

IN-CONFIDENCE

Parliamentary Commission of Inquiry
G.P.O. Box 5218,
Sydney, N.S.W. 2001.

FILE No:

C 14 / Annex

ARCHIVAL ACTION

FORMER PAPERS

LATER PAPERS

TITLE

ALLEGATION No 1

~ ANNEXURE ~

Related Papers

[illegible]

FILE NO. C14

ANNEXURE - FIVE

Commonwealth of Australia Gazette

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No. S183 Canberra, Monday, 18 September 1978

SPECIAL

HIGH COURT OF AUSTRALIA

Principal Registry
Sydney
4 September 1978

NOTICE IS HEREBY GIVEN that their Honours the Justices of the High Court of Australia have been pleased to make the following Rule of Court.

L. B. FOLEY
Principal Registrar

4. The winter vacation shall begin on Saturday, 23 June 1979. The summer vacation shall begin on Saturday, 15 December 1979.

G. E. BARWICK C.J.
H. T. GIBBS J.
N. M. STEPHEN J.
K. S. JACOBS J.
L. K. MURPHY J.
K. A. AICKIN J.

(L.S.)

L. B. FOLEY
Principal Registrar

HIGH COURT OF AUSTRALIA

RULE OF COURT

(As of Monday the 4th day of September 1978)

IT is ordered as follows:

1. Sittings of the Court for the transaction of all such business as may be brought before it shall be held during the year 1979 at the places and on the days hereunder mentioned, that is to say,

Hobart—Wednesday, 14 February
Melbourne—Tuesday, 27 February
Sydney—Tuesday, 13 March
Melbourne—Tuesday, 1 May
Brisbane—Tuesday, 22 May
Sydney—Tuesday, 24 July
Perth—Tuesday, 28 August
Adelaide—Tuesday, 11 September
Melbourne—Tuesday, 2 October
Sydney—Tuesday, 23 October. *SDe 1979.*

2. Causes may be set down for trial on the first day appointed for holding any sittings of the Court, or on any other day appointed by the Chief Justice.

3. No sittings will be held unless there is a substantial amount of business.

Trade Practices Act 1974

DIRECTION TO THE TRADE PRACTICES COMMISSION

I, Wallace Clyde Fife, Minister for Business and Consumer Affairs, pursuant to sub-section 29 (1) of the Trade Practices Act 1974, direct the Trade Practices Commission to apply to the Federal Court of Australia, forthwith, for an order that the hearing of the application by the Trade Practices Commission to that Court (No. G 27, N.S.W. District Registry, General Division) for an injunction restraining Banana Growers Federation Co-operative Limited from engaging in certain conduct relating to the marketing of bananas, be stood over generally to enable the Government to receive and consider the report presently under preparation by the body known as the Trade Practices Consultative Committee, which report is to advise the Government on the approach to be taken to possible primary industry exemptions from the Trade Practices Act 1974.

Dated this 15th day of September 1978.

WAL. FIFE
Minister for Business and Consumer Affairs



*Forwarded by
the High Court
Registry
Sydney*

From the Chambers of the Chief Justice

*9th
Friday*

PROPOSAL NO. 21. *18/2/86*

MEMORANDUM FOR ALL JUSTICES

Sydney Sittings - August 1979.

I propose the following:

Monday, Uebergang & Anor. v. The Wheat
20th August Board

Barwick C.J.
Gibbs J.
Stephen J.
Mason J.
Murphy J.
Aickin J.
Wilson J.

N.B. 11.00 am

Commissioner of Taxation v.
Everett

Barwick C.J.
Stephen J.
Mason J.
Murphy J.
Wilson J.

Tuesday, Commissioner of Taxation v.
21st August Westraders Pty. Ltd.

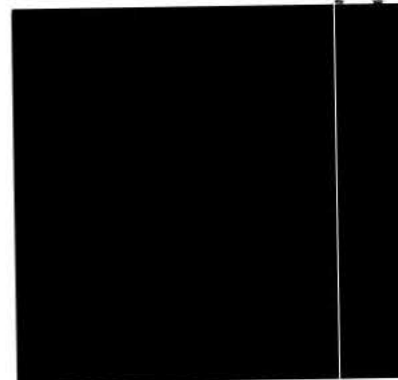
Barwick C.J.
Mason J.
Murphy J.
Aickin J.
Wilson J.

Thursday, Civil Motions
23rd August

Barwick C.J.
Mason J.
Murphy J.

SYDNEY,

16th August, 1979.



