B"	56
3.1	The allegation and its source	56
3.2	Tracing the source of the allegations	57
3.3	The pursuit of the basis of the allegations	58
4.	The allegations surrounding Karen Tonkin	62
4.1	Background to the allegations	62
4.2	Gates' evidence	63
4.3	Denials by the Broughams and O'Leary	65
4.4	Tonkin's evidence	68
4.5	Conclusions	69
5.	Allegations of Prison Officers " <i>moonlighting</i> " as prostitutes	74
5.1	The sources of the allegations	74
5.2	The denials	76
5.3	Conclusions	77
6.	Allegations concerning Ann Marie Tilley	77
B.	THE VIDEO TAPE ALLEGATIONS	
1.	The general nature of the allegations	80
2.	The video tapes	81
3.	The preliminaries to the making of the video tapes	82
4.	The surveillance	84

5.	Delivery of the video tapes to the General Manager	87
6.	Notifying the Police	89
7.	Evidence of the inmates	90
8.	Evidence of drug trafficking?	90
9.	Conclusion	92
10.	The machinations of the Correctional Officers	93
C. DRUG ALLEGATIONS		
1.	The ambit of the drug evidence led in the public hearings	98
2.	The drug allegations of Patrick John O'Connor	98
2.1	O'Connor as a witness	98
2.2	Obtaining drugs from officers within the hospital section	101
2.3	A female distributing drugs to several correctional centres	102
2.4	Drugs coming through the visitors' area	103
2.5	Named officers bringing drugs into the prison	104
2.6	Prisoners within gaol arranged huge drug deals outside of the gaol	105
2.7	Conclusion	105
3.	The drug allegations of Thomas William Challis	106
3.1	Challis as a Witness	106
3.2	Prior notification was required by "B" in order to introduce dogs into the Women's Prison	107
3.3	The disappearance of drugs handed to "B"	108
3.4	Drugs went missing from Prison Officer Woods' Office	111

4.	The drug allegations of Yvonne Dorothy Gates	112
4.1	"B" refused to allow an internal examination to be conducted	112
4.2	Cover-up of drugs by "B"	113
5.	The drug allegations of Helen Julie Glegg	114
5.1	Glegg as a witness	114
5.2	A prisoner was not charged with a drug offence	116
5.3	Reluctance to allow drug testing of prisoners	117
5.4	Although drugs were found in possession of a prisoner on a specific day, she was released to bail the following day	118
5.5	Intimidation of junior correctional officers	119
6.	The drug allegations of Dennis Fritz	120
6.1	A prisoner planted a dope plant at the back of the fernery	120
6.2	A prison officer was suspected of drug trafficking	121
6.3	The transfer of drugs between prisoners	122
7.	The drug allegations of Anthony Dutton	122
7.1	Dutton as a witness	122
7.2	Superintendent Kennedy brought drugs into the prison and supplied drugs to prisoners	123
8.	The drug allegations of Carla Marion Phillips	126
8.1	Background to the evidence	126
8.2	Former Prison Officer "D" gave marijuana to Carla Phillips	126
8.3	Prison Officer "E" gave marijuana to Carla Phillips	129
8.4	Admissions by Phillips in relation to drugs	130
9.	A crop of marijuana allegedly grown at Woodford Correctional Centre	131

10.	The trivializing of drug offences	132
11.	Inaction in relation to drug offenders	134
11.1	Anonymous information concerning a Townsville prisoner	134
11.2	Five prisoners smoking marijuana at Wacol Correctional Centre were not breached	135
12.	Supply of clear liquid to Karen Tonkin	136
13.	Conclusions	137
D.	FRAUDULENT PRACTICES AT NUMINBAH CORRECTIONAL CENTRE	
1.	Background to the allegations	142
2.	Allegations that documents showing corruption by "F" were in the hands of a Gold Coast solicitor	144
3.	Allegations that documents showing alleged corruption at Numinbah were with the prison chaplains	145
4.	Allegations that a prisoner had been instructed to repair private vehicles for which "F" received payment	145
4.1	The evidence of Peter Corbett Densley	146
4.2	The evidence of "G"	148
4.3	Denials by "F"	149
4.4	Conclusions and recommendations	150
5.	Allegations that there were two sets of books being kept at Numinbah Correctional Centre	152
6.	Allegations that the official visitor to Numinbah Correctional Centre was a friend of "F"	153
7.	Allegations of the loss of cattle from the Numinbah Correctional Centre	156

8.	Allegations that Numinbah Correctional Centre milk had been used to "top up" the milk supply quota of a neighbouring farmer	157
9.	Allegations that red cedar trees which had been on the Numinbah Correctional Centre property had been cut down and stolen	160
10.	Allegations that Graham Neil Risley had kept documents showing wrongdoing by "F"	161
11.	Allegations that a double payment had been made to a carpet layer who was a friend of "F"	163
12.	Allegations that "F" took meat for his own use	164
12.1	The evidence of Matthew Phillip Noble	164
12.2	The evidence of William Frederick Aplin	165
12.3	The evidence of Correctional Officer Keith David Cox	166
12.4	The evidence of the butcher	167
12.5	The evidence of "F"	168
12.6	Conclusion	169
13.	Allegations that "F" sold produce very cheaply to selected purchasers	170
13.1	The evidence of "F"	171
14.	Allegations that there had been an attempt by senior correctional officers to cover up the facts behind the death of an inmate	171
15.	Allegations that a correctional officer used an inmate to set up three other inmates with a bong	172
15.1	The basis for the allegation	173
15.2	The evidence of "I"	174
15.3	The response by "H"	174
15.4	A threat by "H" to Gilbert?	176
15.5	Lack of communication	177

16.	Conclusions	178
E. MISCELLANEOUS ILLEGAL ACTIVITY		
1.	Escapes	180
2.	Lada cars	182
3.	Alleged lack of interest shown by former Minister for Corrective Services	183
4.	Allegation that prisoners' funds had been used for a party at the Security Patients' Section at Wacol	186
5.	Allegation that Queensland Corrective Services Commission staff had failed to pass on information to the police concerning the sexual assault of an inmate	187
6.	The I.P.C.H.A.C. allegations	191
6.1	The operations of I.P.C.H.A.C.	191
6.2	Allegation by Patrick O'Connor that hundreds or thousands of dollars had been siphoned from the fund by senior officers of the Queensland Correctional Services Commission	193
6.3	The I.P.C.H.A.C. allegations made by Fritz	194
6.4	"J's" denials	196
6.5	Watson's denials	197
6.6	The evidence of the auditor	199
6.7	Conclusion	199
7.	Allegations of payments to a senior officer in exchange for early release or parole	200
8.	Allegations that a Correctional Services Commission Officer and an inmate were receiving corrupt payments	202
9.	The Charleville allegations	203

10.	Alleged cover-up of information surrounding the death of an inmate at Sir David Longland Correctional Centre	205
11.	Allegations concerning the management of Wacol Correctional Centre	207
11.1	Allegation that Kingsnorth operated brothels whilst under sentence	207
11.2	Kingsnorth allegedly received favoured treatment from "A"	208
11.3	Kingsnorth may have been involved in obtaining leaves of absence for other prisoners	209
11.4	Offer by Kingsnorth to purchase motor vehicle for Correctional Officers	210
11.5	It was alleged that Kingsnorth purchased a block of land for "A"	210
11.6	Kingsnorth allegedly purchased a motor vehicle for "A's" son	211
11.7	Allegation that Kingsnorth was the only inmate permitted leave of absence after the escape of inmate Bartzac	211
11.8	Excessive leaves of absence by Kingsnorth	212
11.9	"A" allegedly employed his son as an upholsterer at Wacol Correctional Centre	214
11.10	The Prize Fight Allegations	216
F.	CONCLUSIONS, FINDINGS AND RECOMMENDATIONS	
1.	The "old guard" v. the "new guard" and the Queensland Corrective Services Commission	220
2.	The role of Patrick O'Connor and Ray Connor	223
3.	Lack of direct evidence	224
4.	No evidence of corrupt or illegal conduct	225

