

**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



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QUEENSLAND

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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



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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.

There were other allegations relating to prostitution or sexual impropriety, listed in Exhibit 173. They were to be the subject of evidence before the Commission. However, after further investigation of the allegations, the Commission decided not to lead any evidence concerning them. Those who had originally made the allegations, in the main, resiled from them. It is not intended to refer further to these matters in this report, other than to say there was no evidence to support them.

3. ALLEGATIONS OF PROSTITUTION CONCERNING "B"

3.1 THE ALLEGATION AND ITS SOURCE

An associate of O'Connor, and an informant to Connor, Thomas William Challis, gave evidence that prior to November 1989 he was employed as the Acting Chief Officer in charge of security services with the Brisbane Prison. In November of that year he accepted a redundancy package from the Queensland Corrective Services Commission. He stated that during his employ at the Brisbane Prison, he received information from various female prison officers to the effect that female prisoners could be involved in paid sexual activity with or in conjunction with a former senior prison officer named "B". The essence of the information was that "B" had taken either current or past female prisoners to a unit on the Gold Coast for periods of three to

seven days for sexual activity with either herself or for paying customers.

She had been a prison officer for some 15 years and had reached the rank of superintendent. In February 1989 she was made redundant.

Challis could not give any details of the allegation other than to say that he had received his information from former Correctional Officers Mrs Yvonne Gates and Mrs Helen Glegg and current Correctional Officer, Mrs Delphine Baxter. Challis also stated that Gates had informed him that "B" and a senior officer¹¹ were in partnership in a brothel operating "*down the coast*" (at the Gold Coast) and female prisoners were being used as prostitutes there. Challis stated that this was only a rumour and he had no evidence to support it.

3.2 TRACING THE SOURCE OF THE ALLEGATIONS

Glegg was called before the Commission and was asked to give her knowledge of the allegations. She indicated that she had no direct evidence of them. She added that she was surprised that anyone could have formed such a suspicion of "B". Baxter also gave evidence before the Commission. She too had no direct evidence to give concerning the allegation. It would seem, however, that the third person mentioned by Challis, Gates, was in fact the originator of the allegations. She

¹¹ The name of the senior officer is subject to a suppression order. He will be referred to as "C" for the entire report. (See p.1447 of Transcript)

conceded in evidence that she had, in fact, talked the matter through with about half a dozen other prison officers, (this probably included Baxter, Glegg and Challis) at the time when the allegation was first raised, in 1987.

3.3 THE PURSUIT OF THE BASIS OF THE ALLEGATIONS

Gates had originally gained employment with the Prisons Department in November 1984 and remained in the service until 30 November 1990 when she retired on the grounds of ill-health. It appeared from the evidence that much of what Gates claimed as fact was either the product of a vivid imagination or unwarranted suspicion or both. An example of her vivid imagination can be seen when she gave evidence of going to "B's" quarters with Glegg where the door was answered by "B" who was naked and holding a glass of wine. When questioned about this incident Glegg stated she did not remember "B" being naked and believed that if she had been naked it was something she would have remembered, as one would expect. "B" totally denied the allegation. A striking example of Gates having an unwarranted suspicion was her belief that as hairdressers visited the prison to do the inmates' hair, when "B" took prisoners out on leave of absence to have their hair done there was an ulterior motive, namely, prostitution. In the circumstances, one could not be satisfied of the truth of any of Gates' evidence unless there was independent support for it.

When questioned as to the basis for the allegations attributed to her, Gates indicated that she only had suspicions. These suspicions were born from the fact that "B" took prisoners to the Gold Coast on leave of absence and she also took them to the hairdresser. When further questioned she added that a lot of the prisoners whom "B" took out were known drug users. On further examination, Gates conceded that she believed only two were drug users and that only one of those was also a prostitute. Despite lengthy examination she did not give any evidence of "C's" involvement.

Gates named four former inmates who were the subject of her suspicions. The Commission was able to locate two of these persons and they were called to give evidence before it. It is fair to say that both these persons were impressive and forthright witnesses. Both admitted staying with "B" on the Gold Coast. However, both categorically denied ever being asked to act as prostitutes by "B". Both also categorically denied ever acting as prostitutes. Furthermore, both stated that they had never heard of any female prisoner working or being asked to work as a prostitute whilst on leave of absence. These two witnesses spoke highly of "B" and stated they knew of no impropriety involving her. Neither of these witnesses was a prostitute or a drug user.

Both "B" and "C" were called before the Commission. They were very impressive witnesses. They denied categorically that they were involved in any impropriety.

"B" gave evidence that L.O.A's were not determined by her. They had to be approved by the Chief Superintendent or the Comptroller-General, Mr Alec Lobban. She stated that as the L.O.A. scheme was in its infancy there was a lot of opposition to it. She felt that many prison officers believed that the scheme was too liberal and that she, *"Should have had the jack boots on and the whip whipping them"*.

Despite this opposition "B" stated that she fully supported the new philosophy which was aimed at having prisoners returned to the community with acceptable standards. She accordingly volunteered to take inmates with her to a Gold Coast unit which she rented as a part of the rehabilitation process. She also gave evidence of having taken inmates to the hairdresser on her days off work because the inmates could obtain tints and fancy cuts for their hair rather than the basic hair cuts done in-house. She branded as scurrilous and atrocious the allegations which suggested prostitution or sexual impropriety took place on these or any occasions.

"C" denied owning or having any interest in a brothel. He also denied any knowledge of any Queensland Corrective Services Commission staff being associated with or involved in brothels or prostitution.

It is appropriate at this stage to record the fact that Gates also made an allegation that a former female prisoner, Fiona Young, had told her that she had obtained leave of absence to visit her two daughters, but instead of taking her to her two children they took her straight to the

Gold Coast. When asked by Gates why would they do this, Gates claimed that Young replied, "*Use your imagination, you know what sort of work I do.*" Gates stated that Young was a known prostitute on the Gold Coast and although she did not indicate who it was who took her to the coast, she gained the impression that it was staff of the female division who had taken her there to use her as a prostitute. On Gates' own evidence, this conclusion was an assumption. Once again, it could be regarded as an example of Gates' suspicious mind.

Young gave evidence and denied ever having that conversation with Gates. Young claimed that she was never granted leave of absence to visit her daughters, although she had made application to visit one of them at the Burns Unit of the Mater Hospital. That application had been refused because a prisoner had escaped the night before. Young, however, admitted that she did receive a week's leave of absence at the end of her sentence. She said that this leave of absence was automatic and there was no need for her to apply for it. During this period she did attend as a receptionist in a parlour on the Gold Coast, but no persons from the Queensland Corrective Services Commission in any way participated or suggested that she do so; she organized it herself. Given that Young had admitted working in the massage parlour during this week's leave of absence period and thereby breached her terms of release, it would indeed be strange if she falsely denied having the conversation with Gates.

There can be no doubt that these allegations against "B", "C", Young and the other former inmates were completely without substance.

It is fair to say that from the evidence given by Gates that she was opposed to the leave of absence programme and this may well, to some extent, account for her virulent suspicions concerning prostitution and leave of absence. It was quite clear from "B's" evidence that Gates was not the only prison officer opposed to the "*liberalization*" of prison philosophy. This climate of opposition helped to foment the jealousies and ill-feeling amongst prisoners and prison officers and, unfortunately, although well intentioned, the practice of allowing inmates to reside with prison officers merely fuelled the fire.

4. THE ALLEGATIONS SURROUNDING KAREN TONKIN

4.1 BACKGROUND TO THE ALLEGATIONS

Karen Jeanette Tonkin was sentenced to life imprisonment for the offence of manslaughter in 1974. Since that time she has been in custody, except for a period between 10 August 1989 and 15 February 1991, during which period she had escaped from custody. At the commencement of the public hearings in January 1991, Tonkin was still at large and at that time it was thought that she would not be able to give evidence before the Inquiry. She was, however, apprehended and returned to the jurisdiction. In her absence, former Prison Officer Gates

claimed that Tonkin had made allegations to her, alleging impropriety by other prison officers, Peter Brougham and Michael O'Leary. These allegations revolved around a period during which Tonkin had been permitted leave of absence to promote her rehabilitation and to prepare her for parole.

In 1986 a scheme was trialled by the Prisons Department, allowing prisoners to be released into the care of prison officers. Tonkin was, in fact, the first participant in this scheme and she stayed with Peter Brougham and his wife Debbie from March 1986 until October 1986. In October 1986 she left the Brougham's private residence at Beachmere and moved into a flat at Caboolture where she resided until March 1987, at which time she was returned to prison.

4.2 GATES' EVIDENCE

Gates claimed that after Tonkin had been returned to prison in 1987, she confided in Gates and told her the following:

- That she hated living with the Brougham's because Peter Brougham was for ever wanting sex with her. He used to get her drunk and then they would have sex. As a result of this she could not stand it any longer so she moved into her own flat in Caboolture.

- One night when she was asleep in the flat, she saw a very tall, slim dark-haired man about to climb out of the bathroom window. She started screaming and the man left. The next morning there was a plastic bag with drugs in the lounge room. Sometime later she received a phone call from Peter Brougham who stated, *"You know how easy it is to set you up? Either you work for us at Cosmos, or you will be back inside for good."* (Cosmos was a massage parlour in Brisbane at that time).
- During one New Year's Eve, Peter Brougham drove her from Maleny to Brisbane where they pulled up outside the Cosmos Massage Parlour. They both went inside and met Mike O'Leary who was waiting for them. They told her that if she did not work there full-time she would be going back to the prison. She believed Mike O'Leary and Peter Brougham owned Cosmos Massage Parlour.

Gates also gave evidence that Debbie Brougham had shown her a newspaper advertisement sometime shortly after Tonkin was returned to prison in 1987.¹² She said that Debbie Brougham told her this was Tonkin's phone number, referring to a telephone number at the foot of a massage advertisement in the local Caboolture newspaper. Gates said she was handed three colour photographs, all the same size, about 5" x 4" or 6" x 4". One depicted Karen Tonkin lying alone on a bed. She

¹² See Exhibit 214

was naked except for black garters and black stockings. The second photograph was of Tonkin naked, except for the same scant clothes, embracing another woman, who was unknown to her and who was also totally naked. The third photograph was Tonkin dressed in the same way lying on the same bed with Debbie Brougham kneeling beside the bed on the floor. Debbie Brougham was wearing a pair of bikini pants and nothing else. She was leaning over Tonkin, but did not appear to be touching her. This last photograph had Debbie Brougham in profile and Tonkin lying on her back on the bed. Gates claimed that at the time she said she was quite disgusted with the photographs and Debbie Brougham just laughed and walked away.

4.3 DENIALS BY THE BROUGHAMS AND O'LEARY

The evidence of Mr and Mrs Brougham and O'Leary was heard prior to Tonkin giving her evidence as at that time Tonkin had not been recaptured. O'Leary gave evidence that he was formerly employed by the prison authorities for approximately 15 years. He retired in January 1990. He gave evidence that he was the manager of strategic planning and was involved in establishing the early release programme in which Tonkin was the first to participate. (This is also the programme in which "B" participated on the Gold Coast with inmates).

O'Leary described as laughable the allegations made against him. He claimed that there were vicious rumours being spread by people who deliberately fabricated them to cause him and others injury. He also

claimed that the same people were responsible for the accusations against "B" and the ruination of her career.

He did admit being responsible for the cancellation of Tonkin's leave of absence. He had received information from a Senior Sergeant Trevor Ross of the Licensing Branch that she had been seen at a massage parlour on a particular night and as a result of that, he, in company with the Acting Superintendent of the Female Division and another officer from head office, went to Tonkin's flat and brought her back to prison. He gave evidence that this was the only occasion on which he met Tonkin outside of the prison premises. He explained that this information was the final straw that broke the camel's back as she had been a difficult subject. He then wrote a full report to the Minister explaining the circumstances of the revocation of leave of absence.

In the witness-box O'Leary appeared genuinely indignant at being the subject of these allegations. He was impressive as a witness and the Commission has no difficulty in accepting his denials completely.

Deborah Jane Brougham gave evidence that she was a Senior Correctional Officer at the Brisbane Women's Correctional Centre and had been employed within the prison system for ten and a half years. She said that she approached O'Leary and expressed to him an interest in assisting with his initiatives and, subsequently, Tonkin was released to reside with her and her husband. She gave evidence that all three of them got on well together and *"there had been no great dramas"*. She

stated that they had gone away on trips together and had taken photographs of each other, but never any of the description claimed to have been seen by Gates. Mrs Brougham denied categorically that she had ever been involved in photographs with Tonkin where she was naked or topless and further denied ever showing Gates photographs of herself and Tonkin in a compromising situation. She did, however, produce a photograph¹³ which she claimed her husband found in a photograph album at the flat which Tonkin occupied after she had left the Brougham residence. She stated that she retained it and eventually showed it to the prison authorities. This photograph depicted two semi-clad women lying on a bed, looking at the camera. One of the women was Tonkin, the other has not been identified. She also stated they were never unclothed together. She further stated that as far as she was aware, nothing improper occurred between herself or her husband and Tonkin, either sexually or otherwise. She did agree that she had shown Gates the advertisement for massage services and explained that she provided a copy of this to the prison authorities at the time.

Peter Patrick Brougham gave evidence that he was a first class custodial officer who joined the Prison's Department in 1982. It is fair to say that he affirmed the evidence given by his wife and denied all the allegations involving them. He specifically denied having sex with Tonkin and also denied that he and his wife had been involved in any other sexual impropriety with her. He confirmed that he had only seen

¹³ See Exhibit 218

one photograph of Tonkin in a state of undress and that was Exhibit 218 which he found at Tonkin's flat. He stated that he wished Tonkin would return and dispel the allegations.

Mr Brougham claimed to have other matters to put before the Commission. However, he admitted he had no direct evidence of corruption and that the other issues were purely managerial.

The evidence of Peter and Debbie Brougham was internally consistent, as well as being consistent with the evidence of each other.

4.4 TONKIN'S EVIDENCE

When finally called before the Commission to give her evidence, Tonkin denied having any conversation with Gates along the lines suggested by Gates. Furthermore, she denied:

- that Michael O'Leary and Peter Brougham were ever involved in the ownership of a brothel and gave evidence that a convicted massage parlour owner, (whom she named), owned Cosmos;
- ever attending a New Year's Eve party at Maleny with Peter Brougham and ever being driven to Cosmos by him to see Michael O'Leary;

- ever being asked, required or pressured to work as a prostitute by any member of the prison staff;
- ever receiving a phone call from Peter Brougham in which he suggested that it would be easy to set her up with drugs;
- that there were in existence any photographs of her and Mrs Brougham in a compromising position. She did, however, identify Exhibit 218 as being a photograph of herself and a girl named Taffy, which was taken at Cosmos Massage Parlour and not at the Brougham's home.

She did, however, claim that whilst she was living with the Broughams, she and Mr Brougham engaged in sexual intercourse on a number of occasions. She added that there was no physical force used, but that it was *"more or less a psychological thing"*. She expressed it as an emotional-type of pressure, it not having ever been directly put to her to comply with his request. As she put it, *"It was just an understanding that existed between us."* She also claimed to have had sexual activity of a minor type with Mrs Brougham.

4.5 CONCLUSIONS

At the completion of the Tonkin evidence, the Commission was left with just two allegations outstanding; first, that Tonkin had had sex with Peter Brougham and, secondly, that she had had sexual activity of

a minor nature with Mrs Brougham. All other statements attributed to her had been specifically denied and there was no evidence to support either their truth or, indeed, the fact they had been made.

The question then arose whether Tonkin's evidence could be relied upon to form the basis for any adverse finding against the Broughams. In some areas Tonkin's evidence was unsatisfactory. For example, her explanation for the advertisement in the massage section of the newspaper, namely, that she was providing only therapeutic massage, was not credible in view of her previous convictions associated with prostitution and her subsequent attendance at the Cosmos Massage Parlour. Other parts of her evidence were credible and had the ring of truth.

The Commission considered the matter at length and formed the view that, before a conclusion adverse to the Brougham's could be made on her evidence, it had not only to be credible evidence in relation to that issue, but it also had to be supported by other apparently credible evidence. The Commission believed this was the appropriate approach, bearing in mind:

- her medical history which revealed extensive treatment of a psychiatric and psychological nature;
- her criminal history, which, prior to 1974, included offences for dishonesty;

- the sexual nature of the allegations;
- her apparent capacity to turn upon those who had assisted her in the past; and
- the unsatisfactory nature of some of her evidence.

The only possible independent evidence to support Tonkin was the alleged photograph or photographs of Mrs Brougham and Tonkin in compromising positions. Gates claimed that other prison officers, including Joanne Richardson, had seen these photographs.

When Challis was questioned about the photographs, he stated that he had never seen them, but had received information from both Gates and Richardson to the effect they had seen photographs of Tonkin and Mrs Brougham in compromising positions.

He stated that Gates described only two photographs to him, the first depicting Mrs Brougham and Tonkin lying on a bed in lingerie. He gave a description of this photograph, quite different from that given by Gates, including a description of the back of a male head at the foot of the bed. He added that Gates told him that, when Mrs Brougham offered to show her the second photograph so that she could see it more closely, Gates walked away and did not look at it, although she did recognize it as a photograph of Mr Brougham. This is clearly evidence which is inconsistent with testimony given by Gates.

Richardson was not called to give oral evidence, but in a statutory declaration tendered before the Commission, she categorically and emphatically denied having seen photographs of Mrs Brougham and Tonkin in a compromising position and also denied telling anybody that she had.

Interestingly enough, Baxter, when questioned, gave evidence that she saw possibly five or six photographs in the hands of some of the prison officers, two of which she held herself and could describe. Her description did not coincide with any other description given in evidence and, in fact, she claimed that the photographs that she had been shown at that time did not include Exhibit 218, which she had never seen before. Both of them, she said, depicted Tonkin and another woman in underwear. However, the other woman had her back to the photographer. She certainly saw no photographs of Mrs Brougham in a compromising position.

When assessing the evidence in relation to the alleged damning photograph(s), what highlights itself is the fact that only one person, Gates, came forward and gave evidence that she had actually seen a photograph of Debbie Brougham in a compromising position. Tonkin herself stated such photographs did not and could not exist. Challis' account of what Gates described to him about the photographs is also most instructive. Given these matters and the fact that such photographs were never produced, there is little difficulty in concluding that they never existed.

In light of the lack of any independent evidence, the Commission makes no adverse finding against either Mrs Brougham or her husband Peter. Notwithstanding this conclusion, it is quite obvious that there are inherent dangers in having prisoners reside with prison officers whilst on leave of absence. Allegations such as these are very easy to make and difficult to disprove. This situation has been recognized by the Queensland Corrective Services Commission and such a practice has ceased. Clearly it should not be reintroduced.

It is appropriate at this stage to make reference to evidence given by Hanran that he received a telephone call for Peter Brougham from Tonkin, whilst an escapee, and he (Mr Brougham) asked that the call be put through to the office of the General Manager, Mr Lewis. After putting the call through to the office, Hanran gave evidence that he proceeded to the office and asked whether the call had got through, to which Lewis replied in the affirmative. Hanran then asked Lewis whether he knew who it was, and he replied that he knew it was Tonkin. He then asked Lewis whether he had notified the police and he replied that he had not as he thought it was appropriate to keep it in-house at the moment. Lewis then told him not to tell anybody about it. Hanran stated that he thought it was strange that an escapee would contact a prison officer and that it should not be reported to the police.

In his statutory declaration¹⁴, Lewis confirmed asking Hanran to keep the matter quiet on the basis that it was a sensitive matter and he did

¹⁴ See Exhibit 492

not wish to jeopardise Tonkin's recapture. He stated that Mr Brougham had informed him that Tonkin was willing to give herself up, but wanted no publicity until the time that she was back in custody. Lewis proceeded to the office of the Director of Custodial Corrections, where he was informed that a police officer and a Reverend Alan Male in Melbourne were on stand-by to pick Tonkin up. Soon after, the Director and Lewis were informed that Tonkin had not appeared to give herself up.

In these circumstances, it was clear that the Victorian authorities were aware of the situation. One would suggest that Lewis was very prudent in asking Hanran not to tell anybody about the call as evidence before the Commission shows information spreads through the prison system very rapidly. The risk of publicity with such a high profile person was great and this had to be minimized to maximize the prospect of her voluntarily returning to custody. There is no evidence of impropriety.

5. ALLEGATIONS OF PRISON OFFICERS "MOONLIGHTING" AS PROSTITUTES

5.1 THE SOURCES OF THE ALLEGATIONS

Former prison officers Gates and Glegg gave hearsay evidence that prison officers Wendy Ewin, Evelyn Holmes and Chris Jackson were involved in prostitution. Gates' source was an ex-prisoner by the name of Jordana Kahn. Kahn allegedly told Gates that she saw the three

prison officers, during the time of their employ as prison officers, at a brothel in Kelvin Grove Road where they were high on drugs. Gates stressed that all she knew about this allegation was what she had been told by Kahn who herself was a drug addict and a known prostitute, according to Gates.

Gates also stated that she was asked by another prisoner, whom she could no longer remember, how Ewin could work as a prison officer when she was one of the highest paid, if not the highest paid, call-girl in Brisbane. Gates admitted that she did not pass this information on to anybody in authority as she was not sure whether the prisoner was serious or not. On its face this last allegation was not credible as it was hard to accept that the highest paid call-girl in Brisbane would also require a job in Brisbane Prison as a prison officer.

Glegg originally stated in evidence that she had been told by prostitutes in gaol that the same three prison officers were involved in prostitution and had been seen at parties with other prostitutes. When further examined on this point, Glegg conceded that she had not been told by prostitutes, but by an aboriginal inmate who, in fact, was not a prostitute. Therefore, the evidence had to be, at least, hearsay upon hearsay. Glegg's evidence in relation to this issue was totally unsatisfactory. Glegg also gave evidence that she saw Jordana Kahn ordered by Ewin to perform a task, but that Kahn responded to her, *"You are no better than I am. You only work out of a fancy unit."*

Despite extensive attempts to locate Kahn, she could not be traced by the Commission.

5.2 THE DENIALS

Jackson gave evidence and denied that she had ever worked as a call-girl or had ever been at any house in the company of Ewin and Holmes. She also denied taking illegal drugs. She stated that she had never heard allegations that Holmes and Ewin were involved in prostitution. Jackson claimed that a lot of officers had "*Had their noses out of joint*", because she had been transferred to home detention duties after only being employed for a short period with the department. She also stated that the home detention programme was innovative at that time and the "*old guard*" of prison officers was not happy with it. This "*old guard*", she claimed, included Gates and Glegg, who were anti-reformist and could not cope with the innovations within the Prison Service as they saw the new regime as very threatening.

Holmes gave evidence and she also denied the allegations. She further gave evidence that at the time when Ewin was alleged to have been seen in the massage parlour, she was about four months pregnant with twins. Both Holmes and Jackson were impressive witnesses.

Ewin was unable to attend and give evidence in view of illness. However, she submitted a statement for the Commission, in which she denied the allegations.

5.3 CONCLUSIONS

There was little difficulty in accepting the denials of those the subject of the allegations. In any event, Gates' evidence generally had been discredited, Glegg's was unsatisfactory in relation to this aspect and one could not dismiss the very real possibility that, even if Gates and Glegg were accurate in their statements, the prisoners had been maliciously lying. The Commission makes no adverse finding against the three prison officers.

6. ALLEGATIONS CONCERNING ANN MARIE TILLEY

After the public hearings had been completed, the Commission was apprised by Ray Connor that leaked police information had been tabled in Parliament on Friday, 31 May 1991. He claimed this information established that Ann Marie Tilley was running a brothel, (*"Bunny's Relaxation Centre"*) from Brisbane Women's Prison.

The Commission made inquiries to ascertain the source of the information that had been tabled and eventually interviewed the police officer who had prepared the original report which had been the basis for the Parliamentary disclosures. In a statutory declaration dated 7 June 1991, he declared, inter alia, in relation to his report, the following:

"I have closely perused the information included under the heading 'Bunnies Relaxation Centre'. I stated that the business is owned and operated by Ann Marie TILLEY. I also stated that TILLEY is presently an in-mate of the Brisbane Correctional Centre. I have no evidence to support my Statement that the business is owned and operated by Ann Marie TILLEY and on reflection it was an unfortunate choice of words to state that the business is owned and operated by Ann Marie TILLEY. I intended to convey that the business was previously owned and operated by TILLEY.

I have no evidence or knowledge that TILLEY presently owns or operates 'Bunnies Relaxation Centre' or other premises conducting similar business.

I have no evidence or knowledge that Ann Marie TILLEY is conducting any type of business from the confines of the Brisbane Womens Prison.

I have no evidence or knowledge of any inmate of any correctional centre or Prison being involved in any form of prostitution."

Officers from the Commission also made inquiries with senior officers of the Queensland Police Service, who were responsible for the policing

of brothels. None of these officers had any evidence that Tilley was conducting the business known as "*Bunny's Relaxation Centre*" or taking any active interest in it from the Women's Division of the Brisbane Correctional Centre. Moreover, they had no evidence of any other brothel being operated by Tilley.

There is simply no evidence of current activity relating to prostitution by Tilley or any officer of the Queensland Corrective Services Commission.

B. THE VIDEO TAPE ALLEGATIONS

1. THE GENERAL NATURE OF THE ALLEGATIONS

On 25 October 1990, Mr Connor MLA stated in Parliament that:

- He had evidence in relation to the trafficking and use of drugs in gaols in Queensland;
- He had video tapes of instances of drug trafficking that were filmed within a Queensland prison some months prior;
- The video tapes specifically showed that contraband and, most certainly drugs, had been exchanged;
- The video taped evidence was forwarded to a senior member of the staff of one of the prisons, but that no action was taken;
- The evidence was embarrassing for the Queensland Corrective Services Commission and that if it went ahead with prosecution or with any form of investigation of the prisoners involved, it would bring the problems out into the open.

On the same day, Connor made a complaint to the Criminal Justice Commission along the same lines as his statement in Parliament and

delivered into the custody of the Criminal Justice Commission the video tape evidence which consisted of three video tapes¹.

On 6 November 1990 Connor further stated in Parliament that the police External Investigation Unit (E.I.U.) at the prison was not aware that it (presumably the prison) had material on video tape. That material, he stated, was stopped by Queensland Corrective Services Commission management from reaching the police.