High Court of Australia

LIST OF BUSINESS FOR THE SITTINGS AT SYDNEY

BEFORE A FULL COURT

Commencing Tuesday, 23 October 1979

No. Appellant	Respondent	Appellant's Attorney	Respondent's Attorney	Court or Judge Appealed From	Nature of Proceedings
1 Minnesota Mining & Manufacturing Company & Another	Belersdorf (Australia) Limited	Allen Allen & Hemsley	Stephen Jaques & Stephen	High Court of Australia (Murphy J.)	Appeal and Cross Appeal
2 Cadiz Corporation Pty Limited & Another <i>SETTLED OUT OF COURT</i>	Norfolk Estates Limited & Another	Hall & Hall	Moore & Bevins	Supreme Court of New South Wales (Court of Appeal)	Appeal
3 Australian Oil Refining Pty Ltd	Bourne	Hunt & Hunt	Carroll & O'Dea	Supreme Court of New South Wales (Court of Appeal)	Appeal
4 Goodwin <i>CAV.</i>	The Nominal Defendant	Bryan G. Turner, agent for Baldock Stacey & Niven (Orange)	E. A. Dunn	Supreme Court of New South Wales (Court of Appeal)	Appeal
5 White	Barron & Another	Gray & Perkins	Duncan Barron & Co.	Supreme Court of New South Wales (Court of Appeal)	Appeal and Cross Appeal
6 Hay <i>PRIMA REFUSED</i>	Liverpool City Raceway Proprietary Ltd	White Barnes & McGuire	Alfred Rofe & Sons	Supreme Court of New South Wales (Court of Appeal)	Appeal
7 Vumbaca & Another	Baulkham Hills Shire Council	Pettiford & Associates	Gordon Robillard & Associates	Supreme Court of New South Wales (Court of Appeal)	Appeal
8 The Council of the Shire of Wyong	Shire & Others	Bartier Perry & Purcell, agents for Rankin & Natham (Newcastle)	N. J. Schweizer (1st Respondent), Asher Old & Jones (2nd Respondent)	Supreme Court of New South Wales (Court of Appeal)	Appeal
9 Barrell Insurances Pty Limited	Pennant Hills Restaurants Pty Ltd	Minter Simpson & Co.	E. J. Kirby & Company	Supreme Court of New South Wales (Court of Appeal)	Appeal and Cross Appeal
10 Government Insurance Office of N.S.W.	Atkinson-Leighton Joint Venture	J. A. Gill	Dawson Waldron	Supreme Court of New South Wales (Court of Appeal)	Appeal
11 State Government Insurance Office (Queensland)	Russell	Quinlan, Miller & Treston (Brisbane)	Messrs Henderson & Lahey (Brisbane)	Supreme Court of Queensland (Full Court)	Appeal
12 Transfield Pty Limited	Arlo International Limited	R. H. Henderson Taylor & Mitchell	Madgwick & Madgwick	Supreme Court of New South Wales (Full Court)	Appeal
13 Pangas	Pangas	Maurice May & Co.	Bartier Perry & Purcell	Family Court of Australia (Full Court)	Appeal (Special Leave)

<i>No. Appellant</i>	<i>Respondent</i>	<i>Appellant's Attorney</i>	<i>Respondent's Attorney</i>	<i>Court or Judge Appealed From</i>	<i>Nature of Proceedings</i>
14 Inglis	Moore & Others	Appellant in Person	B. J. O'Donovan Acting Commonwealth Crown Solicitor	Federal Court of Australia (Full Court)	Objection to Competency
15 Ley	Scarff & Others	Appellant in Person	Frank McCarthy	Supreme Court of New South Wales (Full Court)	Appeal
16	In the Matter of an Application for a Writ of Prohibition against Kenneth Charles Turbet a Commissioner of the Australian Conciliation and Arbitration Commission and The Metal Trades Industry Association and the Federated Iron Workers Association Respondents. Ex parte: Australian Building Construction Employees & Builders Labourers Federation, Prosecutor.		B. J. O'Donovan, Acting Commonwealth Crown Solicitor (1st Respondent)		Order Nisi for Prohibition
		Holding Redlich & Co.			
17	Moorgate Tobacco Co. Limited	Phillip Morris Limited and Another	Allen Allen & Hemsley	Dawson Waldron	Cause removed from the Supreme Court of New South Wales
18	Penfold	Penfold	Molloy & Schrader	John D. Lloyd	Family Court of Australia (Full Court)
19	Ansett Transport Industries (Operations) Pty Ltd	Wardley CAU	Clarke Richards Grant & Co.	Patricia Roberts	Cause removed from the Supreme Court of Victoria