5.	No evidence of a "cover-up" or impropriety by the Queensland Corrective Services Commission	226
6.	Training	227
7.	Employment of suitable staff	230
8.	Criticism of the findings of this Commission	230
9.	Recommendations	231

ANNEXURES

A.	Index to Witnesses	234
B.	Exhibit List	237
C.	List of Legal Appearances	259

EXECUTIVE SUMMARY

1. THE GENESIS OF THE INQUIRY

On 25 October 1990, Mr Ray Connor MLA raised in Parliament drug allegations concerning officers of the Queensland Corrective Services Commission. Connor claimed that he had evidence to establish that there was significant corruption and drug trafficking within the Queensland prisons. He added that there was a conspiracy to cover up anything that might be in any way critical of the present prison reforms and that the Queensland Corrective Services Commission was full of corruption. On 6 and 7 November 1990, Connor made further statements in the House concerning the matter.

On 13, 14 and 15 December 1990, headlines such as "*Prisoners work as Prostitutes*"; "*Prisoners in Sex Rackets*" and "*Gaol Brothel Probe*" appeared on the front pages of Queensland's major newspapers. Articles alleged that female prisoners at Boggo Road were being given leave of absence to work as prostitutes and were using their weekend freedom to smuggle drugs into the prisons. They also alleged that senior officers within the Queensland Corrective Services Commission were masterminding the rackets. The articles quoted Connor as the source of the information.

Connor quite properly presented all the available information he had concerning the issues to the Criminal Justice Commission. He also provided the names of persons who were his informants and also the names of persons he believed could assist the Commission.

2. BACKGROUND TO THE ALLEGATIONS

The Queensland Corrective Services Commission was established on 15 December 1988 as a consequence of the recommendations of the Review of the Prisons System (the Kennedy Report). Since the establishment of that Commission, the correctional system has undergone a period of rapid change. New prisons have been opened, privatization has been introduced at one centre, community correctional initiatives have been developed, the operation of Brisbane Correctional Centre has been scaled down with a view to its closure and the philosophy of the old prison system has been completely changed with a view to humanizing corrective services.

Many Correctional Officers who were more suited to the traditional role of a Prison Officer as a turnkey and authoritarian figure, have opposed the changes. The new philosophies have been anathema to them. Their bitterness has been exacerbated by their perception that they were threatened by the possibility of:

- Relocation to a new or different Correctional Centre;
- Loss of employment by the closing of Centres or privatization;
- A loss of promotional opportunity because of the introduction of senior staff from outside the service;

- Lack of security of tenure through the introduction of forced redundancy;
- The introduction of new work practices.

In this environment, those who were of the traditional school or "*old guard*" have been striving to maintain their old habits and work practices. They saw the best way to maintain these old ways was to discredit the Commission by raising allegations of corruption and mismanagement. They saw Connor as the conduit to publicity and political support. The vast majority of informants to Connor were of the "*old guard*".

3. PUBLIC HEARINGS

The Commission formed the view that the only satisfactory means of addressing the issues was by way of public hearing. The reasons for this were, inter alia:

- It was open to the public to believe from the publicity that a large-scale deep-rooted, well organized corrupt group of officers had manipulated prisoners to further their own criminal activities. Such perception required a public response;

- It was necessary to maximize the possibility of any person with direct evidence coming forward to assist, either in establishing the truth of any allegation or proving its falsity;
- It was considered necessary to allow the public to assess the adequacy and extent of the inquiries;
- In view of the allegation of "*cover-up*" by the Queensland Corrective Services Commission, it was incumbent upon this Commission to ensure that there could be no suggestion that it was a party to the alleged "*cover-up*";
- As many of the allegations were hearsay, suspicion and rumour, it was necessary to promulgate the evidence publicly to ensure that every opportunity was made to find the source of the allegations.

In view of the unique circumstances of this Inquiry, the Commission, after requesting the press to accurately and fairly report the evidence and the form in which it was given, allowed evidence to be led by way of hearsay, rumour and suspicion. The Commission considered this necessary for the following reasons:

- A substantial number of the allegations were in the form of hearsay, rumour or suspicion;

- To give those who may have had direct evidence the greatest opportunity to come forward to respond to the allegations and to assist to establish the truth or falsity of same;
- As many of the hearsay allegations were already in the public arena, they needed to be established or refuted in the public arena;
- There was a real possibility that if the evidence was limited to direct evidence, the public hearings would have been labelled by the complainants a "*white wash*" occasioning a loss of public confidence in the public hearings.

4. LOGISTICS OF THE INQUIRY

Public hearings were held on 18 hearing days over a three month period from 22 January 1991 to 10 April 1991. In all, 44 witnesses were called and a further 100 persons interviewed. Approximately 6,000 man hours were expended by the police investigators. Lawyers employed by the Commission spent almost 1,000 hours on the inquiry and report. There were countless hours of service performed by support staff.

5. **THE ALLEGATIONS IN A NUT SHELL**

- Female inmates were forced into prostitution by Correctional Officers;
- Correctional Officers were involved in the ownership of brothels;
- Correctional Officers were involved in sexual impropriety with inmates;
- Correctional Officers were involved in drug dealing;
- Correctional Officers were being intentionally thwarted by management in their efforts to detect offenders;
- The Queensland Corrective Services Commission was willing to condone or protect illegal drug activities by prisoners and prison officers;
- The Queensland Corrective Services Commission covered up drug matters;
- Correctional Officers were setting up prisoners with drugs;
- Correctional Officers were involved in fraudulent practices at Correctional Centres;

- Correctional Officers were stealing produce and other items from prison farms;
- Correctional Officers were involved in the escapes of prisoners;
- Favours were shown to prisoners in exchange for monetary reward to Correctional Officers;
- Involvement of criminal activity by inmates being covered up by Queensland Corrective Services Commission.

This Commission did not investigate questions of alleged maladministration or mismanagement as it did not regard it as part of its function to investigate these matters, especially as it does not have the expertise, resources of time, money or manpower to expend on allegations which are more suitably examined by other bodies.

6. THE EVIDENCE

Despite the wide publicity given to the hearings, most of the evidence remained hearsay, rumour or suspicion. On the few occasions there was direct evidence of offences, the nature of the allegations and the antecedents of the witnesses making the allegations caused the Commission to form the view that before a conclusion adverse to any person could be made on that evidence, it had not only to be credible

evidence, but also to be supported by other apparently credible evidence, which was not forthcoming.

7. NO EVIDENCE OF CORRUPT OR ILLEGAL CONDUCT

Despite the numerous allegations made, not one was substantiated. One may conclude the lack of direct evidence was a very strong indication that there was no truth to the allegations. The hearings revealed:

- Some allegations were maliciously created for ulterior motives;
- On occasions complainants misconstrued innocent acts;
- Many allegations were withdrawn;
- Often the putative source of the allegation either denied making the allegation or denied hearing the allegation;
- There was unjustified supposition or assumption by the complainant;
- Many rumours were unable to be sourced;
- The complainant displayed ignorance of the facts relating to the allegation.

In these circumstances, the Commission has no hesitation in exonerating those persons the subject of the allegations. No opprobrium should attach to them.