2. THE VIDEO TAPES

A tactical criminal analyst with the Commission viewed the three video tapes in their entirety. He found that from the inscription on the tapes two of them had been taken on 30 June 1990 and the third on the next day, 1 July 1990. He prepared a statement² outlining those incidents which he regarded as being of an overtly suspicious nature. He highlighted two incidents which occurred on 30 June 1990 and appeared on the first two video tapes respectively. The first depicted two male prisoners lying in a grassed area within Brisbane Correctional Centre at approximately 9.30 a.m. As one prisoner (Danny Michael Richardson) stood up, he appeared to throw a small package with his right hand towards the other prisoner (Gabriel Gabriel) still lying on the ground. This second prisoner picked up the package and both prisoners then

¹ See Exhibits 459, 460 and 461

² See Exhibit 456 for the statement of Mark Richard Carmady

walked away. The second incident which occurred at approximately 10.02 a.m. depicted a laundry trolley parked unattended on a pathway within the same centre. A male prisoner (Saad Obied) approached the trolley with what appeared to be a small package in his left hand. He stopped at the trolley and used his right arm to pick up a parcel of linen. He then proceeded to move bundles of linen about in the trolley and, after a few minutes, carried away a small item.

In evidence it was conceded by all the Correctional Officers who were responsible for the making of the video tapes that these two incidents (each on one video tape) were the only ones of any real significance depicted in the three video tapes. (The third video tape, of a scene at the fence of the sports oval, was conceded to have no significance as it contained no evidence of any "*drug dealing*").

3. THE PRELIMINARIES TO THE MAKING OF THE VIDEO TAPES

From early 1989, the Internal Intelligence Section at the Brisbane Correctional Centre was manned by Correctional Officers Graeme Paul Davis, Norman McCrystal and Gary Robert Mitchell. The major function of the Intelligence Section was to detect whether drugs or other contraband were coming into the complex. Its other primary function was the general detection of wrongdoing by inmates. The section acted independently of other correctional officers, although its

senior officer, Davis, was responsible, ultimately, to the General Manager of the Centre.

Much of the information that was obtained by the section was forwarded to the E.I.U., which was the permanent police unit created to investigate prison matters. On occasions the staff of the two bodies worked closely together. At other times the EIU carried out operations without informing the Intelligence Section and vice versa. There was no requirement for the Intelligence Section to notify the E.I.U. of its operations.

At some time prior to Friday, 29 June 1990, Davis was advised by Correctional Officer Oliphant that he had received information that a possible drug drop could occur during the coming weekend and that the prisoners involved would be prisoners Pernich, Boyle and Else. Having received this information, Davis entered this into the diary³, which was used by the Intelligence Section, in order to communicate the details to Mitchell, who would be on the first weekend shift, namely 6 a.m. to 2 p.m. Mitchell was thereby apprised of the persons the subject of the confidential information.

Upon receiving this information, Mitchell, (it is not certain whether this was done in consultation with Davis), decided to set up a video camera in the vicinity of the Intelligence Section office which overlooked the area in front of "C" wing. It was believed that this was the most likely

³ See confidential Exhibit 465

area in which drugs would be passed. Mitchell enlisted the assistance of two officers from the Riot Response Group, Simon Caldwell and Stephen King to assist him. At approximately 6 a.m. on Saturday, 30 June 1990, the camera was set up behind the clear glass louvres of the Intelligence Section office window and was trained on the area in front of "C" wing. It was not the first time surveillance had been undertaken from this location.

Soon after 6 a.m., Mitchell sent another officer down to the area in front of "C" wing to see whether he could see the camera from that position. After this officer reported that the camera could not be seen, surveillance commenced.

Mitchell, stated that, prior to the commencement of the surveillance, he had decided not to search any of the prisoners who were filmed because he had received a request some days before from Detective Sergeant Paul Scanlan of the External Investigations Unit not to target "C" wing too heavily as the External Investigations Unit was involved in some inquiries involving "C" wing.

4. THE SURVEILLANCE

By the time that the incident involving the two prisoners, Richardson and Gabriel occurred, surveillance had been under way for just over

three hours. During that time, Mitchell, Caldwell and King had been joined by an observer Correctional Officer, Neville Brian Miller.

Mitchell, who was in charge of the surveillance at that stage, gave evidence that his suspicions were raised at the time of the first incident because of the very fact that something was passed between the two prisoners and the way it was passed. He was unable to state what the object was from his observation point, even with the subsequent assistance of the video tape. He conceded that it may have been a packet of cigarettes. King, who also saw the incident occur, was only able to say that at the time he thought it was an object of rectangular shape. He also conceded it may have been a cigarette packet after viewing the video tape. Caldwell's recollection of the incident was that he remembers seeing some little packet being dropped by one of the prisoners and the other picked it up and then walked away. He also stated his belief that it was about the size and dimensions of a cigarette packet. Miller was unable to assist as he was looking at prisoner Boyle at the time of the passing of the article.

By the time the second incident occurred at 10.02 a.m., Miller had left the Intelligence Section. Mitchell saw the incident and stated that it was insignificant at the time and that he still believed that to be the case. Caldwell cannot remember seeing this incident as he believes he was out following Boyle. King suggested that the fact that the laundry trolley was at that location at that time was of itself suspicious. However, he did later concede that if the trolley had come from the

store rather than the laundry as he first thought, which on the evidence was a possibility, then there was nothing suspicious about its location.

It is fair to say that none of the eye witnesses to these two incidents was convinced that they had "hit the jackpot". The situation can possibly be best summed up by three questions asked by the Chairman and Mitchell's response to them.

Q: "So it really wasn't treated as a matter of enormous importance, was it?"

A: On reflection, after we'd viewed the video tapes, we weren't quite sure whether or not there were drugs there.

Q: Right. And that is really the crux of the thing isn't it?

A: That's correct.

Q: And is that still your state of mind?

A: I'm still not sure that drugs were passed."

5. DELIVERY OF THE VIDEO TAPES TO THE GENERAL MANAGER

At the completion of Mitchell's shift at 2 p.m. on the Saturday, Davis took over from him. However, no surveillance was carried out during Davis' shift. Davis, instead, viewed the two surveillance tapes which had been produced that morning and early afternoon by Mitchell. Parts of the tapes were shown by Davis to the Operations Manager, Brad Lingard, who instructed Davis to brief the General Manager, Lewis, on the contents of the tapes. As Davis was not on duty on Monday, he gathered together the two video tapes, the report the officers had made during the surveillance (the surveillance log) and the video tape that he produced during a period of surveillance on Sunday, and placed them in a locker in the Intelligence Section office, with the instructions for Mitchell to take them to Lewis on Monday morning.

On Monday morning, Mitchell informed the General Manager that a surveillance job had been done over the weekend and the video tapes were the result of that operation. Mitchell did not remember what was the nature of the discussions he had at the time with Lewis, other than Lewis' informing him that he would take the videos home and view them.

Lewis' account of this conversation is that Mitchell provided him with the tapes and indicated that he would find them interesting, especially the areas indicated. He claimed that Mitchell did not say anything else

concerning the tapes reflecting evidence of drug trafficking within the Centre.

The following day, Tuesday, Davis returned to work and went to the General Manager's office where the three video tapes and the surveillance log were returned to him. Davis claims that Lewis told him that he agreed that what had been seen was a transfer of contraband and that he would handle the matter with the police. Davis then returned to the Intelligence Section office with the tapes and placed them in the press. No action was taken to lock the press or in any way secure the tapes.

In Lewis' statutory declaration⁴, he stated that he did not consider the tapes in themselves to show anything particularly suspicious, but that he had to treat everything seriously. He discussed the matter with his Operations Manager, Lingard and as a result, a number of searches was carried out, including searches in respect of some of the prisoners involved in the video tape recorded incident. He further stated that prisoner Obied was concentrated on, although to no avail.

Lewis further stated that cell searches were increased and surveillance on visitors was also increased. He added that around this time the Queensland Corrective Services Commission was trying to reduce the number of prisoners held at the Brisbane Correctional Centre and, accordingly, he took the opportunity to transfer prisoners who were

⁴ See Exhibit 492

suspected of dealing in drugs, from that centre in order to break up any circles that might have existed.

6. NOTIFYING THE POLICE

At this stage it is important to note that, although Mitchell stated that he was not certain whether he contacted the E.I.U. on Saturday morning to indicate to them that he was carrying out surveillance work, an entry in a report by Detective Sergeant 2/C Scanlan of the E.I.U. dated 2 August 1990 records that on Saturday, 30 June 1990, he was advised by Correctional Officer Mitchell of grouping activities of inmates near the general store and that these activities were being video-taped. The report went on to say that Scanlan advised Correctional Officer Mitchell to use extreme caution. This report⁵ related to "*Operation Pigeon*" which was a drug operation carried out by the E.I.U. after consultation with Lewis, between 19 June 1990 and 30 July 1990.

Despite Mitchell's not being able to remember contacting the E.I.U. about the tapes subsequent to that weekend, an entry on July 4 1990 in the diary used by the Intelligence Section records that Mitchell received a phone call from Scanlan and at that time passed to him information concerning the video tapes.

⁵ See Annexure C to confidential Exhibit 491

7. EVIDENCE OF THE INMATES

Gabriel identified himself as the person who picked up the article which had been thrown to the ground during the first incident. He opined that the article was a folded up piece of paper with an address on it. However, later in cross-examination he conceded that it may well have been a packet of cigarettes or a cigarette lighter. In any event, he stated that he was sure that it was not drugs as he had never brought drugs into the Centre. He had no knowledge of any other inmate bringing drugs into the Centre.

Richardson identified himself as the inmate who threw the article and was adamant that it was a box of Redhead matches. He also denied that there were any drugs in the article and that he ever brought drugs into the prison.

In relation to the other incident, Obied denied ever handling any drugs in the Brisbane Correctional Centre. He explained his presence at the laundry trolley as assisting an elderly inmate. He indicated that at that time he did not work in the laundry.

8. EVIDENCE OF DRUG TRAFFICKING?

It is fair to say that there was absolutely no evidence of transmission of drugs or any other contraband in the video tapes. If there were drugs

or contraband involved in the two incidents, a search was required at the time to ascertain that fact. Mitchell's decision not to search at the time, of course, prevented this occurring.

The Commission is far from convinced that there were in fact drugs being transmitted in these two incidents. The following factors militate strongly against that possibility:

- The passing of the article from Richardson to Gabriel was done at a time when surveillance would have been at its greatest, i.e., as Richardson stood up. He had plenty of opportunity to pass it surreptitiously when the two inmates were lying on the grass;
- These two incidents occurred within a few yards of the Intelligence Section office, which is well known to the inmates of the complex;
- The articles could easily have been passed surreptitiously in a cell, kitchen, toilets or other areas not subject to any external surveillance;
- Those depicted in the incidents were not those referred to in the confidential information provided by Oliphant, i.e., Pernich, Boyle and Else;

- At times the inmates in the incidents appeared to be "*hamming it up*". (It should be noted that this accords with the view of the General Manager, Lewis);
- A view/inspection made by the Commission of the scene, revealed that persons in the Intelligence Section office would readily have been seen from where Gabriel and Richardson were lying.

9. CONCLUSION

The firm view of the Commission is that at the time the video tapes were treated with almost casual disregard. They were not secured; the tabs were not taken out of the tapes to ensure that erasure could not occur; and Mitchell, who was in the best position to judge the incidents, thought the incidents were of little consequence.

Most instructive is the Intelligence Section report by Davis, covering the relevant period⁶. Despite a lengthy account of the section's activities for the period 28 June 1990 to 4 July 1990, there was absolutely no reference to the video tapes or the subject matter of the video tapes. Davis, in evidence, admitted that he did not contact the E.I.U. or any person in authority in the Queensland Corrective Services Commission. If it was a genuine concern to him, one would imagine

⁶ See attachment "B" to confidential Exhibit 490

that he would have contacted them as soon as he believed that no action was being taken.

There was no evidence of drug trafficking recorded on the video tapes. In the circumstances, Lewis' actions were appropriate. Any suggestion that the E.I.U. had not been informed or that the Queensland Corrective Services Commission hid the video tapes from the police is patently incorrect.

10. THE MACHINATIONS OF THE CORRECTIONAL OFFICERS

Bearing in mind Mitchell's acceptance at the time that the incidents were considered insignificant, and the lack of reference to the incidents in Davis' surveillance report for that period, it is difficult to explain why the video tapes were removed from the Brisbane Correctional Centre to be used as evidence of inactivity by the Queensland Corrective Services Commission. The truth, it would seem, lies in the fact that a number of correctional officers and former correctional officers were attempting to embarrass that Commission. Miller, after receiving the protection of the immunity provisions of the Act⁷, gave the following account of the removal of the video tapes. He admitted discussing with Challis in October 1990, (after Challis had accepted his

⁷ Section 3.24 provides that a statement made by a witness before the Commission after he has objected to making the statement on the grounds that it would tend to incriminate him is not admissible against the person in civil, disciplinary or criminal proceedings.

redundancy package), and that he and O'Connor were seeking to get as much evidence as they could on the drug problem and corruption in Corrective Services. Miller volunteered to Challis that the tapes were in existence. He stated that he telephoned Davis and asked him whether the tapes were in the intelligence office, but as Davis did not know, Davis said he would make inquiries for him. The next day Davis rang back and told him the tapes were still in the intelligence room and that Miller could obtain them if he wished. Davis spoke to James Reginald Veale, who was the officer in charge of the tapes, and an arrangement was struck for them to be passed to Miller. (This was not consistent with the version given by Veale). Miller claimed that he told Veale that he was to take the tapes out of the Centre and then he was going to copy them and give the copies to O'Connor. (This was denied by Veale). Miller obtained the tapes and then took them to his home, from where he rang Challis. Soon after, Challis and Mr Joe Gates arrived at his house. Gates is the husband of Yvonne Gates. Mr Gates is also an officer who had left the employ of the Queensland Corrective Services Commission after taking a redundancy package.

The tapes were viewed by Challis, Mr Gates and Miller at Miller's house and Challis then left with them. Challis was to provide them to O'Connor. Soon after Challis returned the tapes to Miller, but required them back from him after it became apparent that the duplication of the tapes had not been successful. The day after the tapes were returned to Challis, Miller received a telephone call to visit Connor's office and he did so. Also present was a number of other current and past

correctional officers. Those present were Challis, Mr Robert Coops, Brougham and Davis. Also present were Connor and representatives of the media. It is unclear whether O'Connor was present, although it is certain that he was centrally involved with the production of the video tapes to Connor.

It is clear that most of those present at Connor's office had a motive to undermine the work of the Queensland Corrective Services Commission. O'Connor, Challis and Mr Gates had been made redundant. At least Challis and O'Connor were clearly from the "*old guard*", as it appeared from their evidence. They extolled the virtues of the old prison philosophy.

Brougham was a union representative and had been previously sacked by the Queensland Corrective Services Commission, although reinstated upon appeal. He, too, from the evidence, one could reasonably conclude held an antipathy towards the Queensland Corrective Services Commission.

Davis gave evidence that he went to Connor's office because he thought the video tapes were yet another example of a lack of action by the Queensland Corrective Services Commission as far as the drug problems in gaols went. This is somewhat inconsistent with his inaction after the weekend commencing 30 June 1990.

On the other hand, Miller, also, was clearly of the "old guard", the "lock them up and forget them" type. (These phrases were used in evidence at different times during the hearings). He asserted that there was an easing of policy in respect of drugs by prison authorities, but when put to proof, could not establish this. It could be said that Miller's concern about the movement of drugs in prison bordered on the obsessive. The notations in his diary⁸ concerning the distribution of drugs were, at times, patently incorrect.

Some insight into Miller's motivation behind the provision of the information to Connor may be seen in his diary where, in reference to the then proposed breaking up of the Security Squad of the prison, Miller wrote (in an entry on 28 July 1990) the following:

"I started a rumour in the prison today on the lines that the squad was making up a list of crims who were troublemakers and they were going to be shipped to Lotus Glen in the middle of the night and that any crim who played up after the squad is disbanded will be sent to the North. I also told the weak-gutted screws that the squad was going to take over the gaol and run it properly for a change so the place is buzzing like a top at the moment. With a bit of luck the crims will go off and we won't be broken up."

⁸ See confidential Exhibit 494

Miller conceded in evidence that his intention in putting that rumour into circulation at the time was so the inmates would either riot or rebel in the gaol.

He was aggrieved at the proposal (and its subsequent implementation) to disband the Security Squad.

Given the motives of these current and past correctional officers who had teamed together to provide Connor with the video tapes and the telling fact of the media being present at the meeting in Connor's office, it is reasonable to conclude that, in an attempt to embarrass the Queensland Corrective Services Commission, Connor was duped into the belief that the video tapes had a significance which they did not possess. The Commission is fortified in its view by the fact that, when Connor made his statement in Parliament, he claimed that the E.I.U. were not aware of the material on the video tapes and further that the material had been stopped by the Queensland Corrective Services Commission management from reaching the police. Assuming that Connor was acting upon information given to him, and there is no reason to suggest that he was not, he had been fed information which was clearly wrong and inconsistent with the documentary evidence that was available to his sources.

C. DRUG ALLEGATIONS

1. THE AMBIT OF THE DRUG EVIDENCE LED IN THE PUBLIC HEARINGS

The Terms of Reference¹ restricted the Commission's inquiries, for the purpose of the public hearings, to those allegations relating to drugs which involved, to some extent, correctional officer participation, acquiescence or forbearance. Therefore, where the allegation did not suggest correctional officer involvement, its investigation was not the subject of evidence before the inquiry.

The report will now address each of the allegations which was the subject of evidence and which fell within the Terms of Reference.

2. THE DRUG ALLEGATIONS OF PATRICK JOHN O'CONNOR

2.1 O'CONNOR AS A WITNESS

O'Connor made a number of allegations all of which were hearsay. It is appropriate at this stage to comment further upon his evidence. It was clear from his own evidence that he had left the employ of the Queensland Corrective Services Commission after much acrimony

¹ See Exhibit 172 for the Resolution of the Commission

between senior management and himself. The philosophies of the Commission were clearly inconsistent with his views which were those of the "old guard". He resented the introduction at senior management level of military officers who had management experience, but no prison background. It is fair to say that O'Connor believed that these jobs should have gone to persons with a prison background such as himself.

In cross-examination by Counsel appearing for the Queensland Corrective Services Commission, O'Connor was questioned in relation to his attitude to that Commission. At p.1099 of the transcript the following exchange appears:

"Q. You have talked to people about what you want to happen to the Corrective Services Commission, have not you?"

A. That is correct.

Q. Yes. And what have you said about it?"

A. I said the Corrective Services Commission should be investigated.

Q. Well, you have in fact said you wanted to bring the Commission to its knees, have not you?"

A. *I did say that.*

Q. *Yes, and who have you said that to?*

A. *Just about anyone that asked me.*

Q. *Right. So that has been your aim?*

A. *Not really.*

Q. *Not because of any illegal activity that you know about directly, but because of what has happened to you?*

A. *No, that is not correct. This commission here has systematically destroyed the service that----*

Q. *Right?*

A. *The prison service.¹²*

² In his submissions to the Commission, O'Connor complained that Counsel Assisting the Commission (in re-examination) should have taken the matter further and asked him (O'Connor) why he had made such statements. The above exchange, however, disclosed that O'Connor had already given an explanation. The Queensland Corrective Services Commission had, in his eyes, "*Systematically destroyed...the prison service*". It is noted that, in his submission, O'Connor's explanation for having made such statements was, "*It is obvious to me that after 17 loyal years of service to the Commission my services were terminated involuntarily because of highlighting mismanagement. I believed that by taking this matter to the proper authorities to be investigated the end result would have been the termination of the Corrective Services Commission.*"

He conceded that he had no direct evidence of any criminal activity, stating that his major concern was the administration of the Commission. It was not surprising, therefore, that the majority of his allegations related to alleged maladministration by the Queensland Corrective Services Commission. (These were not investigated by this Commission).

It is in this context that O'Connor's allegations must be gauged and assessed.

2.2 OBTAINING DRUGS FROM OFFICERS WITHIN THE HOSPITAL SECTION

O'Connor stated that in June/July 1990 he interviewed a number of prisoners about transfers and during one particular interview, a prisoner by the name of Brooks, volunteered that prisoners in "K" wing were obtaining drugs from officers within the hospital section. This prisoner claimed that he had informed management that officers were dealing in drugs and even that one prisoner had obtained a scalpel from the surgery. O'Connor added that some time after he had been told this by the prisoner, he informed Intelligence Officer McCrystal of this. He responded that he knew about it and had passed the information on to management, but nothing had been done about it.

O'Connor said that two days later he read in the newspaper that drugs and a scalpel had been found as a result of an investigation. He added that nothing appeared to have been done about the corrupt officer.

O'Connor's evidence in relation to this was not particularly credible. When it was put to him that an investigation had been carried out, he added that he had received information from sources to say that it was not a proper investigation. When asked who his sources were, he replied "*numerous officers that were involved in the search*". In effect, O'Connor's allegation changed from originally being that the investigation revealed a corrupt officer, about whom nothing was done, to one in which it was alleged that a genuine attempt was never made to locate the corrupt officer.

One would have expected that if O'Connor had been told by numerous officers that the investigation was not a proper one, at least one of those officers would have come forward with direct evidence for the Commission. After all it was made patently clear to O'Connor that the Commission was seeking direct evidence. No such officer was forthcoming. There is just no evidence of a corrupt officer's having been involved.

2.3 A FEMALE DISTRIBUTING DRUGS TO SEVERAL CORRECTIONAL CENTRES

It was alleged by O'Connor that a large quantity of drugs was regularly picked up by a female at a carvery in the Valley. This female subsequently visited prisoners at the Brisbane Correctional Centre, Female Division and Sir David Longland Correctional Centre, where she dropped off the drugs.

O'Connor said that the management had received information from the girlfriend of a prisoner Ogle in relation to this activity, including a copy of the girl's diary, but nothing was done about it and the female continued to visit the prisons.

O'Connor was unwilling to give the name of the source of this information as this person feared that he would be sacked if he spoke out because he had kept another copy of the girl's diary.

O'Connor's evidence concerning the distribution of drugs by this female is, at least, hearsay upon hearsay. When further questioned as to the fear held by his source, O'Connor stated that his source had said that, *"He was frightened that there might have been corruption in the prisons regarding the drugs and did not want everyone to know that he had a copy of the diary."* The allegation, in substance, was the alleged source's suspicion that there might be corruption in relation to facts that the source not have first hand knowledge of himself. Without the source, this could not be further sensibly investigated. Obviously no adverse finding can be made.

2.4 DRUGS COMING THROUGH THE VISITORS' AREA

O'Connor alleged that it was common knowledge that drugs were coming in through the visiting areas. People came in and dropped rubbish containing drugs and this was later swept up and picked up by prisoners.

He added that there were numerous allegations of this nature and that there were unlimited quantities of drugs coming into the gaol. However, he was unable to give any further particulars.

This unsourced hearsay information could not be further tested or investigated and no adverse finding could be made against any person, based on it. The introduction of drugs into correctional centres will be addressed later in the report.

2.5 NAMED OFFICERS BRINGING DRUGS INTO THE PRISON

O'Connor alleged that three persons (named by him) who were either employed or had been employed by the Queensland Corrective Services Commission were involved in bringing drugs into the prison.

He stated that the allegation had been all over the prison and several prisoners had approached him and informed him of the allegation. When examined further, he conceded that there were only two prisoners who had told him, but he had no idea of their names. When asked whether these prisoners were in gaol for drug offences, he replied that they were in for stealing.

What had originally been the subject of approaches by several prisoners turned out to be the information of just two prisoners who could not be named. This was another example of a hearsay allegation which could not be sourced and further investigated.

2.6 PRISONERS WITHIN GAOL ARRANGED HUGE DRUG DEALS OUTSIDE OF THE GAOL

O'Connor stated that he had received a letter from a named prison officer, saying that the prison officer had been asked by a prisoner whether he was interested in going to Bangkok and bringing back 5 kilograms of heroin. O'Connor stated that this letter from the prison officer, "*...documents the situation with drugs in gaols where prisoners were arranging huge deals outside the gaol from within.*"

Clearly, whatever else this approach to the prison officer showed, it did not show that huge drug deals were being arranged by prisoners inside the gaols. At best this was an approach to one prison officer who rejected it. There is no basis for a finding of impropriety by the Queensland Corrective Services Commission or its employees.

2.7 CONCLUSION

O'Connor's allegations were virtually incapable of further meaningful investigation. Bearing in mind his evidence to the effect that when the inquiry was publicized he was inundated with telephone calls from prison officers who trusted him and who had information for him, very little concrete evidence was forthcoming. This is, of course, consistent with drug activity involving prison officers being minimal or non-existent.

3. THE DRUG ALLEGATIONS OF THOMAS WILLIAM CHALLIS

3.1 CHALLIS AS A WITNESS

As previously stated, Challis left the employ of the Queensland Corrective Services Commission in November 1989 in circumstances which showed that he was clearly disaffected. He was a member of the Security Services within Brisbane Prison and he was of the "old guard". He associated with O'Connor, Gates, Glegg, Baxter and Miller. Prior to his retrenchment, his work in the prison involved gathering information and intelligence. It would appear from his evidence that much of the intelligence he received was from the close associates mentioned above. It would also appear from the evidence that much of this information had been circulated amongst these people, apparently gathering strength from its circulation. The inconsistencies between the versions of respective incidents given at various times by the above people, highlighted the danger of relying upon hearsay evidence.

Challis conceded that he had no personal knowledge of any of the drug matters and did not in any way personally authenticate them. Furthermore, he indicated that at the time he had made inquiries into a lot of the matters, he could not substantiate them and, to his knowledge, they had never been substantiated or corroborated. It is in this context that Challis' evidence must be considered.

3.2 PRIOR NOTIFICATION WAS REQUIRED BY "B" IN ORDER TO INTRODUCE DOGS INTO THE WOMEN'S PRISON.

Challis gave evidence that difficulties were caused by "B" in relation to drug raids and searches by drug dogs. He claimed "B" instructed that she was to receive prior notification of any drug raids that were to occur within her division. He claimed that the excuse given by "B" for prior notification was so that she could round up the pet cats in her division, to avoid their being chased by the drug dogs. He also stated that it would take up to one and a half hours for "B" to advise the Special Squad that it was clear to search the place. Challis claimed that while the cats were being rounded up, prisoners would flush the illegal substances down the toilet.