BEFORE A SINGLE JUSTICE

<i>No. Plaintiff</i>	<i>Defendant</i>	<i>Plaintiff's Attorney</i>	<i>Defendant's Attorney</i>	<i>Nature of Proceedings</i>
Fraser	The Commonwealth of Australia	McClellands	B. J. O'Donovan, Acting Commonwealth Crown Solicitor	Action for Trial
In the matter of a patent application No. 26183/71 by the Wellcome Foundation Limited.		Stephen Jaques & Stephen	B. J. O'Donovan, Acting Commonwealth Crown Solicitor	Patent Appeal



From the Chambers of the Chief Justice

PROPOSAL NO. 26.

MEMORANDUM FOR ALL JUSTICES

SYDNEY SITTINGS - NOVEMBER, 1979

Full Court - Fourth Week

Monday,
12th November

White v. Barron & Anor.

Barwick C.J.
Stephen J.
Mason J.
Aickin J.
Wilson J.

Not before 12.00 noon

Vumbaca & Anor. v. Baulkham
Hills Council

do.

Tuesday,
13th November

Pangas v. Pangas

Stephen J.
Mason J.
Murphy J.
Aickin J.
Wilson J.

Not before 12.00 noon

Australian Oil Refining Pty.
Ltd. v. Bourne

do.

Wednesday,
14th November

G.I.O. (N.S.W.) v. Atkinson-
Leighton

Barwick C.J.
Stephen J.
Mason J.
Murphy J.
Wilson J.

Thursday,
15th November

Penfold v. Penfold

Stephen J.
Mason J.
Murphy J.
Aickin J.
Wilson J.

Inglis v. Moore & Ors.

do.

Ley v. Scarff & Ors.

do.

SYDNEY,

1. Causes may be set down for trial on the first day appointed for holding any sittings of the Court, or on any other day appointed by the Chief Justice.

2. No sittings will be held unless there is a substantial amount of business.

* * * *

LIST OF AUTHORITIES should be lodged with the Registrar twenty-four hours before the day notified by the Registrar as the likely day of hearing: authorities from which passages are to be read to the Court should be distinctly marked to distinguish them from authorities to which merely a reference is to be made.

* * * *

It is requested that notice be given to the Registrar
of any cases which may be settled.

F. W. D. JONES,
ACTING PRINCIPAL REGISTRAR,
HIGH COURT OF AUSTRALIA,
SYDNEY

*early observations
- Mr. Brown*

Suggested Tasks:

1) Interview Thomas ✓

1.1 (Note that Thomas' version of the matters put to him at the luncheon by the Judge are not supported by Davies who has also provided a statement.

1.2 Therefore Thomas' contentions are unsupported and accordingly his credibility becomes particularly significant. Bruce Brown, magistrate in the Greek social security conspiracy committal hearing said of Thomas;

"I am of the view that the evidence has established the highest impropriety by Detective Chief Inspector Thomas who is no longer a member of the Australian Federal Police, but is now a practising member of the NSW bar. That he should have behaved in the manner he did, of deceiving Crown Counsel and the Court as to the role he and Nakis have been playing is a matter of considerable dismay."

1.3 Following these comments consideration was given by the Crown Solicitor to the prosecution of Mr Thomas and Counsels' opinion was sought. In July 1982 Mr Robert Redlick of the Victorian bar was briefed to advise as to whether the evidence revealed a prima facie case in relation to the alleged offences (conspiracy to pervert the course of justice and for perjury). In short Mr Redlick advised that in his view Mr Thomas had committed perjury in the course of his evidence but there was insufficient evidence to establish any conspiracy between Thomas and Nakis of the type alleged.

1.4 A further opinion was provided by DCS Canberra which contended that there was no evidence to indicate either conspiracy or perjury but that there was evidence suggesting he had committed the offence of attempting to pervert the course of justice. Counsels' views were sought on this point (Mr Redlick and Mr B. Sully QC (Sydney)). Both agreed with DCS' opinion. However, later in discussions with Senator Evans (then Attorney-General) a further case (authority) was discussed which cast doubt on whether Thomas had committed the offence suggested. The Attorney-General then decided that he was, in all the circumstances, not disposed to proceed against Mr Thomas. (Attached is a summary of the abovementioned matter).