8. NO EVIDENCE OF A "COVER-UP" OR IMPROPRIETY BY THE QUEENSLAND CORRECTIVE SERVICES COMMISSION

There is no evidence of any "cover-up" or impropriety by the Queensland Corrective Services Commission. It is fair to say that it responded expeditiously to all requests of it for documentation, information and assistance and always supported an inquiry, (although not necessarily a public one). These actions were also inconsistent with any "cover-up" or impropriety.

9. TRAINING AND STAFF SELECTION

It became apparent during the hearings that a number of correctional staff were lacking in training. It is fair to say that the Queensland Corrective Services Commission has recognized the importance and necessity of training for its staff. Training has clearly come a long way from the days of the Prison Service; however, there is still a long way to go. The Queensland Corrective Services Commission has fully supported the programme, structure and content of the Bachelor of Arts and Justice Administration course at Griffith University. It is

understood that a Corrective Services component in that course will be available in 1992. It is also proposed to have a Corrective Services component introduced into the Bachelor of Arts, Justice Studies course available at Queensland University of Technology. The Criminal Justice Commission has been involved in development of both courses and thoroughly recommends them.

The introduction of these Corrective Services components and the continuation of in-house training of increasing sophistication must, in the long term, be very beneficial. In formulating training programmes, emphasis should be given to the development of skills and strategies to overcome the divisions which are evident among serving correctional staff. These divisions are a consequence of the change process and should be addressed in that context.

The development of conflict resolution, team-building and problem-solving skills and the application of those skills in the work environment within the Queensland Corrective Services Commission must be of high priority if these divisions are to be overcome and staff are to work together towards common goals.

Senior officers must have the skills to recognize emerging conflicts and to address them before they become acute. The introduction of dispute resolution processes, including the nomination of mediators, and access to trained facilitators would assist in resolving immediate problems which are resulting in continual conflicts among staff within the

Queensland Corrective Services Commission. Staff training to stimulate awareness of the availability of these resources and to develop skills to apply these processes effectively to resolve the difficulties should also be given high priority.

Inextricably bound with the question of training of staff is the issue of the proper selection of staff. The Kennedy Report highlighted the need to recruit properly and the Queensland Corrective Services Commission has introduced a series of measures to minimize the possibility of error in the selection of employees. This vigilance must be maintained to ensure that only those persons with suitable skills and attitudes are employed.

The above comment should not be taken as a criticism of all the correctional staff who appeared before the Commission. In fact, the Commission was very impressed with the quality of some of the younger staff who had clearly embraced the new philosophies. It was also impressed with some of the senior staff. In several cases these were the officers subjected to the most virulent allegations. It is hoped that the findings of this report will compensate, to some extent, for those experiences.

10. RECOMMENDATIONS

The Commission makes the following recommendations:

- To minimize the possibility of inmates being pressured or obliged to carry out work, the manual for Financial Administrative Management of Farms and Industries, insofar as it extends the ambit of Commission Rule 28, be amended by ensuring that the guide-lines, which control work done by inmates on prison farms, apply to work carried out by inmates for Queensland Corrective Services Commission Officers and employees or their family members away from prison farms.
- The practice (which has been discontinued) of the Prison Service which allowed, as part of the process of rehabilitation, inmates on leave of absence to reside with Correctional Officers, not be re-introduced.
- All Queensland Corrective Services Commission Correctional Officers be made aware of the provisions of s.48 of the Corrective Services Act in relation to body searches and obtaining samples of breath and body fluids for testing for evidence of offences by prisoners.
- In view of the continued presence of drugs within the correctional system, the Queensland Corrective Services Commission continue to monitor the adequacy of its measures to limit the introduction of drugs into Correctional Centres during visits.

- In accordance with recommendations made to the Criminal Justice Parliamentary Committee, the Criminal Justice Act be amended to ensure that the Queensland Corrective Services Commission is a "*unit of public administration*" within the meaning of the Act.
- Immediate consideration be given to ways in which correctional officers may be encouraged to understand the massive changes currently taking place in the correctional system and assisted to cope with the pressures resulting from such changes.

INTRODUCTION

1. THE GENESIS OF THE INQUIRY - PARLIAMENTARY "REVELATIONS"

On 25 October 1990 Mr Ray Connor MLA raised in Parliament drug allegations concerning officers of the Queensland Corrective Services Commission. At that time he tabled a number of video tape recordings which it was claimed depicted three instances of drug trafficking filmed within a Queensland prison. Connor¹ further claimed that he had other evidence to establish that there was significant corruption and drug trafficking within the Queensland prisons and that he had taken his evidence to the Criminal Justice Commission. Connor went on to say that there was a conspiracy to cover up anything that might be in any way critical of the present prison reforms. He further stated that the Queensland Corrective Services Commission was full of corruption.

On 6 and 7 November 1990 Connor made further statements in the house concerning the matter.²

On 13, 14 and 15 December 1990, headlines such as "*Prisoners work as Prostitutes*", "*Prisoners in Sex Rackets*", "*Jail Brothel Probe*", appeared on the front pages of Queensland's major newspapers.

¹ In the interests of economy and consistency, surnames are used without the customary "Mr" or equivalents and generally honorifics will be used only once. No discourtesy is intended.

² See extracts from Hansard in Exhibit 171

Articles alleged that female prisoners at Boggo Road were being given leave of absence to work as prostitutes and were using their weekend freedom to smuggle drugs into the prisons. They also alleged that senior officers within the Queensland Corrective Services Commission were masterminding the rackets. The articles quoted Connor as the source of the information and also stated that Connor had said that he had given information concerning the allegations to the Criminal Justice Commission.³

Connor quite properly presented all the available information he had concerning the issues promulgated in the press and in Parliament to the Criminal Justice Commission. He also provided the names of persons who were his informants and also the names of persons he believed could assist the Commission. This material was assessed by the Commission, necessary preliminary investigations made, and consideration was given to holding a public inquiry.

2. A PUBLIC HEARING

It is a characteristic of a democratic society, in which the publication of news and comment is free, that from time to time events occur which give rise to public concern or which cause damaging rumours and suspicions to develop.

³ See newspaper articles in Exhibits 170 and 455.

The publication in the media and in Parliament of these allegations gave rise to a wide public concern that officers within the Queensland Corrective Services Commission were involved in unlawful activities in their capacity as employees of the Commission. It also led to damaging rumours and suspicions being raised. It was open to the public to believe from the publicity that a large scale, deep rooted, well organized corrupt group of officers had manipulated prisoners to further their own criminal activities.

When such occasions arise, it is desirable that a searching public inquiry be held with the object of ascertaining the truth, attributing blame if blame is due and disposing of suspicions and rumours which are unjustified. A public inquiry permits the matters to be aired in an open forum to allow maximum response by the public by way of providing relevant information and evidence concerning the allegations. A public inquiry also ensures public scrutiny of the investigation into the allegations allowing the community to assess for itself the extent and thoroughness of the enquires.

Another compelling reason to hold a public inquiry in this particular instance was that as there had been alleged against the Queensland Corrective Services Commission, which is a statutory body, a "*conspiracy to cover up*" and as any inquiry was to be conducted by another statutory body, namely, this Commission, it was incumbent upon this Commission to ensure that there could be no suggestion that

it was a party to the alleged "cover-up" by holding private hearings or conducting in-house investigations.