When questioned further as to the duration of this clearance, he conceded that one and a half hours was the longest period and normally it would take less time.

Ultimately, Challis conceded that the cats may have been injured by the dogs pursuing them. He also recognized that it was a useful ploy to round up the cats so that prisoners would react and flush any drugs in their possession down the toilet.

When "B" was questioned about this, she conceded that she did round up the cats before the dogs were allowed in, but it never occurred to

her that this in itself might have been a warning to the prisoners of a pending search by the Dog Squad.

There was no evidence upon which this Commission could make a finding that "B" acted improperly in this regard, though she clearly underestimated the efficiency of the inmate "grapevine".

3.3 THE DISAPPEARANCE OF DRUGS HANDED TO "B"

Challis gave evidence that another prison officer by the name of Allison Barker had told him that she had located a quantity of drugs (white powder suspected of being heroin), which she handed to "B". She claimed that the material subsequently disappeared. He added that, to the best of his recollection, Barker told him that "B" had screwed up the package which contained the drugs and threw it in the waste bin and "B", at this stage, allegedly said, *"She's having a terrible time. Let's forget about this."*, or words to that effect. He claimed that Barker then removed the suspected powder from the bin and gave it to Correctional Officer Woods so that he could have it analysed.

Counsel Assisting then read out to Challis details of an incident which was adumbrated in a statement to the Commission by Correctional Officer Allison Barker. He agreed this was the incident to which he referred. These details were as follows:

- Barker and another prison officer by the name of Watson went to the cell of a prisoner by the name of Lesley Ann Barker and found a piece of Glad Wrap which had tiny traces of white powder. They also located an empty plastic cotton wool bag with some dark brown stains on it underneath Barker's mattress. Also located were approximately two teaspoons of a sugar-like substance on the outside window ledge of the cell.
- Barker took the sugar-like substance and the other things she had located and wrapped them in a hand towel and went to "B's" office, where she told her of her discovery. "B" told her that she would go and speak to the prisoner Barker.
- After about 10 minutes "B" returned and stated that she had tested the white crystalline substance and found it to be sugar. "B" also said that she had spoken to the prisoner Barker, who admitted that she had brought a substance into prison in a plastic bag up her anal passage, but there was only enough for one fix of heroin and that had all been used up.
- Allison Barker then claimed that she was told by "B" to throw away the plastic bag and the other things.
- Prison Officer Barker, having thrown the things into the rubbish bin, later returned and retrieved the articles, wrapped them up and

gave them to another prison officer by the name of Ian Eggins who apparently gave them to the Drug Squad.

The allegations were investigated by Inspector Gilbert Aspinall of the Criminal Justice Commission. His inquiries revealed that the items located in Barker's cell³ were provided to Prisoner Officer Eggins, who in turn gave them to Prison Officer Brian Wood. On 25 January 1988, Wood handed the articles to Senior Constable Mark David Williams of the Drug Squad who forwarded them to the Government Analyst for analysis. The articles were analysed and the analyst's certificate⁴ reveals that no drugs were detected.

The records of the Government Chemical Laboratory show that for the relevant period, only one analyst's certificate was issued with respect to Lesley Ann Barker.

"B", in her evidence, stated that she remembered the incident, but it was very hazy to her. She could recall tasting the sugar-like substance from which she was able to determine that it was, in fact, normal sugar. She denied screwing up the package and throwing it in the waste bin and also denied saying, "*Let's forget about this.*", or words to that effect. She added that she remembered causing something to be sent to

³ See Exhibit 530 for these items

⁴ See Exhibits 443 and 530 for a copy of the analyst's certificate and the statement of Senior Constable Williams.

the analyst, but cannot remember what it was. This was done by forwarding it in the normal course of events to the nurse's station.

There is a clear conflict between "B" and the version given by Barker in relation to "B's" attitude to having the material analysed. Notwithstanding this, there was simply no evidence of the disappearance of any drugs and no drug was found in the material by the analyst.

3.4 DRUGS WENT MISSING FROM PRISON OFFICER WOODS' OFFICE

Challis stated that he had been told by Mrs Gates that she had handed a quantity of drugs to Wood and these drugs subsequently went missing from his office. Challis could provide no further information concerning the allegation.

Gates, in her evidence, stated that she had heard that Prison Officers Baxter and Barker had located a substance thought to be heroin and it was handed to Chief Prison Officer Wood. These drugs had subsequently disappeared. Gates stated that Prison Officer Barker had told her of this incident and that it took place in January 1988.

There would seem to be little doubt, after listening to Gates' evidence, that this incident is Gates' version, as related to Challis, of the Lesley Barker incident.

It is another case of information being communicated in the prison without full knowledge of the facts. Once again, there is no evidence of wrongdoing by prison staff.

4. THE DRUG ALLEGATIONS OF YVONNE DOROTHY GATES

Gates specified two drug allegations, both against "B". These in no way suggested involvement by "B" in drugs, but rather a reluctance by "B" to take action in relation to drugs. It is not necessary to repeat the previous comments made in relation to Gates as a witness, other than to say that there was an abundance of evidence to indicate that much of what Gates claimed as fact was either the product of a vivid imagination or unwarranted suspicion, or both. The drug allegations fell into this category.

4.1 "B" REFUSED TO ALLOW AN INTERNAL EXAMINATION TO BE CONDUCTED

Gates gave evidence that on one occasion when she was at reception, a certain prisoner (who was named) was strip searched and found not to be in possession of any contraband. On being asked if she had anything else to declare, this prisoner replied *"Not that you can get to. I've drugs inside of me and there's nothing you can do about it, so just give me my gear and let me get downstairs."* Gates interpreted the statement made by the prisoner to mean that she had drugs concealed

inside her vagina rather than in her blood stream. Gates then claimed that she went to "B" to get permission to have a cavity search carried out, but "B" stated, "... *it was an invasion of privacy or breach of human rights or something of that nature*", and refused to authorize the search.

There was no basis for Gates to have concluded that the drugs were, in fact, secreted in the prisoner's vagina. There is a clear power permitting cavity searches where it is reasonably believed that such a search would afford evidence of an offence. This was known to Gates and one would imagine that it was known by the prisoner. One would hardly expect the prisoner to taunt Gates in relation to a search that was possible. The inference to be drawn is that the drugs were in her bloodstream.

There is no evidence of any criminal misconduct by "B".

4.2 COVER-UP OF DRUGS BY "B"

Gates stated that in the early months of 1988, while still working in reception, she was involved in the inspection of mail. In one package, she noticed a T-shirt and a quantity of loose flakes which looked like naphthalene flakes, but they had no smell whatsoever. This material fell all over her uniform and on to the floor. She went to "B" and told her about the flakes, and "B" told her, "*Not to be paranoid, just throw the material in the bin*", which she did. This, she alleged, was a

cover-up by "B". When asked whether there were any other examples of a cover-up by "B", Gates said that, other than the previous allegation, she had no others. As to this material, there was no suggestion by Gates as to what drug it might have been.

This is another example of Gates' unwarranted suspicions. It is interesting to note that on Gates' own evidence, a known drug user, who was present at the time, was unable to identify the material. It is extremely unlikely, to say the least, to expect that drugs would be mailed into the prison in such a manner, especially when they were loose in the package. After all, it would be expected that all parcels would be subject to search.

Once again, there was no evidence upon which one could conclude "B" had been involved in any criminal impropriety.

5. THE DRUG ALLEGATIONS OF HELEN JULIE GLEGG

5.1 GLEGG AS A WITNESS

Glegg stated that she commenced in the Prison Service in October 1985 and retired on the grounds of ill-health in November 1990. During her service, she was based mainly in the women's section of the Brisbane Prison, although for a period between May and July 1988, she worked in the courts. She conceded that for a substantial portion of her service,

she was on medication and towards the end of 1988 was placed on heavy medication. At times she was heavily sedated and she admitted that towards the end of her tenure she was "*starting to get very fogged up*". She claimed that she had been "*victimized*" and subjected to "*mental torture*" which resulted in her needing psychiatric treatment. This treatment commenced towards the end of her service with the Queensland Corrective Services Commission and is still continuing. She was clearly very emotional in the witness-box and wept on several occasions.

She agreed that as far as the gaol was concerned, there was a small group of correctional officers who had a certain view of the way the prison should have been run and this differed from management. The real issue, she stated, was not criminality, but management. On one occasion, she claimed that a prisoner had sold her home address to another prisoner for drugs. Glegg reported this to Challis rather than management, because the management was not interested. She admitted, however, that she had not reported it to management for it to be considered, let alone ignored. It is fair to say that Glegg showed antipathy towards senior management.

She, like Gates, had a capacity to make unwarranted conclusions. A striking example of this was shown in her claim that she was detailed to work in the courts when the Kennedy Commission commenced, to silence her and get her out of the prison. She admitted that she was never told this. It is difficult to accept that prison management wished

to silence her by moving her to the courts. After all, it would only have taken a phone call for her to communicate with the Kennedy Commission, no matter where she was working. Furthermore, in July 1988 she sought to go back to the prison and she was permitted to do so. Interestingly enough, she also gave evidence that at that time she was experiencing a lot of headaches and was asked whether she would like a couple of weeks at the courts.

In conclusion, although there is little doubt that she was attempting to tell the truth when giving evidence before the Commission, one could not depend upon her evidence as reflecting the true facts of the situation, unless there was some supporting independent evidence. It is in this context that her allegations must be assessed.

5.2 A PRISONER WAS NOT CHARGED WITH A DRUG OFFENCE

Glegg claimed that a prisoner (named by her) was often given leave to go the Gold Coast. On one occasion she was found to have brought a quantity of drugs into the gaol after being on the Coast. To her knowledge, this prisoner was not charged with any offence. Glegg conceded this was information that she had obtained from another person, whom she did not name. Further, she could give no details as to which officer found the prisoner with the drugs, because she was not rostered on at work that day. This allegation amounts to no more than speculation on the part of Glegg. Furthermore, this speculation is based on hearsay.

5.3 RELUCTANCE TO ALLOW DRUG TESTING OF PRISONERS

Glegg claimed that there was a general reluctance on the part of senior officers to allow prisoners to be drug tested. When questioned about this, Glegg conceded that management had not been in any way promoting, selling or importing drugs, but they had had a different approach to her. She conceded that management was, in fact, trying to minimize drugs, but not in the manner that she would have gone about doing it. One of her major complaints was that the prison authorities often charged the prisoners with a breach of the Prison Act in relation to drugs, when in fact they should have brought in the Drug Squad. However, she conceded that from the management point of view, where they had the facilities to overview the whole drug situation, it may have been reasonable, in some instances, to charge persons with a breach of the Prison Act rather than to introduce the Drug Squad. She gave an example of, years ago, her finding a prisoner she described as "*totally stoned*". Her suggestion to cause the prisoner to be tested at an hospital was not acted upon and the true state of affairs can not now be established. However, no evidence of criminal impropriety or involvement by a prison officer exists.

5.4 ALTHOUGH DRUGS WERE FOUND IN POSSESSION OF A PRISONER ON A SPECIFIC DAY, SHE WAS RELEASED TO BAIL THE FOLLOWING DAY

Glegg stated that on one occasion a prison officer by the name of David Barker caught a prisoner passing drugs on a visit. She charged the prisoner and left the drugs in the possession of a senior officer before ceasing duty. The following day she found, *"The prisoner had been released to bail, the charges ripped up, and drugs flushed down the toilet, and the prisoner discharged from gaol"*.

When questioned about this allegation, she conceded that the drugs were *"something like Serepax"* and she believed that there were two tablets.

It is highly improbable that the incident occurred as related by Glegg, for the simple reason that no prison officer has the authority to release a prisoner to bail. In any event, an offence for being in possession of two Serepax would, in the normal course of events, have been dealt with under the Prison Act rather than the Drugs Misuse Act. If the prisoner had been released the day after, the prison authorities would have lost their jurisdiction to deal with the matter under the Prison Act as the Full Court of the Supreme Court of Queensland had determined that to be dealt with under the Prison Act, a person had to have been a

prisoner at the time of the alleged offence and at the time that he was being dealt with by the Court.⁵

5.5 INTIMIDATION OF JUNIOR CORRECTIONAL OFFICERS

Glegg stated that a prison officer named Allerton had overheard comments made between a prisoner and her visitor during which the visitor made comments to the effect that a heroin deal was being made to help pay the \$10,000 for the prisoner's bail. Allerton made notes of the comments and told Glegg, who called the Drug Squad. However, Glegg claimed that Allerton subsequently refused to give any information to the police about the incident as she was frightened by senior officers and did not want to "make waves". Glegg further stated that Allerton said that she did not want to be branded and given a hard time like Glegg had been.

Correctional Officer Roslyn Myrna Allerton provided a statement to the Commission, in which she spoke of the particular incident referred to by Glegg. Allerton stated that after the visit concluded, she wrote a report to the General Manager, detailing the conversations as she had heard them. This concluded her involvement in the matter and she was never approached by anybody, including police, regarding the matter. She did remember, however, that the prisoner was not allowed to have contact visits for quite a period of time.

⁵ See the unreported decision of Teske v Cliff; ex parte Teske (O.S.C. No. 40 of 1986)

There is no reason to reject Allerton's account of events and it is the one to be preferred. There appeared to be no reason why Allerton would tell Glegg of the conversation that she overheard, but then refuse to speak to the police and yet subsequently provide Glegg with a copy of the notes relating to the conversation.

6. THE DRUG ALLEGATIONS OF DENNIS FRITZ

Fritz, as has been noted previously, was a totally unreliable witness. He made a number of drug allegations, most of which were of a hearsay nature. He conceded that he had no personal knowledge of seeing any prison officer bringing drugs into the prison and, further, that he had seen no prison officer hand what he believed to be drugs to a prisoner, despite the fact he conceded to being in *"the most perfect position to see it"* if it happened. Furthermore, despite his assertion that he had seen lots of drugs in the gaol, he agreed that he had no direct knowledge of any person bringing them in.

6.1 A PRISONER PLANTED A DOPE PLANT AT THE BACK OF THE FERNERY

Fritz gave evidence that a prisoner mentioned to him that he had planted a marijuana plant at the back of the fernery. However, Fritz admitted that he had never seen the plant. This is a hearsay allegation made by a person with no credit. As there was no independent support

for Fritz's evidence, the Commission had no difficulty in concluding that this was yet another Fritz creation.

6.2 A PRISON OFFICER WAS SUSPECTED OF DRUG TRAFFICKING

Fritz named a prison officer who he claimed had recently been charged with being in possession of three pounds of marijuana, which was found in his car within the prison grounds. This information, he admitted, was hearsay.

Investigations revealed that the prison officer had, in fact, been the subject of charges brought by the police. The court brief and summary of facts in relation to the charges were tendered before the Commission⁶. They revealed that the particulars of the charges against the prison officer were that he was found in possession of half an ounce of marijuana, not three pounds as suggested by Fritz. Furthermore, the brief alleges that the marijuana was located in the prison officer's bedroom at home, not in his car in the prison as suggested by Fritz. At the time of the completion of the public hearings, these charges had not been determined.

⁶ See confidential Exhibit 527

6.3 THE TRANSFER OF DRUGS BETWEEN PRISONERS

This is the only drug allegation made by Fritz in respect of which he claimed to have direct evidence. He stated that he saw a prisoner hand to another prisoner "*a small object*". Fritz stated that at this time he was standing 30 feet away and that he strongly suspected that this was marijuana as the contents of the plastic bag was green. He did not, however, confirm this with either of the prisoners. It should be said that when cross-examined at length in relation to this incident, Fritz gave the clear impression that he was making the story up as he went along. In fact, he ultimately conceded that there could have been anything in the plastic bag. This highlights the lack of reliability of Fritz's evidence.

7. THE DRUG ALLEGATIONS OF ANTHONY DUTTON

7.1 DUTTON AS A WITNESS

Dutton stated that he had previously been employed by the Prison Service from March 1977 to November 1987. For the first six years of his service he was at Wacol Prison and for the rest he was at Brisbane Prison. On 2 November 1987, Dutton was charged in the Magistrates Court at Brisbane of an offence of unlawful possession of a dangerous drug. He pleaded guilty and was fined \$400. Thereafter he was dismissed from the Prison Service. He claimed to have been "*set up*"

by senior officers of the Prison Service in that they alleged that he had taken a firearm into the gaol and reported it to the police. In the course of the police search of his house for the firearm, the drugs were found. His evidence was at times contradictory; he was evasive and his demeanour in the witness-box was most unimpressive. He was a very poor witness.

7.2 SUPERINTENDENT KENNEDY BROUGHT DRUGS INTO THE PRISON AND SUPPLIED DRUGS TO PRISONERS

Dutton claimed that the then Superintendent Kennedy was introducing drugs into the prison and providing them to prisoners in the kitchen where he (Dutton) worked as an acting caterer. He described four incidents concerning Kennedy:

- On one occasion he saw Kennedy walk into the kitchen holding a brown paper bag with something in it, and he walked straight over to the vegetable store. When asked by Dutton what was in the bag, Kennedy said that it was a couple of pies for his dinner. Kennedy then placed the paper bag on the table and sat down. Soon after, Kennedy stood up from the table and went into the adjoining office which was occupied by Dutton and asked him to leave for a minute. Dutton asked whether he could just finish off what he was doing. Kennedy demanded he leave. Soon after, a prisoner came into the office and Kennedy phoned an outside telephone number and gave the handset to the prisoner. Whilst this was happening, the brown paper bag disappeared. Dutton

claimed that also present were the food service supervisor, Robert Douglas Webb and two other prisoners. He did not have any conversation with them at the time or subsequently.

Dutton conceded that it was never established, apart from the fact that he was told there were two pies in the bag, what was in the bag. Dutton claimed that it did not look like pies to him, although he stated that they could have been square pies.

- Dutton stated that on another occasion Kennedy entered the kitchen wearing a beige suit and went straight to the vegetable room where he took his coat off and left it over a chair. He said he saw a prisoner pull out from the left-hand side external coat pocket a clear plastic bag which appeared to contain marijuana. Dutton conceded that at the time he was over 30 feet away from the incident.
- Dutton claimed that another incident occurred, very similar to the first described, except that on this occasion there was no telephone call; the paper bag just went missing.
- On another occasion Dutton saw Kennedy in the vicinity of the main gate at about lunch time carrying a brown paper bag.

Dutton admitted that no-one had ever told him what was in the brown paper bags and, furthermore, other than the plastic bag, he was in no

way able to comment on what was in them. In relation to the alleged incident involving the clear plastic bag, Dutton admitted that this was the first time that he had told anybody about the allegation. He admitted not raising it when writing to the Prison Minister in March 1987, the Fitzgerald Inquiry, Ray Connor MLA or the Criminal Justice Commission investigators when they first spoke to him. There is little difficulty in concluding that this was a recent fabrication by Dutton.

Webb was called to give evidence to see whether he could corroborate any of the allegations made by Dutton, but he had no recollection of ever seeing Kennedy in the vicinity of the vegetable room with a brown paper bag. He in no way corroborated Dutton.

William Kennedy was called to give evidence and he indicated that he had been in the employ of the Prison Service and the Corrective Services Commission from 1962 until July 1989, at which time he had reached the rank of superintendent at Brisbane Prison. He denied categorically that he had ever supplied drugs to any prisoner and he also denied that he owned a beige-coloured suit as alleged by Dutton. He conceded that on occasions he did bring his lunch to work in brown paper bags and these would sometimes be handed to the prisoners for the contents to be prepared for his lunch.

In conclusion, it appears that Dutton made up these allegations as he believed Kennedy was responsible for his being charged with possession of a dangerous drug. There is simply no evidence of there

being drugs in the brown paper bags and in relation to the other incident, there is little doubt that it was a recent fabrication.

8. THE DRUG ALLEGATIONS OF CARLA MARION PHILLIPS

8.1 BACKGROUND TO THE EVIDENCE

As has been previously mentioned, Phillips was approached by the Commission to respond to Fritz's allegation of her involvement in prostitution. When asked whether she had any information to provide in relation to drugs, Phillips volunteered certain information concerning two former prison officers. However, in view of her previous convictions for dishonesty and her confession of illicit activity involving drugs within the prison, it was decided that in order to make findings against others on her evidence, that evidence would have to be credible and it would also have to be supported by other apparently credible evidence.

8.2 FORMER PRISON OFFICER "D"⁷ GAVE MARIJUANA TO CARLA PHILLIPS

Phillips claimed that towards the end of 1988 she was given a stick of marijuana by "D", a then serving female prison officer. This stick was

⁷ The name of the former prison officer is subject to a suppression order. She will be referred to as "D" in relation to the entire incident.

rolled in foil and was about three or four inches long. Phillips claimed to have been able to make six cigarettes out of it. She stated that she was given the marijuana in payment for "*belting up*" an inmate by the name of Valmae Beck. She claimed that "D" had provided her with Beck's police statement, in which she had given an explanation of the events surrounding the murder of a young girl. Phillips stated that while she was reading Beck's statement, (which was a very thick statement), another Correctional Officer by the name of Tofoni walked in on them in the reception area and "D" requested that Phillips go to the toilets, where she continued to read the statement. Phillips claimed that when she came out from the toilets, she told Tofoni that she had read the statement and that Tofoni responded by saying to "D" that she should not have given the statement to Phillips.

After having been shown Beck's statement, Phillips claimed that she had a number of conversations with "D" in which "D" made comments such as "*It would be a pity if Beck had an accident and fell*" or "*A pity if she ended up having no clothes to wear to court.*" This, Phillips claimed, was an intimation from "D" to assault Beck. At no stage did "D" offer an inducement to Phillips to carry out the assault. Phillips claimed that after she had assaulted Beck, "D" came to her cell one night and beckoned her to the kitchen. She followed "D" into the kitchen and saw that she had a stick of foil in her hand, which she placed in the ledge above the stove for Phillips to retrieve at a later stage. Nobody else was present at the time. Phillips claimed this was the first and last time that she was supplied with drugs by "D".

It should be noted that Phillips originally declined to give the name of the former prison officer to the Commission and misled it by saying that that former prison officer was not in the hearing room. "D" was, in fact, in the hearing room when Phillips first refused to name her. When she ultimately gave the name of the former prison officer at an *"in camera"* hearing, she explained that she had not previously been truthful as she was scared because she had received a number of phone calls from "D's" close associate and had been approached by "D's" associate on a number of occasions. She added, however, that at no stage was she dissuaded from telling the whole truth to the Commission.

Correctional Officer Kathryn Leanne Tofoni, in a statement to the Commission, supported Phillips' version of events concerning the reading of the Beck statement. She said that she found "D" and Phillips in the reception office reading the document and told them that it was quite wrong. Phillips continued to read the document whilst "D" was standing a few feet away. Tofoni claimed that she did not discuss the matter further with "D" and did not report the event to any person in authority because she believed it would have been her word against that of "D" believing Phillips *"wouldn't own up to something like that."* Tofoni could not give any assistance in relation to the rest of the incident.

"D's" response was a complete denial of having showed Beck's statement to Phillips. She also denied counselling Phillips to assault Beck and providing her with marijuana.

Although it would seem certain that "D" did permit Phillips to read Beck's statement, the Commission is unable to make a finding that "D" counselled Phillips to assault Beck or provided Phillips with a stick of marijuana. The reasons for this are, first, the evidence of Phillips in relation to the alleged counselling by "D" was very vague and unconvincing and, secondly, there was no independent evidence of the alleged counselling or supplying.

8.3 PRISON OFFICER "E"⁸ GAVE MARIJUANA TO CARLA PHILLIPS

Phillips claimed that former female prison officer "E", whilst on night shift, came into her cell, where she was with another prisoner and gave them some marijuana. She refused to name the other prisoner as that person was still a prisoner and did not wish to be nominated. This marijuana was given to them in the form of a cigarette and the two inmates smoked it and "E" had a couple of puffs as well. This occurred on a second occasion sometime later. On neither occasion did "E" ask for anything in return. Phillips claimed that "E" had alcohol on her breath at the time that she supplied the marijuana on each occasion.

⁸ The name of the former prison officer is subject to a suppression order. She will be referred to as "E" in relation to the entire incident

Phillips also claimed that "E" had supplied drugs to another prisoner by the name of Dee Quinlan. However, she did not disclose the basis for that allegation. "E" denied all the allegations. Attempts by the Commission to locate Quinlan were unsuccessful.

"E's" Queensland Corrective Services Commission service file, which was tendered before the Commission, disclosed that following the receipt of a number of unsatisfactory reports regarding her probationary service, her appointment as a correctional officer was terminated.

In light of the denials by "E" and the lack of independent evidence to support the allegations by Phillips, the Commission makes no adverse finding against her.

8.4 ADMISSIONS BY PHILLIPS IN RELATION TO DRUGS

Phillips claimed that at no other stage did a prison officer provide her with any drugs. She did say, however, that she received Serepax from other prisoners on numerous occasions. These were drugs which had been prescribed legally within the prison to other prisoners as well as those which had been brought in illegally to the gaol. When asked how the Serepax were brought into gaol, Phillips replied that she had brought them in secreted on her person and she knew that others did the same. She stated that some prison officers were more likely to strip search the prisoners than others and that one had to pick one's mark. She also admitted to receiving heroin in gaol from a prisoner who had

received it from a visitor. Phillips also admitted receiving a cigarette containing marijuana from a male prisoner who was collecting rubbish in the female division. She also gave evidence of drugs regularly being introduced through visits by the visitor wrapping the drugs in Glad Wrap or sticky tape and placing it in the mouth and then passing it to the inmate during a kiss.

These matters could not be further investigated by the Commission.

9. A CROP OF MARIJUANA ALLEGEDLY GROWN AT WOODFORD CORRECTIONAL CENTRE

Correctional Officer Peter Brougham claimed that he had heard from an unnamed source that a crop of marijuana had been grown by prisoners at the Woodford Correctional Centre. It was allegedly discovered towards the end of January 1991 and the plants destroyed. He claimed that the matter was not reported to police for investigation. He had no further evidence relating to the incident to put before the Commission.