1.5 In Thomas' statement he contends that Don Davies and the Judge were in the same class at Fort Street High School and perhaps Ryan was at the same school. In his evidence to the Stewart Royal Commission Thomas firms up on this point he says that;

" ... it was said at that lunch that John Donnelly Davies and his Honour, Judge Murphy were former school mates at Fort Street and I got the impression that Morgan Ryan was also a former classmate or schoolmate of both those persons. I am sure of John Donnell Davies and his Honour being together at Fort Street."

1.6 However, Davies in his statement said that he was a student at Fort Street High but that he first met his Honour when they were (both) students at Sydney University. Also, I believe his Honour went to Sydney Boys High (see Who's Who).

1.7 Thomas' stories in the three pieces of material attached to this file (ie his statement, evidence at the Stewart Royal Commission and the second Murphy trial are consistent in the most significant areas. However, there is one minor point. In the second Murphy trial Thomas says that when he and Davies arrived at the restaurant his Honour was in the

room by himself and a brief discussion took place and within a very short space of time Morgan Ryan joined them. In his statement and evidence to the Stewart Commission Thomas says that;

".... When we arrived at the restaurant the Judge was already there seated at a table with another man whom I recognised as Morgan John Ryan (statement) andWhen we (Thomas and Davies) entered the restaurant his Honour was already there. John Donnelly Davies introduced me to his Honour and in turn his Honour introduced me to Morgan Ryan who was there."

*In a further brief statement dated 24.3.86 Thomas says when he arrived at the restaurant the Judge was in the main part of the restaurant by himself.

- See Working Papers - all 2.*
2. Obtain statement from Inspector Lamb (re the provision of microphone to Thomas to record his discussion with Ryan in Feb. 1980.
 3. Obtain AFP documents concerning matters raised in relation to the possibility of laying charges against Ryan in respect of his discussion with Thomas.
 4. Interview His Honours' associate at the relevant time (about November 1979) and confirm invitation to Thomas and possibly Ryan and Davies, to luncheon at the Arirang Restaurant (Kings Cross). Associate said to have called Thomas in about November 1979, identified herself as the Associate to His Honour. Again called Thomas about a month later - said Judge would be sitting the following week. Third call received from the Associate a few days later giving details of date/time/place etc of luncheon.

5. Establish date of luncheon.Sources:

- 1) Arirang Restaurant records (22 Rockwall Crescent Potts Point)
- 2) Commonwealth car records
- 3) TAA/ANSETT bookings (Davies from Canberra previous day)
- 4) Check week when His Honour sitting in Sydney. (High Court Registry records)/

6. Witness to be called

1. Thomas
2. Davies
3. Ryan

0090M

Possible Proceedings against Former Detective
Inspector D. Thomas arising from the Social
Security Conspiracy Case

The Director of Public Prosecutions
Hinkler Building
BARTON A.C.T.

I have been asked to prepare a minute for your information summarizing the history of and present position in relation to the Attorney-General's consideration of whether any charges should be laid against former Detective Inspector D. Thomas as a result of that person's actions in connection with what is now well known as the Social Security Conspiracy Case (SSC Case). The sources of the information set forth hereunder are documents contained on departmental files which I have recently read. I have not had any personal involvement with decisions concerning Mr Thomas and therefore perhaps cannot supply as full details of the background to the matter as may be desired. There are however several departmental officers who can supply further information if required in particular Messrs P.F. McDonald and G.Gray.

2. The SSC Case was in a committal proceedings which continued before New South Wales' Magistrate Mr B. Brown for in excess of 380 days. Originally some 183 people were charged with conspiracy to defraud the Commonwealth in that between 1 January 1971 and 30 March 1978 they had operated a scheme to obtain from the Department of Social Security invalid pensions and sickness benefits to which they were not entitled. Ultimately charges were dismissed against all but some half dozen persons charged.

3. Charges had been laid following dawn raids conducted by Federal Police on 160 Sydney homes on 31 March 1978. Apparently the then Chief Inspector Thomas played a central role in the decision to execute the raids and he was the informant in relation to many of the charges laid.

4. On 7 June 1982 the Magistrate discharged 16 of the then remaining 20 defendants. The Magistrate had earlier indicated that he may disregard evidence given by a principal prosecution witness, Mr Chris Nakis, as it had been revealed in cross-examination that the evidence-in-chief of both Mr Nakis and former Chief Inspector Thomas had been at least misleading in several respects, particularly regarding their relationship to each other and discussions they had had as to a possible regard Mr Nakis might obtain if he gave evidence for the Crown.