For the above reasons on the 18th day of January 1991 the Commission formally resolved to hold an inquiry and conduct public hearings with a view to the investigation of allegations that officers currently and previously employed by the Queensland Corrective Services Commission (and the Prisons Department) had been unlawfully involved in their capacity as employees in the following activities:

- (a) Prostitution carried on by female prisoners;
- (b) The supply of dangerous drugs to prisoners;
- (c) Fraudulent practices at Correctional Centres;
- (d) Escapes by prisoners; and
- (e) Corruption.⁴

The Commission further resolved that the public hearings would be presided over by the Chairman of the Commission, Sir Max Bingham QC, sitting alone.

⁴ See Exhibit 172 for the resolution of the Commission

It should be noted that the Commission received considerable criticism for holding public hearings, but for the reasons stated above, the Commission maintains that there was no viable alternative.

3. JURISDICTION OF THE COMMISSION

Where there were allegations of a widespread nature, including claims of an organized corrupt group of prison officers involved in criminal activities such as prostitution and drug trafficking, especially when juxtaposed with the allegation of an "official cover-up", the Commission had a clear jurisdiction to investigate these matters by virtue of Section 2.15 of the Criminal Justice Act 1989-1990 (hereinafter referred to as "the Act") and in particular sub-sections (f)(iv) and (l).

Section 2.15(f) provides that the responsibilities of the Commission include -

"...in discharge of such functions in the administration of criminal justice as, in the Commission's opinion, are not appropriate to be discharged, or cannot be effectively discharged, by the Police Force or other agencies of the State, undertaking -

- i) *research and co-ordination of the processes of criminal law reform;*
- (ii) *matters of witness protection;*
- (iii) *investigation of official corruption in units of public administration;*
- (iv) *investigation of organised or major crime."*

and Section 2.15(1) provides that the Commission's responsibilities include -

"...taking such action as the Commission considers to be necessary or desirable in respect of such matters as, in the Commission's opinion, are pertinent to the administration of criminal justice."

Notwithstanding the Commission's jurisdiction to investigate all the allegations made by Connor and his informants, a preliminary assessment of those allegations revealed that many of them were not claims of criminal wrongdoing, but rather accusations of mismanagement and maladministration. This Commission did not regard it as part of its function to investigate or examine allegations of that nature. It does not have the expertise or resources of time, money and manpower to expend on allegations which are more suitably

examined by other bodies. This is especially the case when the statutory body, the subject of the allegations of mismanagement and maladministration, was relatively new, having been established as a result of the recommendations of the Kennedy Commission which had itself expended substantial time, money and manpower in considering the inadequacies of the then structures and philosophies of the old prison service, and had created a blueprint for the future.

Accordingly, it was decided to pursue only those matters which involved the consideration of illegal and criminal activities.

Where there was a merging of administrative issues with those which raised a possibility of criminal impropriety, the Commission erred on the side of caution allowing the evidence to go before it rather than allowing the criticism to be made that the Commission was not permitting the witnesses to tell all they wished in relation to criminal activity within the Queensland Corrective Services Commission. Where there was a merging of the issues, findings have only been made in relation to the criminal aspects of that alleged conduct.

4. LIMITED SCOPE FOR DISCIPLINARY ACTION?

Although the Commission had jurisdiction to investigate and hold hearings into the matters, it considered that it might be limited in what subsequent action it could take if in fact evidence was disclosed that

officers had appeared to be involved in conduct which was "*official misconduct*" within the meaning of the Act.

On the recommendations of Mr Fitzgerald QC the Legislature created in the Act a new offence – a disciplinary offence of "*official misconduct*" – which can be committed by any person who is the holder of an appointment in a "*unit of public administration*". In broad terms, official misconduct includes behaviour which may directly or indirectly affect the honest and impartial discharge of public functions or which constitutes a breach of trust placed in an individual by reason of his appointment to a public office, or which involves the misuse of official information. In addition, it must either be conduct which constitutes or could constitute a criminal offence or a disciplinary breach that provides reasonable grounds for the termination of employment. That is, it is concerned with the more serious acts of misconduct. One of the consequences of being convicted of an offence of official misconduct is that one is liable to dismissal.

However, is the Queensland Corrective Services Commission a "*unit of public administration*"? That term is defined by Section 1.4 of the Act to mean:

(a) *The Legislative Assembly, and the Parliamentary Service;*

(b) *The Executive Council;*

- (c) *Every Department of the Public Service of Queensland within the meaning of the Public Service Management and Employment Act 1988;*
- (d) *The Police Force;*
- (e) *The Railway Department;*
- (f) *Every corporate entity that is constituted by an Act, or that is of a description of entity provided for by an Act, which in either case collects revenues or raises funds under the authority of an Act;*
- (g) *Every non-corporate entity established or maintained pursuant to an Act...;*
- (h) *The courts of the state of whatever jurisdiction, and the registries and other administrative offices thereof."*

The Queensland Corrective Services Commission is not a department within the meaning of the Public Service Management and Employment Act 1988 (as amended), but is a corporate entity with perpetual succession: see Section 9(2) of the Queensland Corrective Services (Administration) Act 1988. Therefore, sub-section (c) has no application. The only other sub-section which arguably could cover the

Queensland Corrective Services Commission is sub-section (f); that is, it being a corporate entity, it either collects revenues or raises funds under the authority of its Act.

When one looks at the Queensland Correctional Services Commission's annual report⁵, it appears that the Prison Farms in total raise many millions of dollars revenue by selling produce. Whether this is the collection of revenue for the purposes of sub-section (f) is not clear. The Commission has received differing opinions as to whether the Queensland Corrective Services Commission falls within this sub-section and, accordingly, it is unsure whether the provisions relating to "*official misconduct*" can be invoked against members of the Queensland Corrective Services Commission.

It is this Commission's firm view that the Queensland Corrective Services Commission, being an integral part of the administration of justice within this State, was never meant to be excluded from the application of those provisions of the Criminal Justice Act which create and govern the offence of official misconduct. When one looks at the other bodies which are "*units of public administration*", as listed in Section 1.4, it is difficult to support the proposition that the legislature intended the Queensland Corrective Services Commission to be excluded. It is the Commission's opinion that the matter should be clarified by way of statutory amendment to the Criminal Justice Act to

⁵ See Exhibit 636

ensure that the Queensland Corrective Services Commission is a "*unit of public administration*".

In view of the doubt, the inquiry proceeded on the basis that the Queensland Corrective Services Commission was not a "*unit of public administration*".

5. MODE OF TAKING EVIDENCE

By virtue of Section 3.6 of the Act, the Commission is armed with coercive powers to summon witnesses and produce documents. Further, pursuant to Section 3.13 the Commission has power to direct the attendance of a prisoner before the Commission by serving a writing, signed by the Chairman, on the General Manager in whose custody the prisoner is currently placed. All persons who were summoned or directed to attend gave their evidence under oath from the witness-box.⁶

However, as the provisions of Section 3.21 of the Act permit the Commission to inform itself on any matter and conduct its proceedings as it thinks proper (it is not bound by rules or the practice of any court or tribunal as to evidence or procedure), it saw fit to accept, where

⁶ See Annexure A - List of Witnesses

appropriate, evidence by way of statutory declaration, signed statement or report.⁷

In view of the unique circumstances of this inquiry, the Commission also allowed evidence to be given in the form of hearsay, rumour and suspicion. The Commission considered this necessary for the following reasons:

- A substantial number of the allegations were in the form of hearsay, rumour or suspicion.
- There was a real possibility that if the evidence was limited to direct evidence, the public hearings would have been labelled by the complainants a "*white wash*" occasioning a loss of public confidence in the public hearings.
- To give those who may have had direct evidence the greatest opportunity to come forward to respond to the allegations and to assist to establish the truth or falsity of same.
- As many of the hearsay allegations were already in the public arena, they needed to be refuted or established in the public arena.