The General Manager of the Woodford Correctional Centre, Mr Wayne Shennan, gave evidence in relation to this matter and indicated that the rumour had been spread to the extent that he had heard about it and he had ordered an investigation into the allegation by departmental officers. He thought it was not appropriate to introduce the E.I.U. in this instance as a physical check was done of the whole property and no evidence of a crop was found. He added that a regular check was

done of the property and no crop had ever been found. He added further that the land on the reserve was cleared down to the boundary of the reserve and it was most unlikely that a crop of marijuana could be grown on the reserve without detection. He also gave evidence that the centre not only had its own dog units, but was visited on a random basis, approximately once a month, by the Australian Customs Drug Detection Service. These visits entailed that service's drug dogs being brought on to the property.

Shennan was an impressive witness who seemed committed to the eradication of drugs at his centre. During "*Operation Clean-up*"⁹, which is referred to later, it was found that there was no evidence of illegal drug usage at Woodford Correctional Centre in a sample of 42 prisoners selected from a population size of 251, (although one prisoner showed a positive test for a prescription drug for which no valid explanation could be given).

10. THE TRIVIALIZING OF DRUG OFFENCES

Correctional Officer Neville Miller claimed that it appeared to him that there was an easing of policy in respect to how prisoners were dealt with for drug and other offences, like assaults. He stated that the General Manager preferred to have such matters dealt with within the gaol system rather than through the normal courts. He cited as an

⁹ See Annexure A to confidential Exhibit 491

example an incident involving a prisoner by the name of Pernich who was found with heroin and syringes in his possession. He was a known heroin user, but was dealt with internally, according to Miller. He also cited other cases involving prisoners Strickland and Boyle who, he claimed, were found in possession of heroin, and were charged internally.

Inquiries by the Commission revealed that Miller was completely erroneous in relation to Pernich. Tendered before the Commission was a certificate of conviction for unlawful possession of a dangerous drug in relation to Marco Guilio Pernich¹⁰. This revealed that on 24 April 1990, at the Magistrates Court in Brisbane, Pernich was convicted of an offence of possessing a dangerous drug (heroin) on 24 February 1990 at Brisbane Prison. He was sentenced to two months' imprisonment. Miller conceded this was the incident to which he had been referring.

In relation to Lawrence Anthony Boyle, documents tendered before the Commission¹⁰ revealed that on 4 April 1990, he was convicted in the Brisbane Magistrates Court of two counts of unlawfully possessing a dangerous drug. These two charges were laid as a result of his being found in possession of marijuana in his cell on 23 and 25 March respectively. On each offence he was sentenced to one month's

¹⁰ See confidential Exhibit 495

¹⁰ *ibid.*

imprisonment. Boyle had no internal breaches of discipline for drug-related offences.

In relation to Shawn Peter Strickland, investigations revealed that he had no convictions for drug offences committed whilst he was an inmate of the Brisbane Correctional Centre. It was also revealed that he had no internal breaches of discipline for drug-related offences whilst at the Brisbane Correctional Centre.

Miller conceded that it had been revealed that he was patently incorrect in relation to his facts. Notwithstanding Miller's clear lack of understanding of the factual material relating to the three prisoners, he did concede that in some instances the General Manager did have the discretion to take action for a breach of discipline under the Corrective Services Act rather than the Drugs Misuse Act. There was simply no evidence to suggest that the General Manager had not carried out his discretion properly. Furthermore, there was no evidence of a policy of trivializing drug offences as suggested by Miller.

11. INACTION IN RELATION TO DRUG OFFENDERS

11.1 ANONYMOUS INFORMATION CONCERNING A TOWNSVILLE PRISONER

An anonymous telephone caller made allegations that a prisoner (named) from the Townsville Correctional Centre was involved in

drugs, he being found in possession of drugs and a utensil, and no action was taken by the Queensland Corrective Services Commission in relation to the matter. This caller claimed that three correctional officers, Messrs McCahon, Scholz and Dench could verify this. The investigations carried out by the Commission¹¹ established that Correctional Officer Gary McCahon had no knowledge of any drugs and/or utensil being found in the possession of the prisoner. Correctional Officer Michael Allan Dench also had no knowledge of the allegations. Correctional Officer Craig Stuart Scholz, on the other hand, advised that the prisoner and three other prisoners, underwent urine tests and each proved positive in relation to smoking marijuana. All four were dealt with internally for breach of prison regulations in relation to the positive urine tests.

There is no evidence to substantiate the anonymous allegation.

11.2 FIVE PRISONERS SMOKING MARIJUANA AT WACOL CORRECTIONAL CENTRE WERE NOT BREACHED

The Commission received information from Correctional Officer Stuart Lindsay Colebourne, alleging that five prisoners (named) had tested positive to drugs at Wacol, but no-one had been breached. Colebourne added that he took his complaint to the Ombudsman, who was informed by the Queensland Corrective Services Commission that

¹¹ See Exhibit 635

the prisoners had been breached. Colebourne believed this information to the Ombudsman was false.

Tendered before the Commission¹² was a number of documents in Form 17 under the Corrective Services Act. These were report forms for breaches under the Corrective Services Act and Regulations. They reveal that the five prisoners had, in fact, been charged and convicted of disciplinary offences on 15 May 1990. Each received 7 days solitary confinement. Also tendered was a report by the General Manager of the centre, certifying that the prisoners had been charged with disciplinary offences. Attached to this report was the certificate of analysis from the Government Analyst. It was dated 10 May 1990. Clearly, there was no truth to the allegation made by Colebourne.

12. SUPPLY OF CLEAR LIQUID TO KAREN TONKIN

Tonkin, in evidence, claimed that at approximately half past eight to nine o'clock one evening she was given a small phial of clear liquid by an unnamed medical orderly, who also gave her her normal medication. She claimed that it could have been "*Poteen*" (which is some form of alcoholic beverage). She stated that she blacked out after she drank the liquid and for the entire night was more or less disorientated. She also felt disorientated the following day. In her statement to the

¹² See Exhibit 635

Commission, she claimed that a correctional officer (named by her) had organized for her to receive the clear liquid.

As previously stated, the Commission formed the view that it would not make an adverse finding against an individual on evidence given by Tonkin, unless it was credible and there was independent supporting evidence. The Commission did not find her account of this incident particularly credible. Even if one accepts that she was given something, there is no way to establish what it was. The medical orderly could not be ascertained in order to seek his assistance. In these circumstances, the Commission is unable to make an adverse finding against any person.

13. CONCLUSIONS

With the exception of Phillip's evidence in relation to "D" and "E", (both of whom are no longer employed by the Queensland Corrective Services Commission), there was no evidence to suggest participation in dealing in drugs by prison officers or correctional officers. There was certainly no evidence to suggest any organized involvement by correctional officers, the management of the Prison Service or the Queensland Corrective Services Commission. "B", in her evidence, made it patently clear that she received no direction from the administration, the Minister or any other person to hush up or cover up

drug matters. If there had been any direction to that effect, it would have been she who would have had to implement it.

It was clear, however, that there was a significant drug problem within the correctional centres. Further support for this view can be found in the evidence of former inmate Young. She indicated that some four or five years ago she had received heroin from another prisoner whilst at the female prison in Brisbane. This heroin was enough for one dose, which she administered to herself from a syringe, which was used by all the inmates and had been buried in the garden. She also admitted to smoking marijuana in prison on a number of occasions. This marijuana had been obtained through visits.

The problem of drugs in prison no doubt still exists¹³. Counsel appearing for the Queensland Corrective Services Commission conceded that drugs coming into correctional centres, through visitors or inmates returning from leave of absence, would always be difficult to police. The recognition of the drug problem by the Queensland Corrective Services Commission has resulted in many steps being taken to combat it. The Director of Custodial Corrections, Mr Ross Millican, in a statutory declaration¹⁴, outlined some of the measures taken by the Queensland Corrective Services Commission, the first of which was to determine the extent of illegal drug use in correctional centres. To do this, it undertook a planned programme of random urine analysis testing

¹³ See Attachment "A" to confidential Exhibit 491

¹⁴ See confidential Exhibit 491

in all correctional centres during the period 28 May 1990 to 24 July 1990. This programme was known as "*Operation Clean-up*"¹⁵ and tested at random approximately 15% of the inmate population in each centre. All samples were anonymous and no disciplinary action was taken as a result of a positive analysis. Of the 373 prisoner included in the sampling State-wide, two refusals to supply a specimen were received.

From an analysis of the results, it was concluded that heroin usage did not appear to be a significant problem in the Queensland correctional system. It was, however, concluded that a more significant issue arose in relation to cannabis and prescription drugs.

In conjunction with bi-annual random sampling, the Queensland Corrective Services Commission is considering the universal use of contact visit suits ("*Zoot suits*") during contact visits involving high risk prisoners. These suits are designed to minimize the opportunity for contraband to be exchanged during contact visits. They have been on trial at Brisbane Correctional Centre since 9 July 1990. The trial includes the requirement by correctional officers to carry out thorough oral cavity searches of prisoners. This, of course, would reduce the possibility of drugs being introduced orally as described by Young, Phillips, Fritz and others.

¹⁵ See confidential Exhibit 491 for the report on "*Operation Clean-up*".

Further measures already taken at the Brisbane Correctional Centre include:

- the positioning of Queensland Corrective Services Commission and police drug dogs at the visit area to detect drugs being taken into the Centre and as a deterrent to those thinking about taking drugs in;
- the searching of visitors' cars by the drug dogs;
- the random searching of prisoners, cells, work areas and common areas;
- the implementation of lock downs at the Centre, followed by a systematic search of it.

These steps and those taken by the General Manager of the Woodford Prison clearly show that the Queensland Corrective Services Commission is attempting to address the drug problem in correctional centres. There is no evidence to suggest that the efforts of the Queensland Corrective Services Commission in this regard are superficial. There is no evidence that the problem is being covered up. There is no evidence to suggest that correctional officers are being intentionally thwarted by management in their efforts to detect offenders. There is no evidence to suggest that the Queensland Corrective Services Commission is willing to condone or protect illegal

drug activities by prison officers. Evidence to the contrary can be seen by the fact that in June 1990 the General Manager of the Brisbane Correctional Centre, Mr Kevin Lewis, received information that a Custodial Correctional Officer was suspected of involvement in the distribution of dangerous drugs in the centre. Lewis briefed Detective Sergeant 2/C Scanlan of the E.I.U. in relation to the matter and the Criminal Justice Commission was informed. As a result of the information, "*Operation Pigeon*" was instigated. It was, however, unsuccessful.

Further evidence of the commitment of the Queensland Corrective Services Commission can be seen in the dismissal of Dutton subsequent to his conviction for being in possession of a dangerous drug, even though the drugs were not found in the correctional centre.

D. FRAUDULENT PRACTICES AT NUMINBAH CORRECTIONAL CENTRE

1. BACKGROUND TO THE ALLEGATIONS

The matters of complaint concerning Numinbah Correctional Centre were raised by Judith Ann Gilbert. The Commission first made contact with her after Patrick O'Connor had provided her name as a person who could assist the Commission. At the time of giving evidence, she was on sick leave from her employment as a Programmes Officer at Numinbah Correctional Centre. Prior to her employment at Numinbah in July 1989, she had served for approximately 12 years in the Brisbane Prison as a Welfare Officer. Gilbert gave evidence that she had been on sick leave since 4 September 1990 because she had been exposed to 9 months of continual stress at the Centre. From the evidence it was clear that there was a major personality clash between Gilbert and the senior staff at Numinbah, which was exacerbated by the refusal of the administration at Numinbah to allow Gilbert to be on a selection panel for a position for which an associate of hers had applied. The acrimony was, no doubt, heightened when this associate was not appointed to the position. Gilbert admitted that she was very upset about her associate missing out on the position and blamed, amongst others, "F"¹, a senior officer at Numinbah, for the decision.

¹ The name of the senior officer is subject to a suppression order. He will be referred to as "F" for the entire report

In July 1990, Gilbert was questioned by police officers from the E.I.U., who were investigating an anonymous letter² which contained substantially the same allegations later made to this Commission. In a statement dated 2 July 1990³, Gilbert stated that she had no knowledge of any illegal activities at the Centre. In evidence she admitted that this was her state of mind at the time, but that the anonymous letter may have sown seeds in her mind which flourished over time. This would account for the fact that Gilbert's evidence, in the main, related other people's alleged accounts of events which were supposed to have occurred prior to her service at Numinbah. Therefore, the majority of them were clearly hearsay. Many of these allegations were investigated by police officers from the E.I.U. in July 1990. They found them to be without foundation.

It should be noted that the Commission investigated all the allegations made by Gilbert, notwithstanding the fact that some of them had been previously investigated. The report will now address each of the allegations made by Gilbert.

² See confidential Exhibit 572 for the letter

³ See Exhibit 573

2. ALLEGATIONS THAT DOCUMENTS SHOWING CORRUPTION BY "F" WERE IN THE HANDS OF A GOLD COAST SOLICITOR.

Gilbert stated that a former Numinbah inmate told her that he had personally handed material alleging corruption by "F" to his Gold Coast solicitor, Helen McKenna. Gilbert, however, said that the former inmate did not tell her what was the corrupt activity evidenced by the documents. Furthermore, he provided her with no further information in relation to corrupt activity.

When the former inmate was questioned⁴ in relation to this allegation, he denied having any documentation or any information concerning corrupt activities by "F". He also denied providing anything to his solicitor. Also tendered before the Commission was a copy of the former inmate's statement⁵ dated 2 July 1990 in which the inmate, in response to questioning by the E.I.U., indicated that he did not know of any illegal activity.

The solicitor was also questioned and she confirmed that she received no information or documentation concerning corruption from the inmate⁶.

There is simply no evidence to support this allegation.

⁴ See Exhibit 570

⁵ See Exhibit 571

⁶ See Exhibit 569

3. ALLEGATIONS THAT DOCUMENTS SHOWING ALLEGED CORRUPTION AT NUMINBAH WERE WITH THE PRISON CHAPLAINS.

Gilbert claimed that whilst she was on sick leave she met the prison chaplains, the Lyles, at a shopping centre, where they told her that they had three files detailing corruption, which would be given to the media if "F" gave them any trouble. Gilbert was led to believe that they had statements from prisoners. However, she never saw them.

Mr and Mrs Lyle were questioned⁷ in relation to the allegation. There was a complete denial that they had received from any person any documentation or material incriminating any officers from Numinbah. Furthermore, they stated that they had no knowledge of any documents which may indicate officers from Numinbah had been involved in anything illegal.

Once again, there is simply no evidence to support this allegation.

4. ALLEGATIONS THAT A PRISONER HAD BEEN INSTRUCTED TO REPAIR PRIVATE VEHICLES FOR WHICH "F" RECEIVED PAYMENT

Gilbert stated that a former inmate, Peter Densley, had told her that he was unhappy at having to go up to Bornhoffen Police Youth Club

⁷ See Exhibit 574

Camp and carry out mechanical work there. She said that she could clearly recollect being told by Densley that "F" was quoting an hourly rate to a public official, "G",⁸ of Camp Bornhoffen for his (Densley's) mechanical services. She claimed that she had been told that vehicles were serviced at the Bornhoffen Camp by Densley, for which "F" *"pocketed the money"*. Densley told her that he did not receive any of the payment. Densley at no stage told her that he had seen money change hands. She stated that she had no first-hand evidence of the allegations other than having seen Densley working on Correctional Officers' private motor vehicles at their homes and in the workshop at Numinbah.

4.1 THE EVIDENCE OF PETER CORBETT DENSLEY

Peter Corbett Densley gave evidence before the Commission that he was an inmate at Numinbah Correctional Centre from September 1989 to December 1989. He stated that he was a 'B' Grade motor mechanic by trade and had experience in panel beating, spray painting and general motor vehicle mechanical repair work. During his period at Numinbah, he worked for the first two weeks in the irrigation section, but then worked in the workshop until his release. His duties involved maintaining prison farm vehicles and machinery belonging to the Queensland Corrective Services Commission. However, after a couple of weeks working on the Commission vehicles, there was a shortage of

⁸ The name of the public official is subject to a suppression order. He will be referred to as "G" for the rest of the report

parts and he was requested by "F" to go to Camp Bornhoffen. He claimed that he went to Camp Bornhoffen for two weeks on a daily basis. He undertook maintenance work on the Camp Hilux utility and Camp machinery, including mowers, tractors and whipper-snippers. He indicated he also did work on "G's" private vehicle which was a 626 Mazda. Densley indicated that the vehicle was not running too well one day and he offered to have a look at it for "G". He claimed to have removed the air cleaner, replaced a set of spark plugs, adjusted the tappets and changed the oil. In effect, he carried out a service on it. He indicated that the parts for the work were supplied by "G". Densley claimed that the labour component of the work on this car would have been approximately \$100 if charged at normal rates. He received no money for the work.

Densley claimed that when he was working on the Camp Hilux vehicle, "F" approached him and asked him what he was doing. Densley stated that when he responded that he was replacing the timing gears and removing the cylinder head, "G" approached and "F" said to "G", *"We'll have to charge you."* Densley was then asked by "F" what was the going rate for a motor mechanic and he responded that it was \$34 per hour. Densley indicated that "F" then said to "G" that he was going to charge him or hire Densley to him at \$34 per hour. Densley claimed not to have heard any further conversation between the two, believing it was *"a bit of a joke sort of thing between them"*.

Densley also gave evidence that he worked on Correctional Officers' private motor vehicles and in one particular case extensive repairs were carried out on a vehicle. Densley valued the labour at approximately \$1,000. On another occasion he carried out work valued at \$400. This work was carried out at the Centre and also at the officers' homes. Densley stated that he did not feel pressured to carry out the work for the Correctional Officers and at no stage was his leave of absence made a condition of working on a Correctional Officer's private motor vehicle. He also said that he did not believe his release was accelerated because of the work he performed on the private vehicles.

Densley conceded that at no time was he told by "F" that he was receiving money for Densley's services. Furthermore, he conceded that he never saw "F" paid any money for any work carried out by him. Densley added that no-one else, including "G", had told him that they had paid "F" for services carried out by Densley. He was never paid by anyone for services rendered, other than the odd can of cola or a packet of cigarettes.

4.2 THE EVIDENCE OF "G"

"G" testified that Camp Bornhoffen was a welfare camp and that there had been an arrangement between the Queensland Police Service and the Queensland Corrective Services Commission for prisoners from the Numinbah Correctional Centre to be allocated work duties at that camp. He accepted that Densley had done work on the Camp Hilux utility and

other Camp equipment; however, he could not recall Densley ever carrying out work on his own private vehicle, which he conceded was a Mazda 626 (although a colour different from the one suggested by Densley). He thought it was unlikely as he had his own mechanic. He did, however, concede he often obtained advice.

"G" gave evidence that he did not recall ever having a conversation with "F" concerning the cost of Densley's doing work on a vehicle. He said if the conversation had taken place, it would have been in the nature of *"a joke"*.

4.3 DENIALS BY "F"

When "F" testified, he stated that he did not have a conversation with "G" concerning charging him for Densley's work. He denied ever receiving any payment from any person for work done by Densley on any motor vehicle. He did, however, recognize that Densley was required to work on the Camp Bornhoffen Hilux utility and that that was part of the arrangement to supply labour to Camp Bornhoffen.

He acknowledged that Densley carried out work on Correctional Officers' private motor vehicles. He denied that Densley ever worked on his own private car, but agreed that he did work on his Government vehicle. "F" claimed that if he had known that Densley was working on private vehicles up at Camp Bornhoffen, he would not have approved of it, (although he did approve of work being done by

Densley at Numinbah and at the homes of the officers). "F" made it clear that no records whatsoever were kept in relation to such "private" work.

4.4 CONCLUSIONS AND RECOMMENDATIONS

There is simply no evidence that moneys were paid to "F" by any person for the services of Densley. It would indeed be surprising if "G" would pay the market rate of \$34 per hour for Densley's services, especially if it was to service the Camp Hilux which was not his own property.

On the other hand, it is clear that Densley did perform substantial work on correctional officers' private motor vehicles. Although he gave evidence that he was not in any way induced to carry out this work, there can be no doubt that a prisoner would be reluctant to refuse to do it if he perceived that his leave of absence or early release may be adversely affected. At the time that the work was being carried out by Densley, the Director-General of the Queensland Corrective Services Commission, Mr Keith Hamburger, had promulgated Commission Rule 28, pursuant to s.20 of the Corrective Services (Administration) Act. The Rule stated, "*All officers and employees of the Commission were prohibited from purchasing or accepting any thing from a prisoner.*" The purpose of that rule was stated as being to prevent officers and employees from having contractual dealings with prisoners. This rule

may not apply to the provision by an inmate of labour as it may not be categorized as a "thing".

On 4 September 1990, the Director of Corporate Services provided the General Managers of the farms with a document described as a "*Memorandum re: Manual for Financial and Administrative Management of Farms and Industries*"⁹. This extends, to some extent, the ambit of Commission Rule 28 in that it provides, "*The Commission also does not encourage work being undertaken in Commission workshops or on our farms for Commission officers and employees or their family members.*" Should any such work be agreed to by the supervisor of a farm or workshop, the manual requires, inter alia, the following guide-lines to be strictly adhered to:

- (a) payment in full to be received by the Manager, Administration and Finance, to be credited to the workshop vote, before any work is undertaken;
- (b) the workshop service or product provided will be costed at competitive market or industry rates;
- (c) the General Manager must give permission in writing before any work is undertaken.

⁹ See Exhibit 615

It appears to the Commission that these requirements do not address all the ills that were raised in Densley's evidence. Notwithstanding the provisions of the Code of Conduct for officers of the Commission which prohibits, generally, officers from using their official position to secure personal privileges or advantages, it is recommended that the Manual be amended by ensuring that the guide-lines clearly have application to work carried out by prisoners for Commission officers and employees or their family members outside the prison farms. This would ensure that prisoners were not seen to be exploited by having to do "*private*" work at places like Camp Bornhoffen and at officers' homes. Further, as the correctional officer would be required to pay a competitive rate for the work carried out by the inmate, the officer would not be indebted to the inmate and the inmate would be less likely to feel pressured or obliged to carry out the work.

5. ALLEGATIONS THAT THERE WERE TWO SETS OF BOOKS BEING KEPT AT NUMINBAH CORRECTIONAL CENTRE

Gilbert stated that former inmate, William Frederick Aplin, had told her that there were two sets of books for Numinbah Correctional Centre. She said that she found Aplin photocopying one set of the books, which he was going to take out from the prison and secure at his home. She suspected that he was building a case against "*F*" in relation to these books. Gilbert's evidence in relation to her conversation with Aplin was, at times, impossible to follow. It was quite clear from the

questioning by Counsel Assisting that Gilbert herself was not sure of the nature of the two sets of books and even of the conversations she had with Aplin. She conceded, however, that she never saw the two sets of books and, further, that Aplin did not tell her what was recorded in the books.

In a statement¹⁰ to the Commission, William Frederick Aplin denied any knowledge of a double set of books operating at Numinbah. He also denied telling anyone that this was the case. Furthermore, he stated that he did not take copies of accounting records from the Numinbah Correctional Centre and could not recall discussing the matter with Gilbert.

"F" denied any knowledge of any duplicate accounting books or records kept at the Numinbah Correctional Centre.

There is clearly no evidence to support the allegation.

6. ALLEGATIONS THAT THE OFFICIAL VISITOR TO NUMINBAH CORRECTIONAL CENTRE WAS A FRIEND OF "F"

Gilbert gave evidence that there were two official visitors at Numinbah Correctional Centre. One was a solicitor, Mr Cronin, (from Southport)

¹⁰ See Exhibit 616

and the other was Mr Gordon French who owned a property adjoining the Correctional Centre. She was told by a number of prisoners that French was perceived by them to be a friend of "F" because he was his next door neighbour and they would not go to him, (French). She stated that she had seen that Cronin was approached far more often than French. She implied that the prisoners believed that whatever complaint they made to French would go straight back to "F".

Mr Gordon Conway French, (the adjoining dairy farm owner), was examined at length in relation to his role as official visitor. He said that he was appointed an official visitor in December 1988, following an interview by Trevor Carlyon, the Assistant Director-General of Queensland Corrective Services Commission. He indicated an extensive and impressive record of participation in community organizations and statutory bodies. He stated that he was at the time:

- The Secretary of the Numinbah Valley Residents Association;
- The Secretary of the Nerang River Water Advisory Board;
- The Secretary of the Queensland Dairymen's Organization - South Coast Branch;
- Involved in the local bush Fire Brigade.

He stated, further, that before he took up farming, he was a member of the Permanent Air Force for 23 years and concluded his career as Commanding Officer of Number 23 City of Brisbane Squadron. He later became Director of Reserves in Canberra.

He explained his duties as going to the Centre and ascertaining whether there were any complaints from prisoners and, if there were, subsequently investigating those complaints. He explained that he reported to Ian Stewart, the Director of Prison Welfare, and had no requirement to report to "F". If the matter pertained to an administrative situation within the Numinbah Correctional Centre, it necessitated his seeking a solution by discussion with "F". If, by discussion with "F" the matter could be resolved, there was no need for him to seek assistance from head office. He described his contact with "F" as infrequent.

French stated that he aware of the allegation that he lacked independence in relation to complaints made to him and stated that he had been able to alleviate the problem to some extent by explaining his role to inmates and pointing out to them examples of successfully resolved complaints.

Although French admitted knowing "F" for 14 years, there is simply no evidence to suggest that French did not carry out the duties of an official visitor in an objective and competent fashion. In fact, the

Commission was most impressed by him as a witness and is of the view that he is eminently qualified to be an official visitor.

7. **ALLEGATIONS OF THE LOSS OF CATTLE FROM THE NUMINBAH CORRECTIONAL CENTRE**

Gilbert gave evidence that she had been told by a long-term prisoner, Mr Robert Steiger, that cattle had gone missing from the Centre. She stated that Steiger told her nothing further in relation to missing cattle. Gilbert had no further information to offer about cattle, except for an incident where she was working one evening and a truck driver in a cattle truck approached her when she was on night work and told her that he was looking for the calves and wished to be directed to the dairy. She thought, because of the late hour, that this was a suspicious event. She did not, however, see any calves being removed and conceded that, despite her suspicions, she did not take it up with any prison officer the next day. Furthermore, there was no talk around the centre that calves had gone missing at that time.