5. On 7 June 1982 Mr Brown S.M. announced in Court that he was of the view that evidence had established the highest impropriety by the former Detective Chief Inspector, who, by then, was a practising member of the New South Wales bar. Mr Brown said he proposed to bring the circumstances of Mr Thomas' actions to the notice of the relevant Attorney-General with a view to proceedings being taken against him for conspiracy to pervert the course of justice, or for perjury, or for both.

6. Mr Brown's comments were widely reported in the press and of course brought to the attention of the Attorney-General and the Crown Solicitor by the Deputy Crown Solicitor's officers who had been present in Mr Brown's Court on the day.

7. On the day following the release of Mr Brown's comments the Crown Solicitor made arrangements for an examination of available evidence, including some 15 ring binders transcript of the evidence of Thomas and Nakis before Mr Brown S.M., to determine whether there was evidence to support a prima facie case against Mr Thomas in regard to the offences alleged. That examination was conducted in the first instance by experienced officers of the Deputy Crown Solicitor's Office in Canberra. ("DCS Canberra").

8. In July 1982 Mr Robert Redlich of the Victorian bar was briefed to advise as to whether the evidence revealed a prima facie case of the alleged offences. He provided a 38 page written opinion on 20 August 1982. In short, Mr Redlich advised that in his view Mr Thomas had committed perjury in the course of his evidence, but there was insufficient evidence to establish any conspiracy between Thomas and Nakis of the type alleged.

9. In a 16 page report also dated 20 August 1982, DCS Canberra reported its view that there was no evidence to indicate either conspiracy or perjury, but that the evidence did disclose a conflict between Thomas' common law duty to protect Nakis' anonymity as a police informer and his duty not to mislead the Court. DCS therefore concluded that assuming Thomas' first-mentioned duty was secondary to the latter, there was evidence suggesting he had committed the offence of attempt to pervert the course of justice.

10. Subsequently Mr Redlich was briefed in September 1982 to advise on whether the evidence in his view supported the charge suggested by DCS Canberra. That opinion was received on 29 November 1982. Mr Redlich considered that the evidence supported a charge of attempt to pervert the course of justice and thought such charge preferable to one of perjury in all the circumstances.

11. On 15 February 1983 Mr B Sully Q.C. of the New South Wales bar was retained by the Crown Solicitor to advise on whether Mr Thomas or the witness Nakis had committed any criminal offences in relation to the conduct of the SSC case. Apparently a Sydney silk was briefed at this stage so that he could actually conduct any prosecutions he might find disclosed by the evidence. In a written advice dated 2 May 1983 Mr Sully Q.C. stated he was in concurrence with Mr Redlich in relation to the question of possible offences committed by Mr Thomas. Mr Sully's advice dealt primarily with possible offences committed by Nakis and concluded that there was sufficient evidence to warrant his prosecution for contravention of section 43 of the Commonwealth Crimes Act only, and then much of that evidence would have to come from Mr Thomas.

12. A supplementary opinion on further legal questions raised was provided by Mr Sully on 19 March 1983.

13. In the ensuing weeks it seems considerable thought was given by those involved to the question of whether charges should be laid against Mr Thomas for attempting to pervert the course of justice. A number of issues were at play in addition to the question of sufficiency or otherwise of evidence in support of the proposed charge. Included among these were questions of fairness and public interest.


14. At a meeting with Senator Evans in his Melbourne office on 8 June 1983 attended by the Minister for Social Security and representatives of both those ministers' departments the matter was discussed in some detail. The Attorney-General's attention was drawn to the decision of Pollock C.B. in Attorney-General v Briant 1846 which casts doubt on whether Thomas had committed the offence suggested and whether the evidence necessary to sustain such a charge would be admissible even if he had done so. That decision had not been considered by Counsel and it was suggested perhaps further advice be sought.

15. After consideration of all relevant aspects, the Attorney-General decided that day that he was not disposed to proceed against Mr Thomas as, in his view, there was doubt as to the sufficiency of evidence to establish the mental element of the alleged offence and, in all the circumstances, the interest of justice would not be served by now instituting criminal proceedings against Mr Thomas. The Attorney-General also stated that he would be prepared to reconsider this decision after the then proposed inquiry into appropriate compensation for former defendants in the SSC Case (now the Mitchell Inquiry) in the event that further relevant material emerged there from.