⁷ See Annexure B – List of Exhibits.

- To maximize the possibility of locating the original author of the allegation, thereby providing the opportunity to test the allegation at its source.

It should be noted that the Criminal Justice Commission was the subject of continuing criticism over the decision to allow evidence to be given in the form of hearsay, rumour and suspicion. Notwithstanding this criticism, the Commission stands by the course it adopted as it believed it was the only sensible course to take in view of the unique characteristics of this inquiry.

6. 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 litigious proceedings) raises the question as to the degree of satisfaction which should be attained before it is safe to conclude that any of the allegations the subject of the inquiry had been established. The Act is silent on the standard of proof required, however, *"the common law recognises only two standards of proof – the civil standard and the criminal standard – but the civil standard may vary according to the gravity of the finding to be made."*⁸

⁸ See Taylor v L., ex parte L. [1988] 1 Qd.R.706 at page 714.

Although the proceedings before the Commission were not criminal or civil in nature, after consideration of the authorities it was 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 the Commission adopts the statement of Sir Owen Dixon in Briginshaw v. Briginshaw (1938) C.L.R. 336 at pp.361-362 where he states:

"'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 inferences."

The Commission is comforted in its view that the requisite standard is that of "*reasonable satisfaction*" by the adoption of that standard in similar inquiries such as the National Hotel Royal Commission (1963-64) the Voyager Report and the Winton Air Crash Inquiry (1967) and the recent Commission of Inquiry into Certain Allegations concerning

Mr Justice Vasta conducted by Sir Harry Gibbs, Sir George Lush and the Honourable Michael Helsham. Furthermore, the New South Wales Independent Commission Against Corruption applies the same standard.

7. OPEN HEARINGS AND SUPPRESSION ORDERS

On the morning of the first day of the proceedings Senior Counsel Assisting the Inquiry, Mr Hampson QC and Counsel for the Queensland Corrective Services Commission, Ms Atkinson foreshadowed that they would be seeking from the Chairman suppression orders prohibiting the publication of the names of some persons who would become the subject of adverse allegations.⁹ These suppression orders were to be sought under Section 3.20 of the Act which allows the Commission by its order to prohibit the publication of evidence taken before it, if in its opinion publication thereof would be unfair to any person or contrary to the public interest.

In determining the manner in which he was to deal with the applications for suppression the Chairman was bound, to a very large extent, by the provisions of the Act and, in particular, Section 2.17(4) which provides:

⁹ See transcript pp 982-987 for these submissions.

"A hearing of the Commission 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 considers it preferable, in the public interest, to conduct a closed hearing, it may do so".

Prima facie, therefore, the Chairman had an obligation to hold open hearings. The Chairman was also acutely aware of the previously mentioned allegation that the Queensland Corrective Services Commission had attempted to cover up allegations of impropriety within that Commission. Any decision or ruling by him as Chairman had to take into account the very real prospect that it may have been seen as a further cover-up of the activities of the Queensland Corrective Services Commission, unless the evidence and witnesses' names were fully canvassed and disclosed.

Consequently, the Chairman stated that he would not make a blanket suppression of names, but would be pleased to receive submissions on a case by case basis, whereupon he would rule on the merits of each individual application after considering the sometimes competing interests of the individual and the public.

In an attempt to minimise the possibility of damage to personal reputations the Chairman ensured that the following steps were taken at the commencement of the proceedings:¹⁰

- (1) It was made patently clear that a significant number of the allegations were hearsay;
- (2) It was stated that many of the allegations had been found to be unsubstantiated and unfounded;
- (3) It was stated that in most cases the allegations were denied by those against whom they were made;
- (4) The media and all others present the hearings were requested to exercise a great deal of caution in the promulgation of any of the evidence; and
- (5) It was stated that all those persons against whom allegations were made would be given the opportunity to deny or explain them before the Commission.

Despite these steps the media were responsible for some unsatisfactory reporting and the Chairman again requested them to take great care in the reporting of the proceedings so that the real evil that had occurred was not repeated, that is, that what were mere allegations were not

¹⁰ See transcript pp 982-984.

converted into what seemed to be statements of fact. The Chairman also noted that reference to the existence of strenuous denials was omitted in many reports!¹¹

Unfortunately, despite the second exhortation by the Chairman as to fair reporting, the unfair and unbalanced reports of the proceedings before the Commission continued to be printed in the media. There appeared to be a tendency towards reporting the more salacious of the allegations without due weight being given to the denials and the lack of direct evidence in relation to those allegations. As a direct result the Chairman became more willing to accede to requests for suppression orders in order to minimise the possible risk of damage to the reputation of those persons likely to be the subject of the reporting.

In relation to one of the applications for suppression considered by the Chairman, on 11 March 1991 he ordered that there be no publication of the witness' name, address, present or past employment, or any matter or thing which might identify or tend to identify any of those matters. The Chairman also made a blanket order of suppression in respect of her evidence and also ordered that there be no repeat publication of evidence previously given concerning her. He further ordered that there be no publication of the discussion that occurred on that day which resulted in the orders for suppression, that is, there should be no publication of any details of the application for suppression.¹²

¹¹ See Transcript pp 1241-1248.

¹² See Transcript page 3561 for Chairman's order.

Quite disturbingly, on the following day, an article appeared in the Courier-Mail which, although not mentioning any detail which would identify the witness, did, on its face, seem to quote from submissions made during the application for suppression by the legal representative of the witness and those of Senior Counsel Assisting.¹³

Where the names of individuals were the subject of suppression orders and those persons have been exonerated by the Commission, it is not intended to reveal their identity as no good purpose would be served by so doing. Accordingly, where reference is made to those persons in the body of the report, they are identified by a letter of the alphabet rather than by their names.

8. IN CAMERA HEARINGS

Notwithstanding the decision to hold open hearings, on two occasions the Chairman considered it necessary in the public interest to conduct a closed hearing. On the first of these two occasions a witness who had previously given evidence before the Commission had indicated that she was not entirely frank with the Commission because the subject of the allegation she was making was present in the back of the hearing room and she was intimidated by this. In order to obtain the full account of the incident which she had previously alluded to, it was thought appropriate to exclude the public, thus giving the witness the

¹³ See Exhibit 695 for newspaper article.

opportunity to be full and frank in relation to the allegation. No adverse finding was made by the Commission on any of this evidence.

On the other occasion, the evidence was heard before the Chairman with only Counsel Assisting the Commission being present. The Chairman had been apprised that the witness had refused to give a statement to the Commission prior to his attendance in the witness-box and in view of the seriousness of the allegation that it was claimed he could give evidence in relation to, it was considered appropriate to hear his evidence beforehand, as it were by way of "*voir dire*", to establish whether it should be led in the public forum. Upon hearing the evidence it was decided that the evidence was insufficiently probative of any issue before the Commission. That evidence was not relied upon by the Commission in making any of its findings.

9. PUBLIC HEARING DAYS

The public hearings commenced on 22 January 1991. Evidence was led on 18 hearing days, spread over a three month period, terminating on 10 April 1991. Oral submissions were received on 17 May 1991 to supplement written submissions received earlier.

10. APPEARANCES

After the first four days of public sittings Senior Counsel Assisting the Commission, Mr Cedric Hampson QC was unable to further appear before the Commission as he had prior commitments in the Federal Court and Supreme Court of Queensland. Mr Kerry Copley QC was appointed Senior Counsel Assisting in his stead. At all times Mr Stephen Lambrides was Junior Counsel Assisting the Commission.