Steiger was interviewed by the E.I.U. and as a result a statement dated 2 July 1990¹¹ was prepared. He stated that he had been an inmate in Numinbah since May of 1988 and part of his duties involved working in the prison dairy. Although he complained that some of the dairy equipment was not being subjected to anti-bacterial treatment, he

¹¹ See Exhibit 575

denied any knowledge whatsoever of any illegal activity being conducted at the Centre by "F" or any other staff member.

When Steiger was interviewed¹² by officers of the Criminal Justice Commission, (he was still an inmate at Numinbah Correctional Centre), he claimed to have no personal knowledge of cattle going missing, other than the fact that he heard a rumour that some 500 head went missing before he arrived at the Centre.

This allegation is no more than an unsubstantiated rumour.

8. **ALLEGATIONS THAT NUMINBAH CORRECTIONAL CENTRE MILK HAD BEEN USED TO "TOP UP" THE MILK SUPPLY QUOTA OF A NEIGHBOURING FARMER**

Gilbert stated that she had been told by Steiger that milk had gone missing from the Numinbah Correctional Centre. She claimed that Steiger had told her that the milk was used to "top up" the next dairy farm's quota. She said that the truck would call, then alter the figures and go to the next farm and add it on to the milk quota of the next farm. She was very vague in relation to this. She conceded that she never saw any documentation in relation to the milk, nor had she any first-hand information concerning it. Furthermore, she took it up with no person in authority at Numinbah.

¹² See Exhibit 576

When Steiger was interviewed by officers of the Criminal Justice Commission, he claimed to have no knowledge of any theft of milk from the dairy and, from what he had observed, he had seen nothing untoward in its operation. This statement was in conformity with what he told the police officers from the E.I.U. in July of 1990.

In a statement¹³ to the Criminal Justice Commission by Graham Neil Risley, he said that he had been the Administration Officer at Numinbah since 1985 and his duties included keeping the books and records associated with the Correctional Centre. He stated that he had a vague recollection of hearing the allegation that milk from Numinbah had been used to "top up" the quota of the neighbouring farm, but that he had no direct knowledge of any such occurrence. As far as he was aware, all the documentation which came to the office from the dairy association, balanced.

Staff of the Commission interviewed¹⁴ Correctional Officer James George Panitz, who was the officer in charge of the dairy. When the allegations were put to him, he replied that they were, "*A whole lot of hog wash*".

French, the adjoining landowner and farmer, in his evidence before the Commission responded to the allegations. He explained in great detail

¹³ See Exhibit 580

¹⁴ See Exhibit 578

the procedure adopted for the collection of milk from his farm and the system in relation to milk quotas. He explained that the records of his dairy revealed that, except for one occasion, there had never been a requirement to "top up" his milk supply during the last 12 to 15 years. He added that, other than on that one occasion, during that period, he always supplied his quota plus 15% above the required quantity. He denied ever being supplied with milk by the Numinbah Correctional Centre to make good any deficiency and, further, he denied ever having a conversation with "F" concerning the supply of milk between respective farms. He also added that, to the best of his knowledge, there had never been a situation where the figures written down on the milk docket varied from that shown on the milk register or the counter on the machinery from which the milk was taken. As has been previously stated, he was a most impressive witness who left the Commission in no doubt that he was telling the truth.

"F" denied making any arrangement with French to top up the supply and stated that the allegations had previously been investigated by the E.I.U.

There is no evidence to support this allegation. In such a close community as Numinbah, one would have expected there to have been persons with direct knowledge who would have come forward if the allegation was correct.

9. **ALLEGATIONS THAT RED CEDAR TREES WHICH HAD BEEN ON THE NUMINBAH CORRECTIONAL CENTRE PROPERTY HAD BEEN CUT DOWN AND STOLEN**

Gilbert claimed that she had been told by Steiger that red cedar timber had been stolen from the property. Although Gilbert did not state in her evidence where the timber had gone, the allegation which was investigated in 1990 by the E.I.U.¹⁵ was that the timber had been removed to the adjoining sawmill, which was owned by Correctional Officer Panitz.

In his statement¹⁵ to the E.I.U. in July 1990, Steiger denied having any knowledge of the allegation. When he was questioned by Commission officers in relation to the allegation, although stating he had no knowledge of the timber being stolen, he stated he had heard some rumours about it¹⁶.

Panitz, in his statement¹⁷ to the E.I.U., admitted that he did own and operate a sawmill on his own property. However, it was used to mill timber to build his own house and he had not used it for about four years. He claimed that the only access point to get such timber out of the Centre would be through the main gate. He stated that he had no

¹⁵ See Exhibit 575

¹⁵ *ibid.*

¹⁶ See Exhibit 576

¹⁷ See Exhibit 577

knowledge of any timber being removed from the Centre. Panitz reaffirmed these denials when interviewed by Commission staff¹⁸.

"F" stated that he was aware of the allegation concerning the red cedar timber, but claimed there was no truth to it.

Once again, there is no evidence to substantiate the allegation.

10. ALLEGATIONS THAT GRAHAM NEIL RISLEY HAD KEPT DOCUMENTS SHOWING WRONGDOING BY "F"

Gilbert gave evidence that just prior to Christmas in 1990, whilst she was on sick leave, she visited the home of the Administration Manager, Mr Risley. She claimed she was greeted there by Mrs Risley, who stated that her husband had been documenting evidence on "F" and that he would use it against "F" if he was not treated the right way. She stated that, in effect, they were being used as *"a safeguard for him if things got too hot for him in the future"*. She stated that some of the material was in the form of photocopies of documents and some was kept on a computer disc.

Anmaree Risley provided a statement to the Commission in which she stated that her husband had frequently expressed to her concerns about procedures, lack of accountability, treatment of officers and the general

¹⁸ See Exhibit 578

running of the prison, and that he had submitted numerous memoranda to "F", which set out errors in accounting procedures required by law and lack of accountability involving financial transactions. She added that her husband had told her that he had made copies of these memoranda and placed them on file according to auditing requirements. She had never seen any of them at home. She could recall telling Gilbert that her husband had kept copies of documents showing the wrongdoings of "F". However, this was in relation to such documents as operational and strategic plans which had been rejected by Central Office. She also told Gilbert that her husband was doing this as insurance against blame's being attributed to him. She added that in no way did she imply that her husband was doing this to have some hold over "F" in the future.

Graham Risley, in his statement¹⁹ to the Commission, confirmed the evidence given by his wife.

From the evidence of Mr and Mrs Risley, the documents to which Gilbert referred related to managerial and administrative issues. There was no evidence that there were any documents in existence establishing corruption by "F".

¹⁹ See Exhibit 580

11. **ALLEGATIONS THAT A DOUBLE PAYMENT HAD BEEN MADE TO A CARPET LAYER WHO WAS A FRIEND OF "F"**

Gilbert stated that Mr Risley had told her that carpet for the programmes area had to be paid for twice by him. She claimed that this payment was to a carpet layer who was a friend of "F's".

Mr Risley, in his addendum statement²⁰ to the Commission, made reference to a number of documents which related to the supply of carpet to Numinbah by Kelwin Carpets Pty. Ltd., (with whom Numinbah Correctional Centre had contracted to supply carpet to the Centre). Copies of the documents were provided to officers of the Commission.

Having extracted these documents after an examination of the records held at Numinbah Correctional Centre, Risley stated that he was satisfied that payment was made to Kelwin Carpets Pty. Ltd. on only the one occasion, being 6 July 1989. These documents are consistent with that view.

This allegation was incorrect.

²⁰ See Exhibit 580

12. ALLEGATIONS THAT "F" TOOK MEAT FOR HIS OWN USE

Gilbert stated that she had been told by an inmate, Phillip Noble, who was the butcher at Numinbah Correctional Centre, that he was required by "F" to write in false figures in the meat book to cover up the fact that "F" was taking the meat for his own use. She added that Noble told her that "F" would give him early release if he was to conform to what "F" wanted. She claimed that Noble, in fact, got seven days early release which was the maximum that could be granted by "F". Other than prisoners complaining continually that they were not getting their proper allotted share of meat, Gilbert had no other evidence to give in relation to this allegation.

12.1 THE EVIDENCE OF MATTHEW PHILLIP NOBLE

Matthew Phillip Noble gave a statement²¹ to the E.I.U., in which he denied that "F" offered him early release or any other special treatment in return for covering up or condoning any illegal activity on his part. He added that he had no knowledge of illegal activity by "F" or any other officer. When questioned by Commission officers²², he reiterated this and stated that he gave free meat to no-one whilst he was a butcher at Numinbah. Noble left Numinbah Correctional Centre on 24 April 1990, after having served his full sentence.

²¹ See Exhibit 582

²² See Exhibit 583

12.2 THE EVIDENCE OF WILLIAM FREDERICK APLIN

Former inmate Mr Aplin, in his statement²³ to the Commission, indicated that he was at Numinbah Correctional Centre from May 1989 to the end of January 1990. On arriving at the Centre, his first job was to count the blankets, sheets and the shirts. This only took him half a day. His next job was to find out where the stray meat had gone. He said he was allocated this task by "F", who told him that he was concerned about it. He claimed that he told "F" that he wished to weigh the meat as soon as it arrived from the butcher's to ascertain its weight and compare it with the butcher's weight, in case there were any errors in the scales. Aplin states that "F" told him not to do this and asked him if he had witnessed the meat being weighed at the butcher's shop. As Aplin stated that he had watched the meat being weighed at the butcher's shop, "F" told him that the meat was not to be weighed again as the scales were checked regularly. From his investigations, Aplin was satisfied that the meat was not being stolen from the prison and he believed that there was a shortfall before it reached the prison. He again asked "F" whether he could weigh the meat on arrival at the prison, but he stated "F" directed him not to weigh the meat. On each occasion that Aplin returned from the butcher with the meat, "F" would meet them. This continued for about a month until one day when "F" failed to attend upon Aplin on returning from the butcher's shop. On this occasion Aplin weighed the meat and discovered it to be in the vicinity of 20 or 30 kilograms lighter than what it had been at the

²³ See Exhibit 616

butcher shop at Southport. Aplin claimed he went to "F" and said to him, *"I think we've discovered where the meat has gone. I think it evaporated between Southport and Numinbah."* At this time "F" had a dead pan expression on his face. After this time, Aplin claimed that it became procedure to weigh the meat on arrival at the prison and although there were discrepancies for some weeks of a relatively minor nature, no substantial discrepancies occurred again.

12.3 THE EVIDENCE OF CORRECTIONAL OFFICER KEITH DAVID COX

Mr Cox stated that he was appointed a Correctional Officer at Numinbah on 29 June 1989 and took up duties in the store and transport areas. He said one of his duties was to collect the meat by driving to Angus Aird & Co., butchers at Southport, with one of the prisoners. Upon the arrival of Aplin in the store area, Aplin brought to his attention deficiencies in the meat stock-take. Aplin told him that the stock-take he had done showed there were regular deficiencies occurring in the meat balances. He said the stock-take continued to show that there were deficiencies in the meat and he submitted regular reports showing these deficiencies. These reports²⁴ were all addressed to "F". The deficiency was calculated by re-weighing the meat upon its arrival at the Centre. His first report dated 12 October 1989 stated that as of 9 August 1989, the meat purchased for rations was re-weighed upon arrival at the Centre and it had been discovered that

²⁴ See Exhibit 616

deficiencies ranging from 7 kilograms to 34 kilograms had been detected. He stated that it was quite obvious that somebody's scales were inaccurate. These reports continued until 15 November 1989, at which time the meat deficiency was within "*acceptable range*".

12.4 THE EVIDENCE OF THE BUTCHER

Eric Henry Wilkins provided a statement²⁵ to the Commission, in which he indicated that he was manager of the Wickham Farms Butcher Shop, situated at Southport. This business was originally owned by Angus Aird & Co. He stated that he had worked for Angus Aird for approximately 21 years prior to the sale of the business. He stated he could only recall "*F's*" attending at the butcher shop on three occasions over the past 20 years, although he vaguely recalled that "*F*" and the previous owner had known each other since growing up together in the Southport area. He stated that he was responsible for the majority of the sales of meat to the Centre. He recalls in June 1990 he received a telephone call from a male person at Numinbah Correctional Centre. This person informed him that the half carcass of beef that had been collected that day from the butcher shop had been weighed upon arrival at the Centre and found to be 10 kilograms under the weight of the invoice. He stated he discussed this matter with the employee who had weighed the carcass and decided to give the benefit of the doubt to the Centre and duly issued a credit invoice for the amount of 10 kilograms. It was then decided that when the meat carcasses were weighed in

²⁵ See Exhibit 616

future for the Centre, that either he or an employee would be present, along with the prisoner and prison officer, who would be requested to verify the weight at that time. He claimed there were no further discrepancies, to his knowledge, and this was the first time that a discrepancy was brought to his attention. He could not assist the Commission any further in relation to the discrepancies in the meat.

In November 1990, he was requested to supply a quote for the delivery of the meat to the Centre. However, he was informed that a cheaper quote for the supply and delivery of meat was obtained elsewhere and he lost the contract.

12.5 THE EVIDENCE OF "F"

"F" denied ever taking meat for his own purposes. He stated that the meat was purchased from Angus Aird, whom he had known for many years. It was not a personal relationship, only an association through business. He acknowledged that there had been complaints about discrepancies in the meat, but denied asking Aplin to investigate where the meat had gone. Furthermore, he denied telling Aplin that he was concerned about the stolen meat. He further denied ever telling Aplin not to weigh the meat on return from the butcher. He also stated he did not recall Aplin's coming to him and telling him that he had found a 30 kilogram deficiency in the meat.

"F" claimed that he knew nothing about the substantial discrepancies until the evidence was given before the Commission. If he had known about it, he said he would have caused a rigorous investigation to occur. When he was asked to look at the memorandum dated 12 October 1989 from Cox to himself which highlighted large deficiencies, he said he could not recall seeing it, although he did concede he saw the subsequent memoranda which showed smaller discrepancies in the weights of meat. His evidence in relation to this issue lacked conviction and he was clearly shaken by questioning in relation to it.

12.6 CONCLUSION

It is clear that the evidence of Aplin differs greatly from that of "F". Aplin and Cox claim "F" was aware of the large deficiencies. "F" states he was not. Whichever version one accepts, the evidence falls short of corruption. Clearly there were sizeable deficiencies over a long period of time, but there is no evidence to suggest that "F" or any Correctional Officer was receiving any of the meat or any benefit from the deficiency. If Aplin's version is correct, one would find it very difficult to reconcile "F's" request of Aplin to find where the meat had gone, with corrupt behaviour on "F's" part. After all, Aplin was a very intelligent person who, one would expect would have located any shortfall in a short period of time, which is exactly what he did.

There is insufficient evidence to establish any criminal wrongdoing by any person. Notwithstanding the lack of evidence to establish any

criminal wrongdoing, "F's" inability to explain deficiencies of such quantities was puzzling. Despite knowing there were deficiencies, he apparently made no attempt to discover their source. Why did he not cause inquiries to be made when he received Cox's reports? One would have expected him to cause inquiries to be made with the butcher. It must be concluded that, at least, he did not give the problem the supervision and attention it deserved.

13. ALLEGATIONS THAT "F" SOLD PRODUCE VERY CHEAPLY TO SELECTED PURCHASERS

Gilbert stated that she received complaints about the prices received for the sale of the farm produce and, in particular, prices obtained for the pigs. She stated that Prison Officer Stevan Janosevic, who was in charge of the piggery, told her that he could have got a better price for the pigs on one occasion and rang "F", but "F" told him to sell the pigs to the normal purchaser. Gilbert conceded that she had no knowledge about long-term contracts or contacts for the supply of pig meat.

Correctional Officer Stevan Janosevic, made a statement²⁶ to officers of the E.I.U. in July 1990. In that statement, he addressed the very same allegation and admitted that, in fact, it was substantially correct. He added that he did not personally agree with "F's" decision, but accepted that it was his right to make the decision and that he, "F",

²⁶ See Exhibit 584

could not have gained anything personally from it. When questioned by Commission officers²⁷, Janosevic conceded that the Numinbah Correctional Centre had an agreement to supply pigs to K R Darling Downs.

13.1 THE EVIDENCE OF "F"

"F" confirmed that there was a long-standing contract to supply pig meat to K R Darling Downs on a fluctuating price scale. He stated that, in selling produce, he always acted in the best interests of the Correctional Centre. In relation to the specific allegation that he had been approached by his piggery officer and advised that he could sell the produce at a higher price, he claimed that he discussed it with that officer and they both agreed to continue with the current arrangement to the end of that financial year.

There was no evidence of corruption against "F".

14. ALLEGATIONS THAT THERE HAD BEEN AN ATTEMPT BY SENIOR CORRECTIONAL OFFICERS TO COVER UP THE FACTS BEHIND THE DEATH OF AN INMATE

Gilbert expressed concern about evidence given by senior correctional officers in the Coroner's inquest into the death of an inmate, Joseph

²⁷ See Exhibit 585

George Richardson. She conceded that she gave evidence at the inquest and had told the Coroner all that she had to offer. Furthermore, she conceded that she had nothing further to offer since she had given that evidence.

The death of Richardson was the subject of a full inquest at which the Coroner had the opportunity to hear all the evidence and assess the demeanour of all the witnesses. The Commission did not consider it was appropriate to reinvestigate this matter where there was no new evidence and where it was clear from a review of the transcript²⁸ and the Coroner's finding²⁹ that the Coroner had carefully considered the evidence, assessed the witnesses and made appropriate recommendations.

15. ALLEGATIONS THAT A CORRECTIONAL OFFICER USED AN INMATE TO SET UP THREE OTHER INMATES WITH A BONG

Gilbert claimed that a Senior Correctional Officer, "H"³⁰ used an inmate "I"³¹ to set up three other inmates so that he could catch them

²⁸ See Exhibit 567

²⁹ See Exhibit 568

³⁰ The name of the senior officer is subject to a suppression order. He will be referred to as "H" for the entire report

³¹ The name of the inmate is subject to a suppression order. He will be referred to as "I" for the entire report

with drugs. She said that the three inmates were arrested and sent to Brisbane Correctional Centre the next day.

15.1 THE BASIS FOR THE ALLEGATION

The basis for her allegation was what she had been told by "I" and another inmate (who was not named) plus admissions made by "H". She claimed that the unnamed inmate had told her that he had acted, in concert with "I", to have "I" place a bong in the hut of the three inmates. This unnamed inmate then told her that he rang "H" to come and find the three inmates with the bong. Although it is not clear, it seems that "I" also told her that he had given the bong to the three inmates. At no stage does she say that she was told by either "I" or the unnamed inmate that they had conspired with "H" to place the bong in the possession of the three prisoners. That is, it was open, on what she claimed that she had been told by these two inmates, that they had conspired between themselves and then rung "H" to inform him that he could locate a bong in the three inmates' hut.

Gilbert claimed that "H" had admitted to her that he did set up the three inmates, in a discussion with her and two other officers, one of whom was "F", on 29 August 1990. Gilbert taped this conversation and provided a copy of the tape to the Commission. It was transcribed and tendered in evidence³². She relied on the comment made by "H" at the foot of page 22 of that transcript, where she asked him, "All right,

³² See confidential Exhibit 588

do you admit that you used 'I' to set up those three prisoners?" to which he replied, *"Oh I admit it now."*

15.2 THE EVIDENCE OF "I"

"I" was questioned before the Commission in an *"in camera"* hearing. He was most reluctant to answer questions concerning any information he may or may not have given to any correctional officer. He was clearly aware of the possibility of being tagged an informant. He did not present well as a witness and the Commission was not prepared to rely upon any of his evidence.

15.3 THE RESPONSE BY "H"

"H" was called to respond to the allegation, which he denied.

When the extract from the transcript was put to him, he explained it by saying that he thought Gilbert had asked him, *"All right, do you admit that you used 'I' to give up those three prisoners?"* rather than *"set up those three prisoners."*

There was a number of cogent reasons to accept his explanation:

- First, the tape recording of the conversation held on 29 August 1990 revealed that the four persons present spoke at a rapid pace and often interjected. Sometimes they spoke over each other. It would have been very difficult to hear any question at the time.

In fact, the conversation immediately preceding and following the critical sentence was unintelligible.

- Immediately after "I's" apparent admission, she asked a question of "F": *"All right, were you aware that he had used (unintelligible) 'I' to set up those three prisoners?"* to which "F" replied, *"Not, he never used them, 'I' gave it up, gave (unintelligible)"*. Further, at page 24 of the transcript, "H" states *"No, before you go any further, I just remember why I wanted to bring this point up, you mentioned the point that I done a deal, I never did do a deal with 'I', he come and confessed to me, there was never no deal, 'I' confessed to me and he said there are, other blokes in the camp, who were smoking, right..."*.
- "H" did not present as a particularly articulate person. At times he had difficulty understanding questions and at other times he had difficulty in responding to them. It is a real possibility that even if he clearly heard Gilbert's question, he misunderstood it.

If one accepts "H's" explanation (and there are good reasons to do so), there is simply no evidence to suggest that he was involved in the setting up of the inmates.

15.4 A THREAT BY "H" TO GILBERT?

It should be noted at this stage that a related allegation made by Gilbert was that she had been threatened by "H", to prevent her raising the matter of "H's" using "I" to set up the three prisoners. Her concern arose from a conversation which occurred on 10 August 1990. It was taped by Gilbert. A copy of the tape was provided to the Commission and it was transcribed³³. At page 4 of the transcript, "H" says to Gilbert, *"In the police force, do you know how long a person can get, if someone tells you something and you let it out"*? And later on, *"Seven years in gaol, you, you, Judy, you, you go over there and blurt out something like that"*.

Although "H" was somewhat inarticulate in relation to this incident when giving evidence, a report³⁴ dated 13 August 1990 by him to the Director of Custodial Corrections relating to the incident and providing his version of the conversation, sets out the following: *"I said, 'to divulge any information could result in a gaol sentence of up to seven years.' Judy replied, 'I didn't know.' I said, 'You were a copper. Why don't you know?' Judy showed no remorse for having put prisoner 'I's' life in danger and showed no concern that she had put a slur on my reputation as an honest and fair person."*

³³ See confidential Exhibit 587

³⁴ See confidential Exhibit 602

It would appear from this report that the gravamen of his displeasure was his belief that confidential information identifying "I" had been released by her. After all, if it is accepted that he did not set up the three inmates, his reference to seven years' gaol could only have been referring to what he believed was the penalty for the release of the name of a confidential drug informant.

The Commission is satisfied that no threat was made to Gilbert.

15.5 LACK OF COMMUNICATION

It is fair to say that it was apparent from the evidence of Gilbert and "H", as well as the reports³⁵ by Trevor Carlyon, (the Assistant-Director), that Gilbert was at loggerheads with "H" and "F" over many issues. It is also apparent that their attitude to each other resulted in many misinterpretations of the others' words and deeds. A matter which was the subject of great concern to Gilbert was the accusation that had been levelled against her that she had endangered "I's" life by declaring him to be an informant. She denied it vehemently. It is not necessary to make any finding in relation to this issue as it does not fall within the Terms of Reference³⁶, but it does highlight the lack of communication between senior staff at the Centre at that time.

³⁵ See confidential Exhibit 603

³⁶ See Exhibit 172 for the Resolution of the Commission

16. CONCLUSIONS

Not one of the allegations made by Gilbert could be substantiated. Some were denied by their putative authors. Other "sources" explained how they had been misinterpreted. It was clear some of the allegations were rumour. They were, on occasions, probably mischievous rumour (which has shown itself to thrive in correctional centres). Once again, there was a paucity of direct evidence.

On the other hand, it was clear on the evidence that, at the relevant time, at least in relation to the meat, there was a grave deficiency in the centre's auditing practices. The Administration Officer, Risley, drew other problems to "F's" attention. Although it is not intended in this report to delve into these deficiencies, it can be said that they were partially responsible for the germination of suspicions and the proliferation of rumours.

Another matter of some concern was "H's" apparent lack of knowledge of the power to take urine samples from inmates. He was a very senior officer who openly stated to inmates that he was "*to conduct random urine tests on all inmates with a view to prosecution*". When asked what was his power to do so, he relied on the powers that repose in a General Manager of a prison, adding that when he made the statement to the inmates, he was an Acting General Manager. He ultimately admitted that his belief as to the law was incorrect. He conceded that even the General Manager could not carry out random urine analysis

(without the consent of the prisoners), and that pursuant to s.48 of the Corrective Services Act, he required reasonable grounds before he could demand a sample from the inmates.

Although one cannot fault "H's" commitment to eradicate drugs at Numinbah, one would have expected greater familiarity with the legislation to ensure that he would not be breaching it when directing inmates.

E. MISCELLANEOUS ILLEGAL ACTIVITY

1. ESCAPES

The Terms of Reference¹ were drawn sufficiently wide to include the investigation of alleged criminal activity by officers of the Queensland Corrective Services Commission in any escape by inmates. Messrs Ray Connor MLA and Patrick O'Connor provided the names of a number of prisoners who had escaped and who, they claimed, should never have been in a position to escape as they did. They, however, at no stage suggested that there was any corruption or criminality involved on the part of any correctional officer or any officer of the Queensland Corrective Services Commission. In his evidence², O'Connor ultimately made it clear that what he was alleging was not criminal activity on the part of the Queensland Corrective Services Commission or its employees, but managerial incapacity and inefficiency. The most common allegation was that the prisoner had been downgraded in his security classification within the prison system, which permitted him to be transferred to low security areas from which he escaped.

In the process of ascertaining whether there was any allegation of criminal impropriety, O'Connor was questioned at some length in relation to his knowledge of the basis upon which transfers and reclassifications had been made in particular cases and it was obvious

¹ See Exhibit 172 for the Resolution of the Commission

² See Transcript p.1006

from these questions that he had very limited knowledge of the facts. He conceded that he was not in a position to know whether special facts existed in any particular matter.

Notwithstanding the fact that there had been no allegation of a criminal nature made by O'Connor and Connor (and therefore, prima facie, not within the Commission's Terms of Reference), the Commission carried out further inquiries into the matters to see whether there was any evidence to establish whether any officer of the Queensland Corrective Services Commission had assisted or aided any inmate to escape. Its inquiries failed to produce any such evidence and, accordingly, no evidence was led in relation to them.