16. The Attorney-General publicly announced his decision in relation to any proceedings to be instituted against Mr Thomas in the Press Release he issued jointly with the Minister for Social Security on 31 January 1984 announcing the establishment of the Mitchell Inquiry (copy attached). Mr Brown S.M. and Mr Thomas were both advised by the Attorney-General of his decision and the reasons for it by letters dated 18 January 1984.

17. I am aware of three recent queries received by the Attorney-General in relation to possible action against Mr Thomas. Two queries (those of Senator Bolkus in Senate Question No. 655 dated 29 February 1984 and Mr N. Morrissey, Chairman of the Double Bay Branch of the ALP, in a representation dated 13 February 1984) are in identical terms and are apparently made without knowledge of the contents of the abovementioned press release. It is anticipated those queries will be answered by reference to the Press Release. The third query has been raised by Mr M.J. Moloney, a Sydney solicitor, who has already been advised in writing by the Attorney-General of his decision regarding Mr Thomas. Mr Moloney is seeking to have the Attorney-General reconsider his decision. The nature of Mr Moloney's interest in the matter is not clear. It seems that he does not act for any of the former defendants in the SSC Case. There is a note on file suggesting that Mr Moloney has himself been committed for trial in a completely unrelated matter and therefore may be ultimately considering representations to the

Attorney-General on his behalf.


(E.A. Clancy)
Senior Assistant Secretary
Prosecutions

23 March 1984

The Don Thomas Allegation

38. The DPP have provided three manilla folders relevant to this allegation: files marked "Thomas File A" and "Thomas B" and files marked simply "Davies". Thomas File A concerns a statement by Thomas given on 24 March 1986, apparently for the purposes of the second Murphy trial. That statement does not deal with the conversation which Thomas has elsewhere alleged occurred at the Korean Restaurant in late 1979. Also in that file are various documents relevant to Thomas's actions in the Greek Conspiracy Case. These include the comments by Brown S.M. and later opinions and internal memoranda relevant to the subsequent decision by the Attorney-General not to prosecute Thomas for various matters which arose during the course of the Conspiracy Case. The file styled 'Thomas B' contains the additional evidence relevant to the luncheon at the Korean Restaurant in late 1979, including some "I said, he said" recounting of the conversations which allegedly took place at the lunch. This additional evidence is unsigned. Also in the file are notes of a conference between Thomas, the DPP and counsel wherein the Murphy/Ryan/Thomas/Davies lunch, later Ryan/Thomas lunch and various aspects of Thomas's involvement in the Greek Conspiracy matter were discussed. Finally, the file contains a transcript of the detailed examination of Thomas before the Stewart Tapes Commission. The final manilla folder, the one styled 'Davies', contains a seven page signed statement by John Donnelly Davies.

39. Thomas's evidence of the lunch with Davies, Murphy and Ryan is this. Sometime prior to October 1979 he received a telephone call from a woman who identified herself as the Associate to Murphy. Thomas had never met Murphy. The Associate told Thomas that Murphy would like to have lunch with him when he was next sitting in Sydney and said she would call again when a date could be arranged. About a month or so later Thomas received another call from the Associate who advised him

that the Judge would be sitting in Sydney the next week and asked if Thomas would be available and he said he would. Not long after, Thomas received a third call from the Associate in which the time, date and the Arirang House Restaurant, Potts Point were nominated.

40. On the day of the lunch Davies arrived at Thomas's office in Sydney and informed him that he would be attending the lunch too. Although it was not be unusual for Davies to visit Thomas he generally announced his intention beforehand but did not do so on this occasion. Thomas drove Davies to the Restaurant and Thomas was aware that Davies knew Murphy. When they entered the restaurant they met Murphy who was apparently alone. Murphy said to Thomas, "I hope you don't mind, I have a very old friend joining us. Time is short and I try to have lunch with him whenever I am in Sydney." Ryan then joined them and introduced him to Thomas (Thomas had not previously met Ryan).