Ms Roslyn Atkinson, instructed by Morris Fletcher & Cross, Solicitors, appeared for the Queensland Corrective Services Commission.

Other appearances by legal representatives are listed in Annexure C.

11. LOGISTICS OF THE INQUIRY

In all, 44 witnesses were called and gave evidence before the inquiry. Police officers attached to the Commission interviewed a further 100 persons. Some of the information provided by them was investigated and the results of the investigation tendered in evidence. Other information provided, clearly, was not capable of investigation or fell outside the Terms of Reference¹⁴ and was, therefore, not placed in evidence.

¹⁴ See Exhibit 172 for the Resolution of the Commission

Approximately 6,000 man hours were expended by the police investigators. Lawyers employed by the Commission spent almost 1,000 hours on the inquiry and report. There were countless hours of service performed by support staff without whom the task could not have been achieved.

12. PRESENTATION OF THE EVIDENCE

In an attempt to compartmentalize the issues, it was decided that the evidence would be led in "*brackets*". Each bracket of evidence predominantly referred to a different subject matter, although, with the exception of one witness, where some witnesses could provide information or evidence in relation to more than one subject area, they were questioned in relation to their knowledge of all of the subjects rather than having them recalled at a later stage. The five brackets of evidence that were led related to allegations of correctional officer involvement in the following activities:

- A. Prostitution by female inmates whilst in custody, and ownership of brothels;
- B. The cover-up of drug dealings which had been videotaped at the Brisbane Correctional Centre;
- C. Drug dealing in the Correctional Centres;

- D. Fraudulent practices at Numinbah Correctional Centre;
- E. Miscellaneous illegal activity (including escapes).

Each of these areas will be addressed separately. Although the allegations covered these quite varied areas, it is fair to say that the vast majority of them were hearsay when first brought to the attention of the Commission. Much of the investigative work prior to the hearing of the evidence, as well as questioning of the witnesses during the hearings, was aimed at finding the original source of the allegation with a view to testing those allegations at source, ascertaining the truth of the allegations and adducing relevant cogent evidence from the sources.

A THE PROSTITUTION ALLEGATIONS

1. THE GENERAL NATURE OF THE NEWSPAPER ALLEGATIONS

The newspaper articles,¹ which originally raised in the public forum the issue of prostitution in correctional centres, claimed that female prisoners at the Brisbane Women's Prison had been coerced into prostitution in return for benefits from correctional officers by way of extended leave of absence and early release (apart from cash payments from clients).

The reports further claimed that the alleged prostitution racket was masterminded by a Queensland Corrective Services Commission officer who, sources said, acted as a pimp and collected a percentage of their prostitution payments.

It was also alleged that a senior prison officer had been linked to two brothels operating out of West End and Fortitude Valley.

Although there was a paucity of specifics, in a nutshell, what was alleged was:

- (a) inmates being forced into prostitution by correctional officers; and

¹ See newspaper articles in Exhibit 170

- (b) a connection between correctional officers and brothels in Brisbane (presumably those which employed the inmates).

1.1 SPECIFICS PURSUED - THE FRITZ AND ADAMS ASSERTIONS

In an effort to locate the source of the allegations reference was made to one of the articles in which the journalist had claimed to have seen statements from two inmates, Dan Fritz and Peter Frederick Samuel Adams.

These two statements were provided to the Commission by Patrick John O'Connor who had been a prison officer/correctional officer in Queensland from May 1973 until 5 October 1990, at which time he accepted a redundancy package from the Queensland Corrective Services Commission. It is fair to say that O'Connor played a greater part in the inquiry than a mere witness. He was a close confidant of Connor and was clearly a significant conduit for information, albeit hearsay, to Connor and this Commission. Further reference to O'Connor will be made at a later stage.

The statement which was apparently signed by Fritz and dated 5 December 1990² made the following allegations concerning prostitution:

² See Confidential Exhibit 190 for the statement

- (a) He, in the presence of Adams, had personally spoken with Rebecca (ascertained later to be referring to a female inmate, Rebecca Fuller) and she had admitted that she had been approached by prostitutes on visits inside the prison to have them (presumably her and other girls) work for brothels and as call girls whilst they were on L.O.A. (Leave of Absence from correctional centres).
- (b) Fuller had claimed that she had been spoken to by a person from the Corrective Services Department in town and that as she was very frightened she would not name him. However, upon the name "A"³ being suggested by Fritz, both Adams and Fuller replied, "Yes". She said that "A" had told her that if she worked as a prostitute she would get early release and any amount of leave of absence and that no questions would be asked.
- (c) He was aware of a number of early releases and overnight leaves of absence which were made in this manner in the females' prison.
- (d) He had seen "A" talking to Fuller.
- (e) He had seen the known prostitutes returning for the recruitment process.

³ The name of the Correctional Officer is subject to a suppression order. He will be referred to as "A" for the entire report

(f) The two brothels concerned were in West End and the Valley.

The statement ostensibly made by Adams was also dated 5 December 1990.⁴ In that statement the following allegations relating to prostitution were made:

- (a) That Fuller had one of her leaves of absence cancelled, but was approached by "A" who offered her all her leaves of absence back, as well as early parole and all her remissions. She was told that she would have to work for him in a brothel whilst she was on leave of absence.
- (b) A maximum security prisoner named Carly also worked as a prostitute for "A".
- (c) "A" told them that the deal is that they get free and make money and he gets money as well.
- (d) Adams claimed to know a number of girls who were released early because of this deal.
- (e) Adams had seen "A" on many occasions visiting the gaol and had seen prostitutes known to him visiting it as well. He was told

⁴ See Confidential Exhibit 191 for the statement. Attempts to locate and interview Adams and his wife were unsuccessful. (It was suggested in the statement that his wife would be able to verify the information in it)

that this was how the girls tee up their weekend work. He had seen Carly come and go to the gaol since her release, teeing up the work.

- (f) Adams believed that the girls were dropped off in town. He believed one of the brothels was in the Valley and the other was in West End.

It is clear that the two statements were the basis for the newspaper articles concerning prostitution. Fritz himself subsequently admitted that this was the case. An investigation of the allegations raised in them was clearly necessary.

1.2 THE EVIDENCE OF DENNIS MELVIN FRITZ

1.2.1 FRITZ AS A WITNESS

Fritz, at the time of giving his evidence, was an inmate of Brisbane Correctional Centre. He has a lengthy history of criminal convictions dating back to 1957. In 1985 he was convicted of rape and two counts of incest for which he was imprisoned for nine and four years respectively.⁵ During his evidence Fritz strenuously denied having committed the offences in 1985.

⁵ See Exhibit 420 for Fritz's criminal history

Fritz presented as a person who was very loose with the truth. It appeared that he was embittered (and motivated) by the fact that he had been refused remissions and early parole, claiming that unnamed senior officers in the Corrective Services Commission had conspired to keep him incarcerated.

Fritz alleged that the refusal by the Queensland Corrective Services Commission to grant him parole and remissions was a direct result of his having made allegations against the Queensland Corrective Services Commission. This claim was clearly established to be false. In relation to his application for parole, documentation provided to the Commission by the Queensland Corrective Services Commission clearly established that the Brisbane Regional Community Corrections Board's reason for recommending that Fritz be refused his application for parole was the view that Fritz still presented an unacceptable risk to the community. That view was based on a lengthy report⁶ which, inter alia, recognized that Fritz had since the day of his conviction refused to accept that he was guilty of any offence and had, therefore, shown absolutely no contrition. It must be said this was clearly a correct assessment. So much of his evidence before the Commission was an attempt to proclaim his innocence.