However, what is of great concern to this Commission is that there may be some officers of the *"old guard"* who, although providing no positive assistance to inmates to escape, have *"turned a blind eye"* to indicia of forthcoming escapes hoping that the Queensland Corrective Services Commission would be discredited by any eventual escape. Although this may sound far-fetched, it must be remembered that in his evidence Correctional Officer Neville Miller admitted that he tried to cause a riot in the prison as he was aggrieved at the proposal to disband the Security Squad.

Having heard the evidence of a number of Correctional Officers and noting the degree of hostility expressed by some to the current processes of prison reform, the Commission is concerned that these

attitudes might not be totally unrelated to the continuing incidence of escapes.

These matters should be addressed by the kinds of measures referred to in the final chapter of this report.

2. LADA CARS

In his statement to the Commission, Peter Brougham said that he had "*lingering suspicions*" about a contract concerning the conversion of Lada cars by inmates at Wacol. In the middle of 1990, allegations in relation to the Lada motor vehicle conversion project at Wacol were subject to investigation by the E.I.U. In a letter³ dated 5 October 1990 to the Deputy Director-General of Queensland Corrective Services Commission, from Detective Inspector K R Smith, (the Inspector of Police in charge of the E.I.U.), there was attached a 24 page report by Plain Clothes Senior Constable G M Kachel, advising that their inquiries disclosed no criminal activity by any person.

Kachel's report was reviewed by Inspector Aspinall of the Commission. On the basis of the review of that report, Aspinall was of the opinion that there was no criminal conduct or other corruption involved in the matter⁴.

³ See Exhibit 635

⁴ See Exhibit 635

As no new evidence had been brought forward by Brougham, the Commission took the view that it should not re-investigate the allegations which had been so thoroughly investigated by the E.I.U.

3. **ALLEGED LACK OF INTEREST SHOWN BY FORMER MINISTER FOR CORRECTIVE SERVICES**

In her evidence, Delphine Delamonte Baxter stated that she, in company with Mrs Gates, Alison Barker and Helen Glegg, attended upon the then Minister for Corrective Services, the Honourable T R Cooper MLA. They intended to provide documentation to the then Minister concerning drugs in the female and male divisions of the Brisbane Correctional Centre. Baxter claimed that in front of the news cameras, she provided a manilla folder of documents to the Minister. When the cameras had departed, the Minister told her that he would pass the ladies over to some other people as he had other matters to which to attend. Baxter claimed that as he said this, she reached forward and took the manilla folder out of his hand. She was led into another room with these other men, whom she presumed to be underlings and she spoke to them for some three quarters of an hour, during which time no-one sought to see her paperwork. At the end of that time, she was asked to leave. She concluded that the Minister "*Was not interested in reading them*", referring to the documents in the manilla folder.

Having completed her evidence, the Commission formed the view that the circumstances as related by Baxter clearly did not involve any

impropriety by the Minister or any of his staff and, therefore, did not require a response from them.

Unfortunately, the media reported Baxter's evidence in relation to this matter, giving it a significance it did not deserve. In light of the publicity given the matter, Counsel Assisting the Commission took the course of tendering the following:

- a letter⁵ received by the Chairman of the Commission from Tony Barr, the former Private Secretary and Ministerial Adviser to the Minister for Corrective Services, which responded to Baxter's claim;
- a media release⁶ by Mr Cooper, which also responded to Baxter's claim;
- a report⁷ dated 29 January 1988 by the then Superintendent F M O'Gorman concerning his meeting with Baxter soon after she passed the documents (and retrieved them) to the Minister.

From this material the Commission concluded that:

⁵ See Exhibit 462

⁶ See Exhibit 462

⁷ See Exhibit 631

- O'Gorman was sought by the Minister to be present to receive the documentation;
- the media present had been organized by Baxter or her associates, (it was not in the Minister's interest to highlight any problems within his portfolio);
- Baxter and her associates were introduced to O'Gorman who eventually took statements from some of them;
- the material supplied by them related to administrative matters rather than official corruption;
- this material was handed on to the Kennedy Commission.

It is fair to say that Baxter's suggestion that the Minister was "*not interested*" was erroneous and mischievous in the extreme.

From the evidence, it was clear that Baxter was of the "*old guard*", who appeared to be contemptuous of inmates and dismissive of the Queensland Corrective Services Commission's goals and long-term aspirations. It would seem that the attack on the former Minister was simply a manifestation of her opposition to reform. It must be concluded that she intended to embarrass the Queensland Corrective Services Commission by handing over the documents to the then Minister in front of the media.

4. ALLEGATION THAT PRISONERS' FUNDS HAD BEEN USED FOR A PARTY AT THE SECURITY PATIENTS' SECTION AT WACOL

Judith Anne Gilbert told the Commission that she had been informed by an inmate that prisoners' funds had been used for a party at the Security Patients' Section at Wacol Section and that another inmate had supplied girls who were involved in lesbian acts for the entertainment of the official guests.

Officers from the Commission interviewed⁸ Mr Garry Harvey, who was the caterer at the Security Patients' Section between November 1987 and its close in June 1988. He recalled being directed by Superintendent William Kennedy, or Michael O'Leary, to prepare food for 80 guests for an official closing function of the Security Patients' Hospital Section of the Centre. He was under the impression that the function was being authorized and specially funded from the head office of the Prison's Department. Also interviewed was Mr Peter David Bassett⁹, the Administration Officer for the Centre at the time. He recalled the function, stating that amongst the official guests was the Director-General. He claimed that the function had been authorized by Superintendent Kennedy and that he (Bassett) had subsequently processed and authorized payment for the purchase of the foodstuffs, including meat and salads for the function. He remembered that a female "*Strip-A-Gram*", organized by prison officers, had attended the

⁸ See Exhibit 586

⁹ See Exhibit 586

function and performed to one of their number who was leaving the Centre. To his knowledge, this service was paid for by the prison officers.

William Kennedy provided a statutory declaration¹⁰ to the Commission, in which he stated that at the time of the function O'Leary was Acting General Manager of the Security Patients' Hospital. He further stated that O'Leary had told him that he had organized with someone at head office to provide the foodstuffs for the party. He also confirmed that there was a "*Strip-A-Gram*" at the party.

This allegation is an example of how the correct account of events may be distorted by rumour and hearsay. What turned out to be a "*Strip-A-Gram*" was alleged to have been the supply by an inmate of a number of girls who were involved in lesbian acts. The prisoners' funds allegedly used turned out to be funds from head office. There is clearly no basis for the allegations.

5. **ALLEGATION THAT QUEENSLAND CORRECTIVE SERVICES COMMISSION STAFF HAD FAILED TO PASS ON INFORMATION TO THE POLICE CONCERNING THE SEXUAL ASSAULT OF AN INMATE**

Patrick O'Connor gave evidence that he had received information from another Correctional Officer by the name of Patrick John Donald

¹⁰ See Exhibit 632

MacDonald, who informed him that the management at the Wacol Correctional Centre had attempted to cover up the sexual assault of an inmate so there would be no adverse publicity. O'Connor stated that the inmate had exhausted all avenues in trying to bring the matter to the notice of the police, but had been thwarted whilst in prison by staff of the Queensland Corrective Services Commission.

This matter was investigated by Inspector Aspinall of the Commission, who prepared a Brief¹¹ of his investigations. The inmate claimed that on 18 January 1990, he was sexually assaulted by two other inmates. Soon after the incident, he claimed he produced to a Correctional Officer, evidence of the assault by showing him blood running from his anus. On the same day he claimed he was informed that he would be transferred to the Officers' Mess to work there. The inmate claimed on three occasions he requested that he be given a "blue letter" which would permit him to write to the Minister. He claimed that he was not given the "blue letter" as he was told "*Don't bother, you're just wasting your time. It won't go any further.*"

Further inquiries by the Commission show that the Correctional Officer to whom the inmate ostensibly showed the injuries had been on leave from 15 January 1990 and continued until 11 February 1990. This, however, was not conclusive as prison records show that the inmate commenced work in the Officers' Mess on 8 January 1990. If one accepts the inmate's account that he was transferred the day after the

¹¹ See Exhibit 634

event, he was assaulted on 7 January 1990. Queensland Corrective Services Commission records reveal that the inmate wrote a "blue letter" to the Minister for Corrective Services two days later, on 9 January 1990, however, that letter was in relation to an entirely different matter: no mention was made of the alleged assault. One would have thought that if he had the opportunity to write in relation to this other matter, he certainly would have had the opportunity to write in relation to his assault. He could have included it in the same letter. Clearly he had access to a "blue letter", but there is no record of any such letter in relation to the alleged assault.

The Director of Custodial Corrections provided a statement¹² in which he claimed that the first the Queensland Corrective Services Commission heard about the allegations was by way of an undated letter from the inmate to the Director-General received on 23 March 1990. At that time he sought further details from the inmate, as he had not given any particulars. No response had been received from the inmate until the inmate contacted the Minister for Justice and Corrective Services. As a result of these representations, the E.I.U. was tasked on or about 11 July 1990 to interview the inmate.

Detective Sergeant Second Class Peter Edward Dwyer, provided a statement to the Commission in which he indicated that the inmate, after he had been released from prison, had failed to attend on two occasions and also failed to keep four appointments to be medically

¹² See Exhibit 634

examined until he was finally examined on 11 October 1990, many months after the event.

All the Correctional Officers allegedly involved in the cover-up, were interviewed by the Commission. They denied any knowledge of the sexual assault and also denied knowledge of any complaint of a sexual assault by the inmate.

In conclusion, other than the evidence of the inmate, there is simply no evidence that a timely complaint was made by him. If one accepts his evidence in relation to the date, then the person to whom he allegedly complained was not even at work. If one concedes that he was wrong in relation to the date but right in relation to the timing, that is one day prior to his transfer to the Officer's Mess, then he had the opportunity to apprise the Minister in his correspondence to him of 9 January 1990.

Further disconcerting points are that he was reluctant to be medically examined and also, on two occasions, did not appear to make a complaint to the police. One would have thought that if the inmate were aggrieved by the inaction by the Queensland Corrective Services Commission, he would have made a complaint to the independent official visitor, or at least on the date of his release, that is 15 March 1990, complained directly to the police. He did neither. In the circumstances, it must be concluded that there was no complaint made by the inmate until after his release, whereupon he sent his undated

letter to the Director-General which was received on 23 March 1990. At that time steps were taken to obtain further particulars from him.

There is no evidence of impropriety against any officer of the Queensland Corrective Services Commission in this matter.

6. THE I.P.C.H.A.C. ALLEGATIONS

6.1 THE OPERATIONS OF I.P.C.H.A.C.

In order to fully comprehend the allegations concerning this organization, it is necessary to have some understanding of its structure and functions. The Incarcerated Peoples Cultural Heritage Aboriginal Corporation or I.P.C.H.A.C. is a statutory corporation created under the provisions of the Aboriginal Councils and Associations Act 1976 (Cwth.). The date of its incorporation was 20 February 1989 and at that time the President of the corporation was Mr E J (Ted) Watson. Membership of the body is open to adult Aboriginal persons "*normally and permanently*" resident in the Brisbane Correctional Centre and all such other locations as the Committee determines from time to time. Its objectives are to deal with all matters relating to the cultural heritage, economic development, welfare and education of the members. It also aims to assist in the legal affairs of the members.

In order for I.P.C.H.A.C. to become established, funds were necessary and the corporation made submissions for Federal funding. It also requested funds in the form of a loan or grant from the Queensland Corrective Services Commission. In January 1990, it received \$5,000 from the Minister for Justice and Corrective Services towards the creation of a cultural heritage education programme and the Board of the Queensland Corrective Services Commission, on 21 March 1990, approved a grant of \$23,000. This latter grant was in keeping with the Commission's policy in relation to Aboriginal and Torres Strait Islanders, which was to encourage and assist Aborigines and their organizations to be responsible for direct services supplied to Aboriginal and Islander offenders. With these funds the organization, inter alia, purchased capital items such as typewriters and a photocopier in order to fulfil their functions.

The organization is completely separate from the Queensland Corrective Services Commission and its accounts are in no way under the control of officers of the Queensland Corrective Services Commission. They are kept by members of the organization. The corporation has appointed an accountant by the name of Emanuel George Kallinicos to audit their books of account in order to verify that moneys provided by way of grant are used for the purposes of the grant. In 1990, Government (Federal and State) grants increased to \$107,000.

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 CORRECTIVE SERVICES COMMISSION

Patrick O'Connor stated that he had been told by an inmate, Robert Raymond Lloyd Robinson, that two managers (named) at the Brisbane Correctional Centre and the two Aboriginal inmates (named) who were administering the fund, were believed to be involved in siphoning hundreds or thousands of dollars from the fund. O'Connor had no further details.

Robinson was interviewed¹³ by Commission staff. He stated that he did not believe that any Corrective Services Officer was involved. When asked whether he had any information of impropriety concerning the two officers mentioned by O'Connor, he stated that he did not, although he originally had suspicions concerning these officers as he believed that they were responsible for his transfer from one prison to another. He stated that this fact was the sole reason for his suspicions and that he now does not believe that they were involved in any wrongdoing. He added that as far as he believed there was no impropriety in relation to I.P.C.H.A.C. by any persons involved with the corporation and that the impropriety he originally alleged was more a case of mismanagement.

¹³ See Exhibit 620

When originally questioned¹⁴ in relation to the allegation by the E.I.U. in March 1990, Robinson conceded that he had no evidence against the officers. His main source of complaint was that the two inmates against whom the allegations had been made, in his eyes, enjoyed a privileged status with certain members of the Commission hierarchy and that when he attempted to expose their activities, they used their influence to have him transferred to other prisons.

All persons the subject of the allegations denied them.¹⁵

This is a clean example of an aggrieved inmate's creating a baseless allegation against other inmates and Corrective Service Commission staff. It clearly highlights the circumspection with which such allegations sourced to inmates must be treated.

6.3 THE I.P.C.H.A.C. ALLEGATIONS MADE BY FRITZ

Fritz made a number of allegations concerning I.P.C.H.A.C. and its president, Ted Watson. He claimed:

- he overheard a conversation between a very senior prison official, "J"¹⁶, and an Aboriginal inmate, Watson, who was the president

¹⁴ See Exhibit 623 for Report dated 9 March 1990 by Detective Sergeant 2/C R E Barnett of the E.I.U.

¹⁵ See Exhibits 620 to 623

¹⁶ The name of the senior officer is subject to a suppression order. He will be referred to as "J" throughout this incident

of I.P.C.H.A.C. and who administered the funds. During this conversation "J" expressed an interest in *"getting his hands on some of the Federal grant allocated to I.P.C.H.A.C."* Fritz claimed to have taped the conversation;

- Watson admitted to him that he was receiving regular leaves of absence on the basis that when that money arrived from the Federal Government it would go directly to "J". This conversation was also allegedly tape recorded by Fritz;
- Watson was receiving preferential treatment such as an answering machine, a photocopying machine, a telephone, which was unmonitored, as well as his leave of absence benefits;
- In late May 1990, Watson came back to Brisbane Correctional Centre from Borallan because he had been caught in an hotel drinking whilst he was on leave of absence. He stated that Watson also told him that "J" had intervened and stopped him receiving any punishment other than placing him in Two Division at the Brisbane Correctional Centre;
- Watson was receiving \$600 a week from the Queensland Corrective Services Commission.

As has been previously stated, Fritz had no credibility at all as a witness. The taped conversations between Watson and "J", and

between himself and Watson, were never provided by Fritz despite his being given every opportunity to do so. Notwithstanding his lack of credit the Commission determined that it should further investigate the allegations.

6.4 "J's" DENIALS

By statutory declaration, "J" stated that he met Watson towards the end of 1989 after a group of Aboriginal prisoners had formed I.P.C.H.A.C. and were developing a cultural heritage education programme. He subsequently attended further meetings with I.P.C.H.A.C. at which Watson was present. He denied any involvement with the administration of I.P.C.H.A.C. funds and denied any misappropriation of them. Furthermore, he denied receiving any money or any other form of consideration from Watson and also denied that he had provided benefits to Watson. In relation to the leaves of absence, he stated that he could not recall ever granting leaves of absence to Watson as leave was administered by the General Manager of the Correctional Centre. He did, however, say that he may have, on one occasion, arranged for leave of absence to be granted to Watson so that he could attend a meeting with Mrs Anne Warner, the Minister for Aboriginal Affairs.

6.5 WATSON'S DENIALS

Watson was called to give evidence before the Commission to explain the workings of I.P.C.H.A.C. and to respond to the allegations. (In fact, representations were made on his behalf requesting that he be given the opportunity to provide his version of events). He impressed as a witness. He acknowledged that he was a signatory to all I.P.C.H.A.C. accounts and had signed all its cheques. He made it clear, however, that each cheque had to be signed by one other committee member as well. Watson denied having any conversation with "J" in which "J" expressed an interest in *"getting his hands on some of the Federal grant allocated to I.P.C.H.A.C."* He said that he could not recall any conversation with Fritz in relation to such a matter. He also denied *"having anything on J"*. He stated that neither he nor I.P.C.H.A.C. had paid any money to any officer of the Corrective Services Commission, including "J", for any purpose.

Watson conceded that he did receive some \$2,000 whilst in prison when he performed four weeks' work for the Royal Commission into Aboriginal Deaths in Custody. This money, however, was paid into his trust account after deductions for board and a donation to the Victims of Crime Association had been made. This evidence was confirmed by the accounts of the Queensland Corrective Services Commission¹⁷.

¹⁷ See Exhibit 489

He denied receiving any favourable treatment from any person and stated that the photocopier, telephone and answering service were the property of I.P.C.H.A.C. and were used solely for that purpose. Watson gave evidence that the use of the photocopier and access to the telephones was the subject of a memorandum from the Acting General Manager of the Brisbane Correctional Centre. This memorandum¹⁸ stated, inter alia, that the telephone was to be used purely for purposes of I.P.C.H.A.C. and that all incoming and outgoing calls were to be logged by the prisoners with random checks to be carried out by a custodial officer.

In relation to his leaves of absence, Watson stated that he had a number of them, but all had been granted to him in his capacity as I.P.C.H.A.C. representative. During these leaves of absence, he was escorted and at no stage was he ever allowed to be free from the prison.

In response to the allegation that he had been caught drinking in an hotel and brought back to Two Division at Brisbane Correctional Centre, Watson stated that the reason he returned to Two Division was that it was to be used as the "headquarters" of I.P.C.H.A.C. and he voluntarily accepted a transfer back from Borallan to Two Division for that purpose. He stated that there were lengthy discussions between executives of the Queensland Corrective Services Commission, the Minister for Corrective Services and the Minister for Aboriginal Affairs with regard to the use of Two Division for the running of I.P.C.H.A.C.

¹⁸ See Exhibit 627

6.6 THE EVIDENCE OF THE AUDITOR

Emanuel George Kallinicos gave evidence before the Commission, verifying that the control of the funds received by I.P.C.H.A.C. was in the hands of the corporation itself and not in the hands of the Queensland Corrective Services Commission. He confirmed that the spending of the money was also not in the hands of the Queensland Corrective Services Commission or its officers. He stated that he had audited the accounts and, from his audit, there was no suggestion or evidence of payment to any official of the Queensland Corrective Services Commission, nor any suggestion of dishonesty evidenced in relation to I.P.C.H.A.C's activities. He did, however, note that there was a need for professional competence in the areas of accounting which the officers bearers, apparently, did not have.

6.7 CONCLUSION

There can be no doubt that the allegations made by Robinson and Fritz were baseless. It is clear from the evidence that Queensland Corrective Services Commission officers had no access to the funds of I.P.C.H.A.C. Robinson's motive has already been stated. In relation to Fritz, it is clear that he was at loggerheads with the administration over their refusal to grant him parole or remissions and, further, he was jealous of the use of the I.P.C.H.A.C. facilities by Watson. It was also apparent that Fritz bore a grudge against Watson who received remuneration in prison for his services to the Aboriginal Deaths Inquiry,

whereas when Fritz applied for a position with the Queensland Corrective Services Commission he had been refused on the basis that his application¹⁹ could not be considered while he remained under sentence. What was not apparent to Fritz was that Watson was employed by a body other than the Queensland Corrective Services Commission. This was another example of a scurrilous, baseless Fritz allegation.

7. ALLEGATIONS OF PAYMENTS TO A SENIOR OFFICER IN EXCHANGE FOR EARLY RELEASE OR PAROLE

There were two allegations made in relation to Mr Alexander Lobban, former Comptroller-General of Prisons. Challis, in his evidence, claimed that Yvonne Gates had told him that a female inmate working in the store had told her that her father had received a telephone call from Lobban to the effect that for a payment of \$8,000, he could have his daughter released from prison the following day. Challis stated this occurred some three years' ago.

Gates, in her evidence, stated that in the winter of 1987, whilst she was working in reception, an inmate who had also been working in reception, received a visit from her elderly father who is now deceased. On returning from the visit, this female inmate said to Gates, *"My father just told me that he was approached by Lobban, offering to*

¹⁹ See Exhibit 190 for Annexures D and H to Fritz's addendum statement

release me to parole if I was willing to pay \$8,000." Gates claimed that she was told by the female inmate that her father refused the offer and also refused to report the incident.

This allegation was clearly hearsay upon hearsay which, by virtue of the death of the inmate's father, was unable to be investigated any further.

In his statement²⁰ to the Commission, Patrick O'Connor stated that he believed that an allegation had been made by an inmate, Stannard, that Lobban was taking money for approving parole. When further questioned about the allegation in evidence in chief, O'Connor conceded that, in fact, Stannard's allegation had been investigated and, as a result, Stannard had been convicted of making a false complaint. The fact of his conviction was not brought to the attention of the Commission when O'Connor was originally interviewed.

Jeffrey Raymond Keith Stannard was charged in 1984 under the Vagrants, Gaming and Other Offences Act with having made a false complaint against Lobban, namely, that he demanded \$5,000 in return for granting Stannard's early release.²¹ He was convicted on his own confession and required to do community service of 160 hours.

²⁰ See Exhibit 174

²¹ See Exhibit 207

Lobban denied both allegations.²²

There is no evidence of any impropriety whatsoever by that Lobban in either case. Although the first allegation is unable to be investigated, it is highly improbable that Lobban would have made demands on the father of an inmate when he had been previously subject to the police inquiry concerning Stannard. Moreover, it was not for Lobban to grant parole; it was for the Parole Board. The Commission has no difficulty in rejecting the allegations. As O'Connor indicated in his evidence, rumours of this nature were forever being touted within the prison.

8. **ALLEGATIONS THAT A CORRECTIONAL SERVICES COMMISSION OFFICER AND AN INMATE WERE RECEIVING CORRUPT PAYMENTS**

Ray Connor reported to the Commission that he had received information that Correctional Officer Mick Ridsdale was claiming that a Queensland Corrective Services Commission staff member and an inmate were receiving corrupt payments.

Correctional Officer Michael James Ridsdale was interviewed²³ by Commission officers and denied that he ever made any comments to the effect that the Correctional Officer and the inmate were involved in

²² See Exhibits 212 and 233

²³ See Exhibit 635

corruption. The Correctional Officer and the inmate were interviewed²⁴ and they both denied any corrupt activities.

There is no evidence of any corrupt or criminal behaviour by any person as alleged by Connor. This was yet another allegation where the person who allegedly had information denied all knowledge of the information. This was not an isolated occasion. There are many references in the report already to such instances. There were many other occasions where this occurred, but in view of the denials by the source, the matters could not be further investigated²⁵.

9. THE CHARLEVILLE ALLEGATIONS

During the evidence of Peter Brougham, he tendered a copy of the publication entitled "*The Key*" of which he was the editor. At pages 10 and 11 of the July edition²⁶ reference is made to the provision of prisoners by the Queensland Corrective Services Commission to assist in the flood relief work subsequent to the floods in Charleville in early 1990. That publication, and Brougham in his statement to the Commission, alleged that prisoners were committing stealing and other offences at Charleville at that time. Brougham claimed that in one incident a car was stolen by prisoners and a police chase ensued. He

²⁴ See Exhibit 635

²⁵ See Exhibit 635 for other instances of this having occurred

²⁶ See Exhibit 226

alleged that these matters had been kept quiet because the Queensland Corrective Services Commission was hostile to any criticism. Other allegations were made by *"The Key"*, but they were concerning administrative and managerial issues and, therefore, did not come within the ambit of the Inquiry.

Information was also received from Ray Connor, who claimed that Correctional Officer Peter Thomas Hanley had information concerning prisoners' involved in illegal activities whilst at Charleville. Hanley also allegedly had evidence of a cover-up, concerning these illegal activities, by the Queensland Corrective Services Commission.

Commission officers interviewed²⁷ Hanley, who stated that he had no evidence of corruption or a cover-up involving any officer of the Queensland Corrective Services Commission.

The Commission sought a report from the District Officer at Charleville, Inspector Ray Adams, in relation to the allegations. He forwarded a report²⁸ dated 14 September 1990 to the Regional Commander, Southern Region, in which Inspector Adams responded to the allegations that were published in *"The Key"*. He indicated in this report that there was no evidence of any unlawful use of a motor vehicle at the relevant time, nor was there any evidence of a police chase. Furthermore, he stated there was no evidence of any stealing or

²⁷ See Exhibit 635

²⁸ See Exhibit 635

other criminal offences having been committed by prisoners at the relevant time.

This is another example of unsubstantiated rumour being promulgated as if it were fact.

10. ALLEGED COVER-UP OF INFORMATION SURROUNDING THE DEATH OF AN INMATE AT SIR DAVID LONGLAND CORRECTIONAL CENTRE

Patrick O'Connor made a scathing attack upon the efforts of Graham Laurence Dalton, Deputy Director-General of the Queensland Corrective Services Commission in relation to his investigation of the events surrounding the death of an inmate in January 1990 at Sir David Longland Correctional Centre. His allegations included:

- Dalton was not aware of the circumstances surrounding the assault of another inmate on the same date;
- Dalton was not prepared to act upon information that O'Connor had in relation to that assault which suggested, inter alia, that Correctional Officers had intentionally permitted the assault;
- Dalton did not do a good job with the report;

- He tailored the report so that the Queensland Corrective Services Commission "*would come out smelling roses*".
- important important evidence in relation to the death of the inmate was ignored by Dalton.