41. General conversation then ensued for some time and then Murphy engaged Thomas in conversation while Ryan and Davies conversed together. Murphy told Thomas, "In 1974 to 75 when I was Attorney-General, I was going to form the Australian Police Force. You were earmarked at that time to be an Assistant Commissioner. It didn't go ahead because the Government lost the election". There was some further discussion and Murphy referred to the Greek Conspiracy Case and to criticism that had been made of Thomas in Parliament about it. He said, "The allegations of misconduct made by Senator Grimes are political. It is not a personal thing. There are a large number of Greek voters in the various Victorian electorates and the ALP is seeking their support. Would you like to meet Senator Grimes?. He is not a bad bloke. Then you will understand." Thomas replied, "No thanks". Murphy then said words to the effect "We'll soon be in power again. We need to know what is going on. We need somebody in the Australian

Federal Police. Somebody at the top. If you are willing to do that, we can arrange for you to be an Assistant Commissioner when it is formed. We have friends on both sides." Thomas said, "Look, I'm not a member of any political party. I really don't want to get involved in that way." Murphy said, "O.K. Well, don't make up your mind straight away, think about it." The conversation then turned to other matters. Ryan and Davies had been in conversation with each other while Murphy and Thomas had the above described conversation.

42. The conference notes go on to describe Thomas's explanation of his behaviour during the Greek Conspiracy prosecution. It is worth reading. Suffice to say at this stage that I find his explanation rather hard to believe.

43. Also on the file is a transcript of Thomas's examination before the Stewart Tapes Commission. In the first part of the transcript Thomas outlines the circumstances leading up to and including his luncheon with Morgan Ryan in early 1980. This is the conversation which he and Lamb taped. Thomas considered that the purpose of the meeting was to offer him a bribe in relation to doing something for Dr. Hameiri. Thomas says that that meeting was the first time that he had ever heard the name Dr. Hameiri. Thomas told the Commission that in relation to this episode he made no notes. He said he would have had a notebook but added that he would not normally carry a notebook as a Detective Chief Inspector. In any event he took no note of the conversation even though he considered that he had been offered a bribe in relation to a then current prosecution. Later Thomas was asked again, "But you took it as a bribe. Is that right?" and he said, "I certainly did." He was asked, "Well then, what action did you take?" To which he responded, "None at all." Thomas was asked "Why not". He answered, "Because Inspector Lamb was inquiring, as far as I knew, into organised crime which involved Morgan Ryan and it was then up to him. The whole object of taping the thing was because I did

not trust the man and because Lamb was involved in that area somewhere. His actual duties were not known to me but I'm certain he knew he was involved in that type of investigation, subject directly and working directly to the Commissioner." He was then asked, "In any event, nobody as far as we know took any action on it?" and he responded, "I do not know." Later he was asked whether he made a report to Inspector Lamb. He responded, "No, it would not be my prerogative to make a report to Lamb." He went on to say that Lamb was his junior at the time.

44. Thomas was then led through his evidence on the previous luncheon he had attended with the Judge, Morgan Ryan and Mr Davies. That evidence is broadly consistent with that given later to Mr. Callinan immediately prior to the second Murphy trial. It does however, contain some additional information. For what its worth, the Judge appears to have directed the seating arrangements at the table so that he himself sat next to Thomas while Davies and Ryan were situated at the far end of the table. In relation to Murphy's alleged statement that "we" needed somebody in the new AFP, Thomas assumed that the 'we' referred to the Labour Party, but he was "also a bit conscious of Morgan Ryan being there." Apparently at the meeting Davies and the Judge mentioned that they had been to school together and Thomas had some recollection of that school being Fort Street. Thomas was asked whether Justice Murphy explained how he or anyone else was going to organise Thomas's higher rank in the yet to be formed Australian Federal Police, bearing in mind that Labor was not in government at the time. Thomas said that that was not discussed in any detail at all. There was some conversation about where Labor and Liberal politicians are opponents in the house but are friends, or can be friends outside (although that conversation may not necessarily have concerned the point of how the alleged promotion of Thomas was to be achieved).

45. Thomas goes on to say that after the meeting he was "inwardly angry" at the offer made by Murphy. He said he told Davies that he could "tell Justice Murphy that he was not interested and more or less the fact that I was disappointed in him." Thomas says that he certainly did not discuss the offer with any other person after the luncheon. He was asked, "From that day to this have you mentioned it to anyone else'," and he responded, "I mentioned it only the other week to Mr Ian Temby and that was because there was an article in the 'Sydney Morning Herald' attributed to the 'Age Tapes', and a report that an Inspector Moller had filed, which intimated that I had been up to something with Davies." He went on to say that that newspaper report was several months previously. However, he had only mentioned it to Mr Temby within the month. (It's not immediately clear to me why Thomas approached Temby when he did). Thomas admitted that he never came forward during the trial at any stage to offer this particular intelligence to anybody. He was asked, "Did it occur to you as an ex-police officer and now a practising barrister that it may have been important to mention it?" and he responded, "No, sir".