In the material before the Board there was an abundance of evidence to support its conclusion and there is absolutely no evidence of impropriety on behalf of the Queensland Corrective Services

⁶ Confidential Exhibit 429 documents all material taken into account by the Board

Commission in relation to the refusal of the granting of parole. It is of no little importance that the last application for parole made by Fritz was in May 1989. It was refused in December 1989 – almost a year before his allegations hit the press. It is difficult, as a matter of logic, to accept that the two are connected.

In relation to his claims concerning remission, evidence was led before the Commission that the policy towards the granting of remissions had been altered and that prisoners who would otherwise have expected to be automatically granted remissions would now not necessarily receive them. He, like every other prisoner, was subject to the introduction of Ministerial guide-lines⁷ which stated that remissions were not an entitlement. They were discretionary and were to be granted for good conduct and industry. The guide-lines added that *"if the proposition that all offenders should be subject to some form of supervision is accepted then remission should cease to become the focal point of prisoner expectation and community and judicial concern."*

It is not surprising that on 24 October 1990 the Queensland Corrective Services Commission Board, by resolution, decided that Fritz not be granted full remission when just 11 months ago the Brisbane Regional Community Corrections Board felt he was still an unacceptable risk to the community. It would have been quite anomalous to deny him supervised parole and then grant him unrestricted and unsupervised remission.

⁷ See Exhibit 433

Fritz claimed that in support of his allegations, he had a number of audio tape recordings which contained admissions (or conversations of an inculpatory nature) by some of the parties against whom he had made allegations. When asked to produce them by the Commission, he could not. He gave totally unconvincing explanations for the absence of the audio tapes, claiming amongst other things, that he was denied the opportunity to obtain them from his parents' home by the Queensland Corrective Services Commission and ultimately claiming that there had been a conspiracy to steal the audio tapes from his prison cell.

It is warranted going into some detail in relation to these audio tapes to show further what little credit could be placed in the evidence of Fritz. In relation to the lack of opportunity to locate the alleged audio tapes, Fritz claimed that he had applied twice to go home on leaves of absence to get the audio tapes, which applications had been refused. Evidence was led, however, that on 24 May 1990 he was granted a leave of absence to collect documents which were held at his parents' home. Subsequent to that he was allowed leave of absence on a number of occasions to attend his parents' home. On some of these occasions he was escorted and on others he was not. On 11 January 1991 he was allowed leave of absence to attend the offices of the Criminal Justice Commission and on 12 January 1991 he was allowed leave of absence again to assist the Criminal Justice Commission with their investigations. Further, on 13 January 1991 he was escorted to his parents' home to collect further evidence for the Criminal Justice

Commission to be presented at the hearings. Then again on 20 January 1991 leave was granted to him.⁸ The frequency of the leave granted is clearly inconsistent with his allegation.

When examined by Counsel Assisting the Commission, Fritz admitted that he had been accorded full opportunity by the Criminal Justice Commission to check wherever he believed the audio tapes might be and that he had been unable to locate them. He conceded that he had been incorrect in his statements to officers of the Criminal Justice Commission as to the whereabouts of at least one of those tapes, that is, an alleged conversation between Fuller and Adams. He accepted that he initially asserted that he said the tape recording was given to a prison officer, Mr Hanran, but that he was mistaken in relation to that. He then conceded that his further explanation that the tape may have been with a man named Aboud was wrong. Thirdly, he claimed that the tape was with his parents, but upon a thorough search of those premises, he admitted that he had failed to locate them.

In an effort to explain the non-appearance of the audio tapes, Fritz then stated that he had found four empty cassette containers in his cell on the night previous to his giving evidence on 28 February 1991. When it was put to him that the cells were locked and no-one had access to them during the day, he stated that he found out the previous night that his cell is the easiest cell to smash into by merely banging the handle. When asked whether he had ever seen this happen to his door, he said

⁸ See Exhibit 427 for copies of the leave of absence forms

he never had. Correctional Officer Hanran, not surprisingly, gave evidence that the door of the cell could not be opened in this fashion.

Other parts of Fritz's evidence were vague, inconsistent and implausible. No good purpose would be served by providing further examples at this stage.

1.2.2 THE BASIS PROVIDED BY FRITZ FOR HIS ALLEGATIONS

During the evidence of Fritz, he acknowledged that the original statement purportedly signed by him had in fact been his document and that it accurately reflected his state of knowledge of events at the Brisbane Correctional Centre. He also provided an addendum to that statement⁹ and another undated statement which was claimed to be notes¹⁰ for a forthcoming book. The addendum statement and, to a lesser extent the undated statement, reiterated and expanded upon the allegations of prostitution made in the original statement. They did, however, canvass other matters concerning drugs and corruption. These will be addressed later in the report.

Other than claiming to having personally seen "A" talking to Fuller and having "*with his own eyes*" seen known prostitutes returning for the

⁹ See Exhibit 190 for the original statement and the addendum

¹⁰ See Exhibit 421

recruitment process, Fritz acknowledged that all his prostitution information came from what he was told by Fuller and Adams. Information from them was obtained, according to Fritz, by his concealing a tape recorder in his toilet bag and walking down to the prison fernery where he overheard and taped a conversation between Fuller and Adams during which she allegedly stated that she worked at a brothel during a period when she had absconded from custody and that the owners of the brothel had an elaborate scheme to avoid detection. This scheme would divert clients from an address in O'Keoff (sic) Street, Buranda to an address in West End.

After allegedly making his presence known to Fuller and Adams, Fritz claims to have had discussions which were taped with Fuller in the presence of Adams. She allegedly told him that she had been approached by prostitutes on visits inside the prison to have her and other girls work as prostitutes. At this stage a significant inconsistency appears in the account given by Fritz. In his original statement and in his oral evidence, Fritz claimed Fuller had stated that she had been spoken to by a person from the Corrective Services Department and she was frightened to name him. However, upon the name "A" being volunteered by Fritz, both Adams and Fuller replied "yes". In the addendum statement, however, Fritz stated that after he asked Fuller who owned the brothel, she replied "A".

Strangely enough, in the addendum statement, when Fritz refers to the alleged conversation between himself and Fuller, after he had

interrupted the private conversation between Fuller and Adams, he stated "*I made out that I overheard her discuss the brothel.*" This is clearly inconsistent with the existence of an overheard conversation and the existence of a tape recording. It and the previously mentioned significant inconsistency suggest that Fritz was lying in relation to this matter and no weight could be placed on it. His explanation for the above sentence was circuitous, implausible and totally unconvincing. Needless to say no tape of the discussions was produced.

In relation to the allegation that Fritz had seen known prostitutes returning for their recruitment process, he indicated that he had seen a well-dressed lady go down to the female prison and he was informed by prison officers that she was a prostitute. Having been told that she was a prostitute, Fritz assumed that she was going back to do recruiting. There was absolutely no basis given for that assumption. He also made this assumption in relation to other girls who visited the prison who he was told were prostitutes. Once again, there was no basis for such an assumption.

When questioned in relation to seeing "A" talking to Fuller in the prison, Fritz stated that he had seen him speaking to Fuller on one occasion and as "A" was not attached to that prison, he thought it sufficiently relevant to place before the Commission. He conceded he had not overheard any of the alleged conversation. This was hardly damning evidence, especially when evidence later led before the

Commission indicated "A" was stationed at the Brisbane Correctional Centre for a period of time.