This matter was not fully canvassed in evidence before the Inquiry as there are still outstanding charges in relation to the death of the inmate. The Commission did, however, have an opportunity to review the report²⁹, prepared by Dalton, into the events surrounding the death of the inmate. It was clearly a report designed to investigate and make recommendations upon prison security, structure and associated matters, with a view to preventing such an event's re-occurring. It was not an investigation into the death of the inmate; that was carried out by the E.I.U. The report was extensive and, in a number of places, referred to the assault on the inmate referred to by O'Connor. It included 29 recommendations for change at the Centre. It was anything but a whitewash.

The Commission also interviewed the inmate who had been assaulted. He denied that Correctional Officers had intentionally allowed him to be assaulted.

²⁹ See confidential Exhibit 209

O'Connor's criticism appeared to be completely unwarranted and unjustified. In his evidence he conceded that he had not even read the report which was the subject of his criticism.

11. ALLEGATIONS CONCERNING THE MANAGEMENT OF WACOL CORRECTIONAL CENTRE

Several Correctional Officers stationed at Wacol Correctional Centre, alleged a number of matters against "A" and, in particular, his association with a former wealthy inmate by the name of Ronald James Kingsnorth³⁰. "A", at the time, was a senior officer at Wacol. Without exception these allegations were hearsay or supposition or said to be "*general knowledge*" and lacked particularization. Many did not allege corrupt or criminal activity by "A" or Kingsnorth and have not been pursued.

11.1 ALLEGATION THAT KINGSNORTH OPERATED BROTHELS WHILST UNDER SENTENCE

Correctional Officer Delphine Baxter stated that she was told by Kingsnorth that he was involved with brothels. She claimed that she presumed that the conversation related to his involvement in brothels whilst in prison. Kingsnorth was a self-confessed operator of brothels on the Gold Coast prior to his incarceration. In a statement³¹ to the

³⁰ See confidential Exhibit 684 for list of allegations and their source

³¹ See confidential Exhibit 688

Commission, he stated that the conversation with Baxter referred to one of the offences for which he was imprisoned. He did not suggest that he was currently involved. The Commission was unable to find any evidence that during his incarceration he was involved in the operation of a brothel.

Correctional Officer Neville Roy Russell stated it was "*general knowledge*" amongst prisoners that Kingsnorth was operating his brothels on the Gold Coast during his regular five day leaves of absence. Not only was this allegation unsourced rumour, but Kingsnorth's leaves of absence records³², (which will be discussed at greater length later in the report), show that he obtained only two five day leaves of absence, one on compassionate grounds in view of his wife's health as a result of a miscarriage and the other to enable him to attend at the Allamanda Private Hospital at Southport to undergo an operation. There is no evidence to support the allegation.

11.2 KINGSNORTH ALLEGEDLY RECEIVED FAVOURED TREATMENT FROM "A"

"A" gave evidence that soon after Kingsnorth came to Wacol he was given work in the garden around the administration block (which was outside the secure compound) and worked there for a few weeks. After that time and once he had proved himself trustworthy, "A" brought him into work in the administration block itself where he worked as a

³² See confidential Exhibit 685

batman performing cleaning, tea-making and meal delivery duties. Kingsnorth was selected because he had a pleasant disposition and showed some sense of responsibility which, along with trustworthiness, were the prerequisites for allowing a prisoner to be out of the compound.

"A" stated that when he worked late, either Kingsnorth or another inmate, who was also a trustee, would stay back, sometimes till 9.30 in the evenings. As trusted prisoners, this was not unusual. "A" denied any favouritism was shown to Kingsnorth. Kingsnorth denied he received any favouritism from "A".

There is no evidence to support this allegation.

11.3 KINGSNORTH MAY HAVE BEEN INVOLVED IN OBTAINING LEAVES OF ABSENCE FOR OTHER PRISONERS

Correctional Officer Delphine Baxter stated that Kingsnorth may have been involved in obtaining leaves of absence for other prisoners and that "A" may have received some benefit for granting those leaves of absence. She could offer no other information to the Commission.

"A" stated that Kingsnorth would occasionally go and bring a prisoner to the administration block or bring forms up from the compound, but that he (Kingsnorth) never negotiated any leaves of absence on behalf

of inmates. He denied receiving any benefit for granting leaves of absence. Kingsnorth denied this allegation.

There is no evidence to support the allegation.

11.4 OFFER BY KINGSNORTH TO PURCHASE MOTOR VEHICLE FOR CORRECTIONAL OFFICERS

Correctional Officer Neville Roy Russell claimed that prisoner Kingsnorth offered to buy a new motor vehicle for Correctional Officers if they were prepared to convey him from Wacol to his Gold Coast home during leaves of absence. Russell had no further information to supply in relation to this allegation.

No evidence was found to substantiate this claim. Moreover, a perusal of the leave of absence forms in respect of those leaves of absence which were granted to him reflect that one of the conditions of most of the leaves of absence was that he be transported by his wife. On one occasion, the condition was that he travel by taxi to and from his home. He was to pay the fare.

11.5 IT WAS ALLEGED THAT KINGSNORTH PURCHASED A BLOCK OF LAND FOR "A"

Correctional Officer Russell stated that it was "*general knowledge*" that prisoner Kingsnorth purchased a block for "A" to enable him to obtain early release.

"A" denied ever being given a block of land by Kingsnorth. In any event, Kingsnorth was not granted early release. On 8 December 1989 he was sentenced to a term of imprisonment for five years, with a recommendation for parole after nine months. He was granted parole just over nine months later, that is from Monday, 10 September 1990. Kingsnorth denied that there was any improper financial relationship with "A". The allegation is simply untrue and is another example of vicious rumour being spread by disaffected people.

11.6 KINGSNORTH ALLEGEDLY PURCHASED A MOTOR VEHICLE FOR "A's" SON

Correctional Officer Stuart Lindsay Colebourne stated that it was rumoured that Kingsnorth purchased a motor vehicle for "A's" son. He could not provide any further information in relation to the allegation.

There was simply no evidence that this was true. "A" stated that, to his knowledge, "A" had never given his son a car or any other benefit and Kingsnorth denied that there was an improper relationship and denied the alleged gift.

11.7 ALLEGATION THAT KINGSNORTH WAS THE ONLY INMATE PERMITTED LEAVE OF ABSENCE AFTER THE ESCAPE OF INMATE BARTZAC

Colebourne alleged that prisoner Bartzac escaped whilst on leave of absence and that all leaves of absence were cancelled for a period of

two weeks whilst the Queensland Corrective Services Commission worked out a policy concerning leaves of absence. He claimed that during this period, only Kingsnorth was allowed leave of absence.

The leave of absence register for Wacol Correctional Centre³³ proves that this allegation is false. Bartzac absconded whilst on leave of absence on 27 April 1990. At that time Kingsnorth had leaves of absence approved for 27 April and 1 May 1990. The records show that these were subsequently cancelled because of Bartzac's escape. Kingsnorth's next leave of absence was on 18 May 1990 when the leave of absence system was restored. The records clearly show the allegation to be false.

11.8 EXCESSIVE LEAVES OF ABSENCE BY KINGSNORTH

Colebourne claimed that Kingsnorth obtained excessive leaves of absence as a result of his close association with "A".

"A" stated that Kingsnorth received no more leaves of absence than any other prisoner in his position. He stated that, prior to the escape of Bartzac on 27 April 1990, there were no Commission guide-lines as to the frequency with which prisoners could receive leaves of absence. It was left to the discretion of the persons in charge at the Correctional Centres. Kingsnorth's personal file reveals that during the early part of his sentence he made a number of unsuccessful applications for leaves

³³ See Annexure G to confidential Exhibit 687

of absence, the first being in January 1990. Leave was not approved until 28 February 1990 when he was given one day, on compassionate grounds, to visit his wife and children after his wife's miscarriage. Subsequent to this date he received, on a regular basis, one day a week leave of absence, with the exception of a week's leave of absence between 16 and 22 April 1990 which was approved after correspondence was received from the family medical practitioner stating that his wife was experiencing a very difficult time following her miscarriage. "A" stated that all these leaves of absence were as a result of a proper exercising of his discretion.

The leave of absence register demonstrates that Kingsnorth was one of many prisoners who was granted leaves of absence on a regular basis during this period. It reveals that his leaves of absence were not greater in number or length than many other prisoners.

In relation to the period after the Queensland Corrective Services Commission introduced guide-lines³⁴, Kingsnorth's leave was granted in conformity with those guide-lines, with the exception that on 17 August 1990 he was granted three weeks' leave of absence. This, however, was not granted by "A" as the Corrective Services Act limited "A's" authority to grant leave of absence to a period of up to seven days. It was approved by the Community Corrections Board. The reason for this leave of absence was that Kingsnorth was recovering from his operation and needed access to the Southport Hospital. There

³⁴ See confidential Exhibit 686

was no hospital at Wacol, although there was a surgery. Once again, a perusal of the records reveals that Kingsnorth was one of many prisoners who received regular leaves of absence.

The allegation cannot be sustained.

11.9 "A" ALLEGEDLY EMPLOYED HIS SON AS AN UPHOLSTERER AT WACOL CORRECTIONAL CENTRE

It was alleged that "A" improperly employed his son as an upholsterer at Wacol Correctional Centre.

"A" stated that in 1990, a contract to carry out some upholstery work was received from the army. At the commencement of the contract it was felt that the trade instructor-tailor could only take the upholstery work. However, it was proved that the two trades did not mix readily and there were problems complying with the contract.

As the upholstery function was a new one for the Wacol Correctional Centre, it required the setting up of a new trade shop and the training of prisoners. It therefore required an experienced upholsterer who was also skilled as a trainer. Current staff were surveyed and one officer was identified as being an upholsterer and offered the position. However, he declined for health reasons. "A" further claimed that this left him in a very difficult position in relation to the contract, so he sought assistance from his son who had the requisite qualifications in that he had:

- ten years' experience as a Correctional Officer;
- was an upholsterer;
- was employed by the Queensland Furniture and Upholstery Council as a trainer;
- had involvement with the Commonwealth Employment Service (C.E.S.) and Technical and Further Education (T.A.F.E.).

In late November 1990, "A" employed his son on a casual basis to work 3.30 p.m. to 7.30 p.m.

"A" claimed that on 14 January 1991, he gave notice to his son because the rumour and gossip associated with his appointment had become overwhelming.

Since that time, a part-time position at Wacol Correctional Centre for a trade instructor-upholsterer was advertised and his son applied for it. "A" was not on the interview panel, although he would normally have been so. His son was the only applicant and was appointed to the position.

There is no evidence of criminal misconduct by "A" or his son.

11.10 THE PRIZE FIGHT ALLEGATIONS

Baxter, Russell and Colebourne each made allegations that Kingsnorth made up a \$13,000 deficit that was a shortfall from a prize fight which two of them claimed was put on by the Queensland Corrective Services Commission or by "A". They alleged, in effect, that Kingsnorth was given favoured treatment for "bailing out" the Queensland Corrective Services Commission and "A" by paying the outstanding debts of the fight.

On 2 March 1990, a prize fight between Apollo Sweet and an inmate by the name of Schwalger was held at Festival Hall. The promoter for the fight was an inmate by the name of Kirk John Wynne who, with the moral support of "A", made arrangements for the fight, gaining some funds from sponsors and securing the venue. As costs outweighed the receipts by approximately \$15,000, the project suffered a financial loss and Wynne was left to account for the shortfall.

Wynne admitted³⁵ that he was the promoter whilst "A's" role was to approve any liaison with fight connections outside the prison and "to ensure that all was above-board". Wynne claimed that at no stage did "A" undertake to pay any debts in relation to the event and at no stage

³⁵ See Exhibit 690 for statement dated 13 May 1991

did he, "A", suggest that the Queensland Corrective Services Commission would be responsible in any way for the debts³⁶.

Kingsnorth stated that Wynne approached him and requested financial assistance in relation to the shortfall. Kingsnorth provided cheques in the sum of \$15,000 directly to those persons to whom Wynne owed money. Kingsnorth claimed that, in return, Wynne promised to pay the debt back when he got out of prison, stating that he could raise the money by a combination of having his sister take out a second mortgage on her house, selling the rights of a patent for a horse float and giving him part of the rights in a business that he was trying to start called "*Convict Art*". Kingsnorth claimed this was a loan to Wynne and nothing more. He claimed that there was no pressure placed upon him by "A" or any other person to assist Wynne. He stated that he did not pay any moneys to "A" and he never received favoured treatment from "A".

"A" denied that he ever agreed to be guarantor for any of the debts and also denied that he had ever stated that he or the Queensland Corrective Services Commission would be responsible for any of the debts. He claimed that Kirk Wynne Promotions promoted the fight and that Wynne's sister and brother-in-law made the financial arrangements for the staging of the fight. He stated that the Queensland Corrective

³⁶ In a statutory declaration dated 7 June 1991, Wynne claimed that "A" had told him that he, "A", at the weigh in, had signed a document which "*had the effect of guaranteeing payment*" to the boxer, Sweet. Wynne, however, stated that he never saw the alleged document. "A" denied that he signed any document agreeing to underwrite the fight, either then or at any other time.

Services Commission and he were very supportive of the initiative taken by the inmate as it was a matter which was of assistance to the inmate's rehabilitation. He denied that Kingsnorth received any favoured treatment because of the payment of the debt or for any other reason.

In a statutory declaration³⁷ to the Commission, Gary William Taylor, Assistant Director of Finance and Administration of the Queensland Corrective Services Commission, declared that a search of the Queensland Corrective Services Commission records revealed that the only funds expended by the Commission was in relation to publicity.

There is little doubt that the Queensland Corrective Services Commission and "A", (for proper motives), were very much behind the fight, although there is no evidence of financial contribution (other than for extensive publicity) by it. Some of the assistance by way of publicity given to the fight by the Queensland Corrective Services Commission may have led some to believe that it was the promoter and this, no doubt, contributed to the stated belief of two of the complainants that the Queensland Corrective Services Commission (or "A") had put on the fight. An example of this publicity can be seen in an undated message on Queensland Corrective Services Commission letterhead from the Director-General, Keith Hamburger, who stated:

³⁷ See Exhibit 691

"I don't know what the history books would tell us, but I am sure the title fight tonight will be a first - the first time a body such as the Queensland Corrective Services Commission has been involved in the promotion of a title fight."

There is no evidence of any criminal activity by any person associated with the fight or any officer of the Queensland Corrective Services Commission, although one would have thought that the Queensland Corrective Services Commission should not have given its support to the project without first ensuring its financial viability. There is no evidence of any favours to Kingsnorth in exchange for his assistance to Wynne.

F. CONCLUSIONS, FINDINGS AND RECOMMENDATIONS

1. THE "OLD GUARD" V. THE "NEW GUARD" AND THE QUEENSLAND CORRECTIVE SERVICES COMMISSION

It is to be expected, to a certain extent, that when a body such as the Queensland Corrective Services Commission is created to reform the correctional system, that there will be some areas of resistance.

The Commission believes that a very close analogy may be drawn between the Queensland Police Service and the Queensland Corrective Services Commission. Since the Fitzgerald Report, the Police Service has undergone considerable reform as new policies and philosophies have been introduced. During this transition period, there has been considerable opposition to some of these new policies and philosophies. It is fair to say that not all of the opposition has been in the best interests of the Police Service and the community it serves. Some of the opposition has been motivated by self-interest in an attempt to maintain the old habits and beliefs. However, much of it has been because of unwarranted suspicion based on an ignorance of the facts. As the new policies and philosophies have become operational, the "teething" problems have been addressed and officers have become more informed, the majority of them have recognized that their suspicions were unwarranted and opposition has weakened.

The Queensland Corrective Services Commission is currently in a transition period itself. Following the Kennedy Report, which very

extensively examined the old prison system and recommended reforms, there has been considerable opposition. Many of those who have been employed in the prison system for many years are striving to maintain their old habits and work practices. No doubt much of this opposition has been based on fear of the unknown and has manifested itself in reluctance to change.

During the public hearings it became clear that, of the witnesses who were or had been correctional staff, the majority did fall into two distinct camps; the *"new guard"* and the *"old guard"*. The *"new guard"* embraced the new philosophies and ideals of the Queensland Corrective Services Commission and allied themselves with that Commission. The *"old guard"* included O'Connor, Mrs Gates, Glegg, Miller, Baxter and Challis who had come through the Prison Service prior to the formation of the Queensland Corrective Services Commission and were openly critical of the philosophies and goals of the Queensland Corrective Services Commission. They universally thought that strict discipline was appropriate in all cases. They belonged to what was described in evidence as the *"lock them up and forget them"* school. They were seemingly in opposition to the *"humanizing"* policies that were being introduced by the Queensland Corrective Services Commission. For example, many of them attacked, by way of allegation, the leave of absence system. Despite this system's having been introduced, inter alia, to assist inmates to refamiliarize themselves with society, it created, amongst members of the *"old guard"*, virulent suspicions, jealousies and ill-feeling.

Allegations from the "*old guard*", in the majority of cases, lacked any modicum of discernment. Much was gossip, "*common knowledge*", suspicion or generalized vituperation. It is somewhat fortunate for the Queensland Corrective Services Commission that most of these persons are no longer employed by that body. It is clear that these officers were more suited to the traditional role of the prison officer as a turnkey and authoritarian figure. The new philosophies were anathema to them.

As a matter of fairness to most of the witnesses who fell into the category of the "*old guard*", it would appear that they have been subjected to significant stresses in recent years. As well as the normal stresses associated with correctional services work, they perceived that they were threatened by the possibility of:

- Relocation to a new or different Correctional Centre. (This was exacerbated, no doubt, to a certain extent, by the postponement of the closure of the Brisbane Correctional Centre);
- A loss of employment by the proposed closing of the Brisbane Correctional Centre;
- A loss of employment by virtue of the introduction of "*privately operated*" centres such as Borallon Correctional Centre;

- A loss of promotional opportunity because of the introduction of senior staff from outside the service;
- A lack of security of tenure through the introduction of "forced" redundancy;
- The introduction of new work practices.

It would be naive to believe that only witnesses who appeared before the Commission were affected by these stresses and perceptions. It was clear that many other correctional officers who provided information (although not the subject of evidence) to the Commission had similar fears and concerns and it is reasonable to assume that a significant proportion of the total correctional officer population has been affected by them.

2. THE ROLE OF PATRICK O'CONNOR AND RAY CONNOR

The members of the "old guard" saw O'Connor as an ally and leader. He appeared to orchestrate them. He was present for the vast majority of the public hearings and was often "in conference" with the witnesses at the back of the hearing room and outside it. As well as being of the "old guard" and clearly disaffected with the Queensland Corrective Services Commission over his redundancy, it was he who stated in

evidence that he wished to bring the Queensland Corrective Services Commission to its knees.

Without O'Connor's co-ordinating role, it is doubtful that the allegations would have gained the currency that they did. He, no doubt, saw Ray Connor as a means to obtain publicity and it seems that Connor was used by O'Connor to publish in Parliament and the press the allegations as if they represented the true facts. Certainly, in the case of the video-tape allegations, records accessible to O'Connor revealed that the E.I.U. had been apprised of the taping, yet, contrary to this, Connor (presumably) had been told that that body had not been informed. It must be said that Connor showed no circumspection in what material he caused to be published in the press. In the circumstances, a degree of political motivation is to be expected, and allowed for.

3. LACK OF DIRECT EVIDENCE

When the Commission originally deliberated over the form of the investigation into the allegations, it regarded as significant the factor that public hearings would necessarily air the allegations in an open forum, allowing maximum response by the public and opportunity for the public to provide relevant information and direct evidence.

Inmates, former inmates, correctional officers, former correctional officers and other members of the public had every opportunity to come before the Commission and give evidence (if necessary in camera). Direct evidence could also have been given anonymously. Despite this, it was remarkable the lack of direct evidence that was forthcoming. Nearly all information was hearsay, often unsourced, which regularly lacked particularity.

One may safely conclude that the lack of direct evidence was a very strong indication that there was no truth to the allegations.

4. NO EVIDENCE OF CORRUPT OR ILLEGAL CONDUCT

Despite the numerous allegations made, there was not a single one substantiated. This was, to a very large extent, a reflection of the paucity of direct evidence. There were, however, other reasons why the allegations were not substantiated. They included:

- 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 of 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.

Even on the very few occasions that there was direct evidence to support the allegation, it was oral evidence which, in view of the antecedents of the witness, was considered unreliable in the absence of independent supporting evidence which was not forthcoming.

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

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

There was no evidence of any "cover-up" or impropriety by the Queensland Corrective Services Commission. In relation to the single most significant incident about which "cover-up" was alleged, the video tape allegations, there was no evidence of drugs and, therefore, nothing to "cover-up". In fact, it is fair to say that the Queensland

Corrective Services Commission responded expeditiously to all requests of it for documentation, information and assistance. Further, it always supported an inquiry, (although not necessarily a public one), into the allegations. These actions were also clearly inconsistent with any "cover-up" or impropriety.

6. TRAINING

It became apparent during the hearings that a number of correctional staff currently employed by the Queensland Corrective Services Commission were lacking in training. For example, those officers employed in the Intelligence Section at the time that the video tapes were made, had no formal training in the skills of detection and surveillance.

It is fair to say that the Queensland Corrective Services Commission has recognized the importance and necessity of training for its staff. No doubt it has reacted to the criticism of the old Prison Service which was made in Chapter 24 of the Kennedy Report. Officers from the Commission were briefed at the Wacol Training and Development Centre in April 1991 in relation to the training presently being conducted by the Queensland Corrective Services Commission. It has clearly come a long way from the days of the Prison Service; however, there is still a long way to go. Financial commitment for staff training

has risen from an original allocation of \$85,000 in 1988/89 (prior to the Kennedy Report), to an allocation of \$1.47 million for 1990/1991.

It is heartening to see that the Queensland Corrective Services Commission has fully supported the programme, structure and content of the Bachelor of Arts in Justice Administration Course at Griffith University. That degree requires, inter alia, six semester units of professional studies, dictated by the nature of the professional orientation a student selects. The student will eventually be able to select one of four areas, namely police services, corrective services, public security or non-police law enforcement. It is understood that that corrective services component 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 the development of both courses and thoroughly recommends them.

The introduction of the corrective services components and a continuing emphasis on 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.

The previous observation as to lack of formal training 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 of the Queensland Correctional Services Commission. The Commission was also impressed with some of the senior staff. It is probably not surprising that in several cases these were the officers subjected to the most virulent allegations. It is hoped that the findings of this report will at least, to some extent, compensate for those experiences.

7. EMPLOYMENT OF SUITABLE STAFF

Inextricably bound with the question of training of staff is the issue of the proper selection of staff. In Chapter 23 of the Kennedy Report, the need to recruit properly was emphasized. Although the Queensland Corrective Services Commission has introduced a series of measures to minimize the possibility of error in the selection of employees, it is axiomatic that an organization is only as good as the staff of which it is comprised and vigilance must continue to be shown to ensure that those selected have the requisite characteristics to perform the task. At page 141 of the Kennedy Report, the following is stated:

"Not everyone is suited to work in corrections. It is not just 'another job'. It requires intelligence and, most importantly, maturity, patience, a stable personality, honesty and the ability to communicate well. It is not for a job for insecure, weak-willed people."

The evidence established that not all those who are or have been correctional staff were suited to the work.

8. CRITICISM OF THE FINDINGS OF THIS COMMISSION

It will be said, no doubt, by those who do not agree with the exoneration of those the subject of the allegations that those people with

direct evidence, or those who recanted their original allegations, were too scared, threatened or intimidated in some way to provide their evidence. Some such allegations have been made and investigated. There has been no indication that the Commission has been deprived of any evidence for such reasons.

It will also, no doubt, be said by some that the Commission did not investigate this point or that point or did not appreciate this matter or that matter and, therefore, the conclusions in the report were invalid. It must be recognized that the Commission was not able to investigate each and every allegation to the "*nth degree*" - time and resources precluded this possibility. What the Commission did endeavour to do was to investigate and lead evidence in relation to each allegation to the extent that it was possible for the Commission, thereafter, to reach a conclusion with reasonable satisfaction as to the truth or falsity of the allegation. Of course, in the vast majority of cases, allegations were found to be totally unjustified.

The Commission does not apologize for this approach as it believes it was the only sensible one to take in the circumstances.

9. RECOMMENDATIONS

The Commission makes the following recommendations:

- 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 have application 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.
- 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.

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EXHIBIT LIST

* Denotes Confidential Exhibit

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170	Media articles raising allegations	980
171	Extracts from Hansard referring to allegations	980
172	Criminal Justice Commission Resolution to hold an inquiry and conduct public hearings	981
173	Document entitled, "Prostitution allegations" listing allegation and source	981
174	Statement of Patrick John O'Connor, dated 3 December 1990	989
175	Statement of Patrick John O'Connor, dated 7 December 1990	989
176	Confidential memorandum to the Director-General from the Managers (Special Projects) signed - P J O'Connor and dated 9 February 1990 re : Repatriation of D R Logan and R R Robinson. Marked PJO1	991
177	Schedule of details concerning classification of prisoners at Wacol Correctional Centre. Marked, PJO2	1000
178	Document entitled, "Report on Instances of a Serious Nature within the Queensland Corrective Services Commission" and signed B J Watson, Industrial Officer - 10.9.1990. Marked, PJO3	1001
179	Memorandum to Director of Custodial Corrections from Acting Manager (Supervision) re classification procedures at Wacol Correctional Centre signed P J O'Connor, dated 5.2.1990. Marked PJO5	1006

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180	Memorandum dated 16.11.89 to General Managers and Managers of all Correctional Centres from the Director-General re audit of prisoner files. Marked PJ04	1008
181	Memorandum to Director of Custodial Corrections from Manager (Special Projects) re suitability of prisoners selected for work project at Charleville together with annexure showing classification of prisoners involved in project. Signed P J O'Connor dated 1.5.90. Marked PJO6	1015
181A	Copy, unsigned letter dated 11.12.89 to Keith Hamburger from P M MacDonald (Manager - Operations) and P J O'Connor (Manager - Supervisory) re audit of prisoner files together with annexed report. Marked PJO7	1088
182	Memorandum to General Managers and Contract Manager (Borallon) from Director of Custodial Corrections re transfer of prisoners to farms with annexed memorandum to General Manager, SDLCC from Manager (Special Projects) re prisoner transfers to the State Farms, and, memorandum to General Manager, Wacol from Manager (Special Projects) re prisoner transfers to farms. Marked PJO8	1030
183	Copy, report entitled, "Implementation of Recommendations. Progress to Date of the Commission of Review into Corrective Services in Queensland - August, 1988, J J Kennedy, C.B.E." marked PJO9	1031
184	Copy, letter to the Honourable Mr G R Milliner, MLA from P J O'Connor dated 15.11.90. Marked PJO10	1040

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
185	Copy, three page handwritten document written by wife of P J O'Connor from material supplied by Touche Ross dated 20.4.89. Document headed "Report on the events leading up to the escape" 11.3.89. Marked PJO11	1050
186	Copy, facsimile memorandum to Mr P O'Connor, Manager (Special Projects) from Manager (Programs) re prisoner, Paul Edward Pini signed C E G Plath and dated 2.4.90. Marked PJO12	1051
187	Copy, document entitled, "Interview Summary" re Mr Pat O'Connor, applicant for the position of Manager (Operations), Brisbane and Wacol Correctional Centres. Marked PJO13	1051
188	Copy, four page handwritten document headed, "To whom it may concern", handed to P J O'Connor from prison officer, Heinz Tietz. Marked PJO14.	1061
189	(1) 90 minute cassette tape marked, "Alexander Bros" and labelled PJO15.	1069
190*	Statement - Dennis Michael Fritz dated 5.12.90. Marked PJO16.	1070
	With addendum sworn 4 February 1991.	2671
191*	Statement - Peter Frederick Samuel Adams dated 5.12.90. Marked PJO17	1071
192	Facsimile transmission of 3 page letter dated 23.7.90 from Custodial Correctional Officers Union to the Premier and Minister for Corrective Services. Marked PJO18	1075
193	Letter to the General Manager, Brisbane Correctional Centre from N S Robertson, Brisbane Correctional Centre dated 26 November 1990 re escape of prisoner, F H Harbecke. Marked PJO19	1075

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
194	Copy, facsimile memorandum to Director-General, QCSC from General Manager, Woodford re escapee: prisoner Fred Harold Harbecke, signed W E Shennan, dated 12.11.90. Marked PJO20	1076
195	(1) Microcassette tape. Marked PJO21	1076
196	Copy, unsigned letter to Mr Pat O'Connor QCSC from Graham L Dalton, Deputy Director-General dated 8 August 1990 re appointment to SDLCC	1094
197	Copy, letter to Mr P O'Connor, QCSC, from Keith Hamburger, Director-General, dated 24 August 1990 re terms of retrenchment package.	1095
198	Copy, unsigned letter to Mr Pat MacDonald QCSC from Stan Macionis (Director of Corporate Services) dated 27 August 1990 re entitlement to non-chargeable special leave	1096
199	Copy, unsigned letter to Mr P O'Connor from E S Williams (Chairman) dated 4 September 1990 re retrenchment	1096
200	Copy, unsigned letter to Mr P O'Connor QCSC from Stan Macionis (Director of Corporate Services) dated 10 September 1990 re entitlement to non-chargeable special leave	1097
201	Copy, letter to Mr P O'Connor, QCSC, from Stan Macionis (Director of Corporate Services) dated 24 September 1990 re entitlement to non-chargeable special leave	1097
202	Copy, letter to Mr P O'Connor from Peter Rule (Assistant Director, Human Resources) dated 24 September 1990 re advice of approval of retrenchment and financial arrangements	1097

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
203	Copy, document headed, "Commission's Rule 44, Subject : Discrimination, Authority : Corrective Services (Administration) Act 1988 (s)20" with annexed QCSC policy on affirmative action	1107
204	Copy, unsigned and undated letter to the Honourable the Premier, from G R Milliner, Minister for Justice and Corrective Services re recruitment to the QCSC of officers from a military background, with annexed Ministerial Briefing Paper re establishment breakdown - ex military personnel in the QCSC	1124
205	Copy, document entitled, "Chapter 17 Sentence Management"	1130
206	Letter to Mr P J O'Connor, Operations Manager from Peter Rowlance, Secretary QCSC dated 21 November 1989 re termination of appointment as Operations Manager. Copy, letter to Mr P J O'Connor, Operations Manager from Keith Hamburger, Director-General dated 14 December 1989 re acceptance of position of Manager (Relieving and Special Projects)	1158
207	Queensland Police Department Court Brief re defendant, Jeffrey Raymond Keith Stannard	1160
208	Summons - Thomas William Challis	1161
209*	Document entitled, "Report into the circumstances of prisoner, Scott Joseph Wallace, inmate of the Sir David Longland Correctional Centre and the subsequent disturbance"	1181
210	Copy, note from Mr Ray Connor (Member for Nerang) to Bob Marxson enclosing documents provided to Connor from Tom Challis	1191
211	Summons - Yvonne Dorothy Gates	1215

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213	Statutory Declaration of Joanna Richardson	1249
214	Photocopy of advertisement for "Jodie's North Coast Massage" which appeared in the Daily Sun newspaper of 13 March 1987	1265
215*	Copy, photograph depicting Karen Tonkin and an unknown woman in lingerie	1266
216*	Statement - Yvonne Dorothy Gates, dated 19 January 1991	1269
217	Copy, statement - Yvonne Dorothy Gates, dated 28 January 1988	1269
218	Photograph (original) depicting Karen Tonkin and an unknown woman in lingerie	1301
219	Handwritten notes made by prison officer, Allerton regarding conversation overheard during booth visit with prisoner	1322
220	Summons to witness	1359
221	Summons - Peter Patrick Brougham	1369
222*	Copy, memorandum to Director-General, QCSC from W E Shennan, General Manager, Woodford re investigation into escape from Brisbane Correctional Centre of prisoner, Fred Harold Harbecke dated 1 November 1990. Marked PPB1	1374
223*	1. Copy, letter to Mr K Lewis, General Manager, BCC from M I Dance, Custodial Correctional Officer, BCC dated 23 November 1990 re reply to memorandum of 15 November 1990 concerning discipline concerning escape of Harbecke. Marked PPB2	

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
	2. Copy, letter to the General Manger, BCC, from N S Robertson, Custodial Correctional Officer, BCC, dated 23 November 1990 re reply to the General Manager concerning the escape of Harbecke. Marked PPB3	1375
224*	Copy, series of documents regarding Fred Harold Harbecke. Marked PPB4	1376
225*	Copy, two page document detailing prisoner's name, security classification, court commitments, earliest release date, whether voluntary or involuntary transfer and order of preference for transfer from Woodford Correction Centre. Marked PPB5	1376
226*	1. Copy, publication entitled, "The Key" dated 2 July 1990. Marked PPB6.	
	2. Copy, publication entitled, "The Key" dated 3 August 1990. Marked PPB7	1379
227*	Unsigned copy of statement by Michael O'Leary concerning his relationship with Peter Patrick Brougham. Marked PPB8	1382
228*	Copy, magazine published by prisoners at Sir David Longland Correctional Centre and marked PPB9	1382
229*	Copy, report headed, "Inspectors Report Prison Breakout - Brisbane Correctional Centre" 11 March 1989	1398
230*	Copy, letter to Mr P P Brougham, 1/c Custodial Correctional Officer from Keith Hamburger, Director-General dated 2 January 1991 re reprimand for his actions in contravening sections of the Code of Conduct	1402

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
231*	Letter to Mr P P Brougham from Keith Hamburger, Director-General, dated 10 September 1990, outlining grounds for rendering him liable to disciplinary action and a request for submissions concerning those matters re publication of "The Key"	1402
232	Summons to witness	1410
233	Statement by Alexander Lobban in relation to allegations by prison officer, Gates, concerning payment for parole, dated 25 January 1991	1414
234	Summons - Christine Jackson	1414
235	Summons - Dorothy Rae	1423
236	Summons - Michael O'Leary	1432
237	Summons - John Alexander Lloyd	1445
238	Summons - Evelyn Holmes	1455
239	Copy, Letter to "B" from A Lobban, Comptroller-General of Prisons dated 29 April 1988 re operation and management of H M Women's Prison	1462
240	1. Summons - Helen Julie Giegg 2. Summons - Deborah Jane Brougham 3. Summons - Patrick John O'Connor	1462
420	Criminal History - Dennis Melvin Fritz	2641

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421*	Unsigned document of Dennis Melvin Fritz headed, "Drugs in Brisbane Correctional Centre"	2644
422	Order of Mr Justice Moynihan dated, 21 July 1987 declaring Dennis Melvin Fritz a vexatious litigant	2647
423	Transcript of tape recording held by Fritz	2654
424	Copy, order of Family Court restraining custody application by Fritz. Order dated 15.9.89	2659
425	Copy, letter to Dennis Melvin Fritz from W J Kennedy, Secretary, Queensland Community Corrections Board, dated 19 December 1989 declining the grant of parole release	2661
426	Copy, letter to Ms G Evernden, Executive Officer, IPCHAC from Glenn Milliner re funding towards CHEP programs	2673
427	Copy, applications by Fritz for leave of absence	2695
428	Certified copy of Constitution of Victims of Corruption Association	2696
429*	Copy, confidential Queensland Community Corrections Board documentation re Dennis Melvin Fritz	2727
430*	Statutory Declaration of Keith Hamburger re Edward Watson	2727
431	Orders of the Court of Criminal Appeal, The Queen -v- Dennis Melvin Fritz C.A. Number 39 of 1985 and C.A. Number 74 of 1985 dated 19 June 1985.	2727

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434	Summons - Michael Hanran	2729
435	Summons - Carla Marion Phillips	2786
436	Statement - Bradley John Lingard	2800
437	Criminal History - Carla Marion Phillips	2808
438*	Series of documents re Carla Marion Phillips including criminal history, charge sheets, diary notes, behavioural reports, warrants of commitment and complaint forms.	2825
439	Summons - Fiona Louise Young	2834
440	Criminal history - Pheona Louisa Young AKA Fiona Louise Young	2835
441*	Confidential exhibit - name of ex-prison officer who allegedly assisted Young in obtaining drugs	2843
442	Summons - Delphine Delamonte Baxter	2850
443	Government Analysts' certificate - Drugs Misuse Act 1986 re Lesley Ann Barker	2877
444*	List of names compiled by witness, Delphine Delamonte Baxter	2878
445	Copy, letter to Mr Lloyd from Sister Bernice Heffernan dated 26 May 1988 re complaint against prison officer, Delphine Delamonte Baxter	2884

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
446	Copy, diary note by prison officer Delphine Delamonte Baxter dated 6 January 1987	2887
447	Copy, memorandum to Chief Superintendent, Brisbane Prison Complex from A Stack, Acting Superintendent Womens Prison, dated 8 March 1988 re reports on Delphine Delamonte Baxter	2887
448	Copy, handwritten memorandum to the Superintendent H M Womens Prison from Jill Spring, Education Officer dated 29 March 1987 re the attitude of female probationary officer, Delphine Delamonte Baxter	2888
449	Copy, letter to Acting Superintendent Miss A Stack from R Robertson, Welfare Officer dated 5 April 1988 re prison officer, Delphine Delamonte Baxter	2889
450	Copy, memorandum to the Comptroller General of Prisons from F H Colebourne, Chief Superintendent dated 18 April 1988 re reports on Delphine Delamonte Baxter	2890
451	Summons - "A"	2903
452	Document outlining service by "A" to Prisons Department and QCSC	2912
453	Documentation containing detailed description of probationary correctional officer "E" with photograph of ex-prisoner Quinlan attached	2935
454*	Copy, service file of "E"	2944
455	Copy, newspaper articles re video tape allegations	2948
456	Statement - Mark Richard Carmady dated 1 March 1991	2949
457	Summons - Gary Robert Mitchell	2950

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
458	Video tape - marked, "TV Tape"	2965
459	Video tape (surveillance in Brisbane Correctional Centre) - marked, "Number 15"	2967
460	Video tape (surveillance in Brisbane Correctional Centre) - marked, "Number 16"	2967
461	Video tape (surveillance in Brisbane Correctional Centre) - marked, "Number 17"	2967
462	Copy, letter to the Chairman, CJC from Tony Barr, former Private Secretary and former Ministerial Advisor to the Minister for Corrective Services, dated 5 March 1991 re allegation by Delphine Delamonte Baxter that former Corrective Services Minister did nothing regarding her allegations. Also media release from Russell Cooper dated 5 March 1991	2986
463*	Copy, plan of Brisbane Prison	2999
464	Summons - Graeme Paul Davis	2999
465*	1990 Diary - Intelligence Section	3025
466	Queensland Corrective Services Commission booklet entitled, "Philosophy and Direction" - including Code of Conduct	3029
467	Commission's Rule 35 re Code of Conduct	3030
485	Summons - Simon Robert Caldwell	3053
486	Summons - Steven Ronald King	3070
487	Summons - Neville Brian Miller	3109
488*	Statutory Declaration of Ross Davidson Millican re IPCHAC	3137

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
489*	Statutory Declaration of Ross Davidson Millican dated 5 March 1991 re payment by RCIADIC to Mr E Watson as a Consultancy fee	3137
490*	Statutory Declaration of Derek Neil Appleford dated 6 March 1991 re search conducted of the Intelligence Section of the QCSC for reference to surveillance video tapes	3137
491*	Statutory Declaration of Ross Davidson Millican dated 5 March 1991 re search of QCSC records in relation to action taken to prevent distribution or use of illegal drugs, including a copy of the final report on Operation Clean-up	3141
492	Statutory Declaration of Kevin Lewis dated 6 March 1991	3145
493	Copy of Court Brief of Marco Guilio Pernich with certificate of conviction for unlawful possession of a dangerous drug	3157
494*	1990 Diary - Neville Brian Miller	3199
495*	Investigative Brief re Pernich, Boyle and Strickland - possession of dangerous drugs	3201
496	Copy, statement - James Reginald Veale dated 4 March 1991	3202
516	Criminal history - Gabriel Gabriel	3296
517	Criminal history - Danny Michael Richardson	3306
518	Copy of admission of alleged knowledge of drugs by Danny Michael Richardson	3311
519	Criminal history - Saad Obeid	3321
520	Summons - Wayne Shennan	3332

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
521*	EIU report dated 7 March 1991 concerning allegations made against Anthony Taylor, Operations Manager, Woodford	3335
522	Summons - Anthony Dutton	3342
523	Criminal History - Anthony Dutton	3364
524	Extracts from prison file re Anthony Dutton	3408
525	Summons - Robert Douglas Webb	3413
526	Summons - William Kennedy	3422
527*	Queensland Police Department Court Brief - re: Correctional Officer	3432
528	Statutory Declaration of Kevin Allan Sigston re Saad Obeid's vocation in prison	3433
529	Summons - "B"	3563
530	Statement of Gilbert John Trant Aspinall dated 7 March 1991 re Lesley Ann Barker, together with annexed court brief and statements and original material found in the cell occupied by Lesley Ann Barker	3581
531	Newspaper article by Madonna King re Helen Glegg dated 9 March 1991 - Brisbane Courier Mail	3601
532*	Series of documents from Helen Glegg's personnel file	3616
533	Copy, diary extract 4, 5 and 6 March 1991 - Neville Brian Miller	3629
565	Index of Numinbah allegations	3639
566	Summons - Judith Anne Gilbert	3647

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
567	Transcript of Coroner's Court inquest re Joseph George Richardson	3651
568	Coroner's findings from inquest held into the death of Joseph George Richardson dated 13 December 1990	3651
569	Copy, Statement - Grantley Paul Searle re inquiries made with solicitor, Helen McKenna	3653
570	Statement - Gilbert John Trant Aspinall dated 13 January 1991 re interview with Dennis Phelan	3653
571	Copy, Statement - Dennis Patrick Phelan dated 2 July 1990	3653
572*	Copy, 3 page document headed, "From the Staff, Prisoners and Ex-Prisoners Of Numinbah Correctional Centre" and dated 18 June 1990	3656
573	Copy, Statement - Judith Ann Gilbert dated 2 July 1990	3657
574	Copy, Summary Sheet of Detective Sergeant 2/c G P Searle of interview with Alec and Freida Lyall dated 11 January 1991	3661
575	Copy, Statement - Robert Edward Stieger dated 2 July 1990	3685
576	Copy, Summary Sheet of Detective Sergeant G P Searle re interview with Robert Edward Stieger dated 15 January 1991	3686
577	Copy, Statement - James George Panitz dated 2 July 1990	3687
578	Copy, Summary Sheet by Detective Senior Constable P L King of interview with James George Panitz on 15 January 1991	3687

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
579	Summary Sheet by Detective Sergeant 2/c K G Dunn of interview with Raymond George Markham on 4 March 1991	3698
580	Statement - Graham Neil Risley dated 12 January 1991 and addendum statement dated 24 February 1991	3695
581	Statement - Annmaree Risley dated 24 February 1991	3699
582	Copy, Statement - Philip Matthew Noble dated 3 July 1990	3703
583	Summary Sheet by Detective Senior Constable P L King of interview with Philip Matthew Noble dated 12 January 1991	3706
584	Copy, Statement of Stevan Janosevic dated 2 July 1990	3710
585	Summary Sheet by Detective Sergeant 2/c G P Searle of interview with Stevan Janosevic on 15 January 1991	3711
586	Investigative Brief of Evidence re security patients hospital party allegations	3712
587*	1. (1) 90 minute cassette tape 2. Transcript of tape of discussion between Judy Gilbert and "H" on 10 August 1990	3724
588*	1. (1) 90 minute cassette tape, labelled "Judy Gilbert" 2. Transcript of discussion between Judith Gilbert, Trevor Carlyon, "F" and "H" on 29 August 1990	3724
589*	Hand-written addendum dated 13 January 1991 to the Statement of Judith Ann Gilbert dated 6 December 1990	3725

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
601	Statutory Declaration of Trevor Norman Carlyon re alleged conversation with Gilbert dated 12 March 1991	3764
602*	Statutory Declaration of Ross Davidson Millican dated 11 March 1991 re Judy Gilbert	3764
603*	Statutory Declaration of Allen Charles Hunter, Deputy Manager (Personnel), QCSC dated 12 March 1991 re Judy Gilbert	3764
604	Copy, Statement - Sandra Kaye Wolfenden dated 12 March 1991 re Judy Gilbert	3764
605	Summons - Peter Corbett Densley	3803
606	Summons - Allan Sidney Barnes	3864
607	Commission's rule 28 re Dealings with prisoners etc	4057
608	Summons - Gordon Conway French	4063
609	Summons - "H"	4117
610*	Copy, (3) Memoranda to the General Manager, Numinbah from G E Stevens, Custodial Correctional Officer dated 19 June 1990	4137
611*	1. Statement of "H" dated 19 June 1990 re Eggmolesse 2. Copy, Statement of "H" dated 19 June 1990 re Ah-sam 3. Unsigned Statement of "H" dated 19 June 1990 re Barrett	4139
612	Copy, Memorandum to the General Manager, BCC from "H" dated 19 June 1990 re Barrett and Ah-Sam	4139

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
613*	Copy, Report to the General Manager from J R H Thomson, Acting Assistant Manager, Numinbah dated 19 June 1990 re Ah-Sam, Eggmolsesse and Barrett	4140
614	Summons - "F" - with Notice of Allegation	4157
615	Copy, Memorandum to all General Managers from Stan Macionis, Director, Corporate Services dated 4 September 1990 re Manual for Financial and Administrative Management of Farms and Industries	4309
616	Investigative Brief of Evidence re allegation concerning the removal of meat from Numinbah Correctional Centre	4329
617	1. Numinbah Order Book - 68901 - 69000 2. Kitchen meat issue book December 1974 to December 1988	4332
618	Meat Register	4332
619	1. Report to "F" from Mr K D Cox, CCO, Numinbah dated 12 October 1989 re meat deficiency 2. Report to "F" from Mr K D Cox, CCO, Numinbah dated 18 October 1989 re weight deficiency of meat 3. Memorandum to "F" from Mr K D Cox dated 25 October 1989 re deficiency of weight of meat 4. Report to "F" from Mr K D Cox dated 2 November 1989 re weight deficiency of meat 5. Report to "F" from Mr K D Cox undated re weight deficiency of meat	

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
	6. Report to "F" from Mr K D Cox dated 13 November 1989 re weight deficiency of meat	
	7. Report to "F" from Mr K D Cox dated 15 December 1989 re weight deficiency of meat	4335
620	Copy, Statement - Gilbert John Trant Aspinall dated 19 January 1991 re IPCHAC	4358
621	Copy, Summary Sheet by Detective Inspector GJT Aspinall of Interview with Rowland John Pritchard re IPCHAC	4358
622	Copy, Statement - Detective Senior Constable P J Bergin dated 21 January 1991 annexing summary of interview with R R L Robinson on 20 January 1991	4359
623	Copy, EIU report dated 9 March 1990 re allegations raised by prisoner, Robinson, re IPCHAC	4359
624	Summons - Emanuel George Kallinicos	4360
625	Copy, unsigned letter to the President and Members of IPCHAC from Kallinicos and Associates, Accountants dated 10 October 1989 re audit of books of account for Y/E 30 June 1989 and preparation of financial statements to 25 September 1989	4363
626	Copy, financial statements for Y/E 30 June 1989 and audit certificates and reports for Y/E 30 June 1990 and financial statements for period 1 July 1989 to 30 June 1990 and report of matters requiring attention, from Kallinicos and Associates, Accountants	4364

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
627	Copy, QCSC memorandum headed, "Interim Arrangements Requests from IPCHAC re 2 Division Facilities - Access to phone, photo-copier, typewriter, lockable cupboards etc"	4375
628*	Statement - Wendy Lee Bryce dated 10 January 1991 and medical report dated 26 February 1991	4379
629*	Statement - "E" - dated 12 March 1991	4379
630*	Statement - "D" - dated 9 March 1991	4379
631	Report by F M O'Gorman, Superintendent to the Acting Commissioner dated 29 January 1988 re allegation by Baxter of inaction on her complaints, by the Honourable T R Cooper MLA	4380
632	Affidavit of William Kennedy sworn 12 March 1991 re party for the closing of Wacol Security Patients Hospital on 30 June 1989	4380
633*	QCSC inmate file - K J Gardner	4381
634	Investigative brief re allegation concerning K J Gardner	4381
635	Investigative brief of miscellaneous allegations	4381
636	1989/90 QCSC Annual Report	4383
679	Handwritten foolscap sheet completed by Karen Tonkin recording leave of absence from March 1986 to April 1986	4749
680	A card of congratulations sent by Karen Tonkin to Ann Turbine	4752
681	Handwritten undated letter from Karen Tonkin addressed to Ann and Alec (Turbine)	4753

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
682	Copy, evangelistic literature enterprise application for employment completed by Karen Janette Gately	4764
683	Copies of records of interview with prison officers, Godrich, Stack, Pointon and Chalmers all dated 22 November 1988 and record of interview with Karen Tonkin dated 22 November 1988 concerning an allegation against a prison officer	4782
684*	Schedule of allegations concerning prisoner, Ronald James Kingsnorth	4791
685*	Schedule of leave of absence - R J Kingsnorth	4802
686*	Copy, memorandum to Director-General QCSC from Secretary to the Commission dated 8 May 1990 re classification and leave of absence of prisoners	4805
687*	Affidavit of "A" sworn 18 March 1991 together with annexures A - J	4832
688*	Statement - Ronald James Kingsnorth dated 26 February 1991	4834
689*	Schedule of medical history - R J Kingsnorth	4835
690*	Statement - Kirk John Wynne dated 13 March 1991	4835
691*	Statutory Declaration - Gary William Taylor declared 18 March 1991	4836
692*	Copy, statement - Kevin Hayden dated 26 February 1991	4836
693*	Summary sheet by Detective Sergeant 2/c A J Cross of interview with Kirk John Wynne on 10 April 1991	4837
694*	Copy, statement - Alexander Lobban dated 28 February 1991 re Karen Tonkin's return to custody from trial community placement	4837

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
695	Extract from Courier Mail of 12 March 1991, concerning submission by Counsel	4838
696	Memorandum from Detective Sergeant K Dunn to Detective Inspector G Aspinall re present whereabouts of former prison inmates M A O'Grady and G Khan dated 1 March 1991	4838
697	Statutory Declaration of Ian Donald Stewart declared 18 March 1991 re IPCHAC	4838
698	Copy, statement - Sister Kathleen Monica Carroll dated 22 February 1991	4839
699	Statement - Roslyn Myrna Allerton dated 8 April 1991	4841
700*	Statement - Kathryn Leanne Tofoni dated 25 March 1991	4841
986	Submissions by Queensland Corrective Services Commission	6698
987	Submissions by Gilshenan & Luton, Solicitors	6699
988	Submissions by Mr A Glynn of Counsel	6699
989	Submissions by Bowdens, Solicitors	6699
990	Submissions by W H Tutt & Quinlan, Solicitors	6699
1074	Submissions by Patrick O'Connor	7271

ANNEXURE "C"

LIST OF LEGAL APPEARANCES

	INSTRUCTED BY	ON BEHALF OF	DATE APPEARANCE ANNOUNCED
Mr A GLYNN	Robertson O'Gorman	Wendy Lee BRYCE	24/1/91
Mr S HERBERT	Gilshenan & Luton	"B"	24/1/91
Mr S QUINLAN (Solicitor)	W H Tutt & Quinlan	Queensland State Service Union	24/1/91
Mr M HOGAN	W H Tutt & Quinlan	D J BROUGHAM P P BROUGHAM	27/2/91
Mr S KEIM	Devereaux & Associates	Karen Janette TONKIN	1/3/91
Mr S HERBERT	Gilshenan & Luton	William KENNEDY	7/3/91
Mr S HERBERT	Gilshenan & Luton	"B"	11/3/91
Mr S CARTER (Solicitor)	Bowdens	Gordon FRENCH	11/3/91
Mr M HOGAN	W H Tutt & Quinlan	"F" "H" Allan Sidney BARNES	11/3/91
Ms T MORRISON (Solicitor)	Cranston McEachern & Co.	Helen Julie GLEGG	11/3/91
Mr P RICHARDS (Solicitor)	Gilshenan & Luton	"G"	13/3/91
Mr J GIBNEY (Solicitor)	Devereaux & Associates	Edward WATSON	14/3/91
Ms K HOLMES	Devereaux & Associates	Edward WATSON	18/3/91