Fritz stated in the addendum statement, (not referred to in his original statement), that Adams had told him that he knew another former female inmate named Carla who was currently working in a brothel. This person he ascertained to be Carla Phillips after checking with the visitor files. When this allegation was made in the undated statement it appeared as *"A' has been seen talking to the girls, although he appears to evade being seen in their company. One example is the girl called Carla Philips (sic), who is now working for the West End Brothel, and was recruited whilst she worked in the furnary (sic), and used her L.O.A's to earn that type of money."* Clearly this was a reconstruction of snippets of other allegations which Fritz had previously made and in relation to which he provided no direct evidence or claimed any direct knowledge. Once again, no reliance could be placed on this allegation.

Fritz provided no basis at all for his allegation that a number of early releases and overnight leaves of absence were given to prostitutes.

After Fritz's evidence was completed, the Commission was left with the original source for the newspaper prostitution allegations having provided no direct evidence of any of the allegations. Further, other than the Adams statement, which it had become apparent was substantially based on the same alleged source, namely, Fuller, there was absolutely no corroboration for the allegations.

1.3 THE RESPONSE OF THE PERSONS ACCUSED

Notwithstanding the absence of direct, credible evidence of impropriety by any person, those persons the subject of the allegations were given the opportunity to respond to them, as a matter of fairness.

1.3.1 REBECCA JANE FULLER

At the time of her giving evidence, Fuller was a single woman, 20 years of age, who had been sentenced to a period of six years' imprisonment for an offence of armed robbery. She was serving her sentence at the Brisbane Correctional Centre. Fuller gave her evidence in a frank and persuasive manner. She was not evasive and appeared to answer each question honestly and to the best of her knowledge. One could go as far as to say that she was an impressive witness.

She categorically denied any involvement in prostitution within the Brisbane Correctional Centre. She also denied having ever received a visit from anyone who was trying to procure her to work as a prostitute and also categorically denied having ever been approached by any employee at the prison to work as a prostitute. She stated that she had no knowledge of any prostitution being carried on by any female inmate from the Brisbane Correctional Centre.

She could only recall speaking to "A" on two occasions, once in relation to food and once in relation to his granting permission to open

the doors to allow fresh air into the maximum security area. There was never any discussions in relation to prostitution.

She denied ever meeting Fritz and, consequently, having any discussions with him. She did, however, admit to knowing Adams whom she had met occasionally in the prison nursery, (also known as the fernery), when Adams was permitted to assist, under supervision, the female inmates with the heavy lifting work. She denied ever discussing matters of prostitution with Adams and claimed to have only discussed minor matters with him, although she did ascertain from him that he had a girlfriend who was an inmate in the female section of the Brisbane Correctional Centre.

Fuller gave evidence that she had been in Queensland only two weeks prior to her arrest and was not familiar with any brothels in Queensland. This clearly limited her opportunity to become involved in prostitution in Queensland. Furthermore, the evidence before the Commission shows that Fuller was only released on leave of absence on two occasions. The first time was in March 1990, some eight or nine months prior to the allegations being promulgated. On this occasion she was released into the custody of a prison chaplain who took her to a self-esteem course at Scarborough and then returned her to prison. At all times they were in each other's company. On the only other occasion when she applied for leave of absence, she was once again given the opportunity to attend the course at Scarborough. The circumstances of that case, according to Fuller, were that she walked

around to the prison chaplain's home with a view to being taken to Scarborough, but after indicating to her that she was just going down to the shop, did not return. Instead, she went to a hotel where she got drunk. She then left the hotel and went to a friend's place where she lost consciousness. She was located by police officers some sixteen hours after her initial release. They returned her to prison. She was breached for her indiscretion. She denied being involved in any act of prostitution during this time. Clearly, Fuller had only one opportunity to attend a brothel. According to Adams' statement, Fuller was approached by "A" after being breached, to work as a prostitute. She was never released after having been breached!

1.3.2 CARLA MARION PHILLIPS

At the time of giving her evidence, Phillips had been released from Brisbane Correctional Centre where she had served a sentence of imprisonment imposed in August 1987 for offences of receiving stolen property and Bankcard fraud. She has an extensive criminal history dating back to 1976, but of note is the fact that she has no convictions for prostitution. At times in her life she has been addicted to drugs. When she appeared before the Commission she was unemployed and resided with the same prison chaplain in whose custody Fuller had been placed. Despite her background, she generally presented well as a witness.

She claimed not to know of any inmate or prison officer being involved in prostitution at the Brisbane Correctional Centre. She further stated that she had no knowledge of any brothels at Fortitude Valley or West End. She specifically denied any involvement in prostitution whilst she was on leave of absence, although she did admit that she was involved in obtaining drugs when she was on leave of absence. The question of her dealings with drugs will be canvassed more fully later in the report. Although Phillips had the opportunity to act as a prostitute whilst on her leaves of absence, it would indeed be strange that she would falsely deny these allegations when she admitted to being involved in drugs whilst on leave of absence.

She also admitted to taking drugs into prison when returning from leave of absence and conceded that she discussed this with Adams whom she knew from the fernery. However, she denied any conversation with him concerning prostitution. She denied knowing or speaking to Fritz.

When asked specifically whether she had been approached by "A" to work as a prostitute, she adamantly replied, "No". She in fact indicated that she was not on friendly terms with him as he had placed her in the lock-up on a number of occasions for internal disciplinary reasons.

1.3.3 "A"

"A" is employed as a senior officer within the Queensland Corrective Services Commission. He has an impeccable record and impressed as a

witness of truth. He gave evidence that he was employed at the Women's Division of the Brisbane Correctional Centre between 7 January 1990 and 15 February 1990 in the capacity of inspector and administrator. He absolutely denied any involvement with a prostitution racket involving female prisoners. He specifically denied recruiting any female prisoners to work in a brothel at any time and he also denied arranging early release or leave of absence to enable female inmates to work in brothels. Furthermore, he denied that he ever attempted to procure a prisoner to become a prostitute or to prostitute herself in exchange for early release or leave of absence. Finally, he denied any past or present involvement whatsoever in the ownership or management of any massage parlour or brothel.

He acknowledged knowing Fuller and Phillips in his official capacity at the Women's Division of the Brisbane Correctional Centre, but denied ever speaking to them about prostitution.

Bearing in mind that "A" was at the Brisbane Correctional Centre for only a brief period, it is hard to accept that in that time he could have masterminded any racket, let alone one involving prisoners and prostitution.

1.4 CONCLUSION IN RELATION TO NEWSPAPER PROSTITUTION ALLEGATIONS

Notwithstanding the lack of opportunity to test the allegations made by Adams in Exhibit 191, there is no doubt that his allegations as well as

those of Fritz are baseless and mischievous. All the objective facts point to the allegations being false. Further, the Commission's assessment of the credibility of the relevant witnesses points strongly to the allegations being false. Another telling factor is that despite wide publicity in the press of the public hearings, not one other person came forward to give evidence inculcating those named or any other persons in the alleged racket or scheme. There can be no doubt that the allegations were created by persons who had ulterior motives. Although Fritz had a clear motive, it is not possible to attribute with certainty one to Adams. Perhaps he was unwittingly being used by Fritz with whom he was living in a trustee house at the male division. In any event, these allegations have been established to be untrue.

2. FURTHER ALLEGATIONS OF PROSTITUTION MADE

Connor and O'Connor provided the names of other persons who they claimed could assist the Commission with information pertaining to prostitution. A number of these persons was called to give evidence before the Commission. Much of the information was in the form of general allegations against "B", a former senior female prison officer.

Other information revolved around an inmate, Karen Tonkin. Further information suggested that prison officers were "*moonlighting*" as prostitutes. The report will now canvass the evidence in relation to these three areas.