46. Davies' version of events is somewhat different. In his statement he said that he had always held Chief Inspector Don Thomas in high regard as an investigator and had felt sorrow at the way in which he was being treated by police dignitaries the time following his handling of the Greek Conspiracy matter. This left him wondering what place there was for Thomas within the police sphere as he was either at that stage a lawyer or about to become one. Davies' medical advisors had told him that he should be pensioned due to hypertension, so he knew he would be leaving the job in the near future. Accordingly, about the end of November 1979 he rang Lionel Murphy (person whom he first met in 1942 and whom he had met infrequently since then) and told him what had happened to him and related the circumstances surrounding Don Thomas. Davies told Murphy that whilst Thomas was not a friend of his, he did feel that he

was being badly treated and would have no future as a police officer despite his academic qualifications. He asked Lionel whether he would be prepared to have lunch with Thomas and him to discuss a possible future in the legal profession. Davies admits to being presumptuous because he had not even consulted with Thomas on this score at this stage. Davies said he did so immediately and Thomas offered no objection to the meeting.

47. About mid-December, Murphy's Associate rang Davies to say a luncheon had been arranged between Davies, Murphy and Thomas at the Korean Restaurant in Kings Cross. Davies said he then rang Thomas and arranged for him to pick him up at Town Hall station and take him to the luncheon. It would appear that Davies phoned Thomas on the morning of the luncheon.

48. Upon arrival, they were met by Murphy and Morgan Ryan. They had lunch. Lionel enquired about Thomas' background and legal achievements in the academic world and from Davies' recollection agreed that he would have a career available as a lawyer should he ultimately feel so disposed. Furthermore, Murphy expressed the opinion that with his qualifications Thomas would seem to have a good future within the Australian Federal Police. According to Davies, Ryan had little or no input into the conversation. Davies says he simply recalls that it was a pleasant luncheon - an informal discussion between Lionel Murphy and Don Thomas arranged at his request because of his apprehension that Thomas would be or had been badly done by by the imported United Kingdom heirarchy. Davies left with Thomas. Thomas drove Davies to the station. According to Davies he has not seen Thomas, Murphy or Ryan, nor has he spoken to them or communicated with them in any way whatsoever since that date.

49. Davies says that he has been asked if he was privy to all that was said at the luncheon. He says that whilst he was certainly present in a group of four people, he was not able to

say that he could give a complete account of what was said since the 'anniversary is in its seventh year'. He says that as he was sitting in a group of four people at the table, he feels he would have heard anything of major importance that was discussed. However, once again the 'restraints of memory apply'. Thomas says that he left Murphy and Ryan in front of the restaurant. On the way to dropping Davies off Thomas expressed concern that solicitor Morgan Ryan was present. Davies said, so did he.

50. Davies says that he was not aware that Morgan Ryan was to be present at the lunch. He admits to having met Ryan previously at Lionel Murphy's suggestion in order to further Davies' determined approach to the State Government to recover a sum of money he had previously paid to the New South Wales Police Superannuation Fund. If anyone should be interested in Davies' saga in recovering that amount they are welcome to read his statement.

51. I make the following observations on the material obtained from the Director of Public Prosecutions relevant to the Thomas allegations. If we assume that the conversation as alleged by Thomas took place, it is not immediately clear what the Judge was seeking to achieve. Was he seeking to have Thomas placed in a particular position within the AFP (in effect to replace Davies) as an informer for the ALP? Or was his approach in asking Davies to contact Senator Grimes - an attempt to bring undue influence on the prosecution of the then current Greek Conspiracy case? It is clear that the Judge made no mention at that mention of Dr. Hameiri at the lunch. Morgan Ryan's allegedly improper approach to Thomas (which was taped) appears to have been made on Dr Hameiri's behalf. It would seem then that the second luncheon is an entirely separate matter from the first (although passing reference was made there to the Greek Conspiracy Case).

52. The second thing that must be said is that Thomas's recollection of his lunch with the Judge is remarkably clear, notwithstanding the fact that several years appear to have elapsed between that event and his first disclosing it to any person in authority. Equally remarkable in my view is the fact that Thomas recorded the events of that meeting nowhere; nor did he bring it to the attention of anybody until a newspaper report seemed to indicate that he was in collusion in some unspecified way with Davies. Even then he delayed bringing it to the attention of Mr Temby. Equally, I find it remarkable that although a definite offer of a bribe appears to have been made at the second lunch, Thomas recorded that event and indeed let the matter rest entirely. As a very senior officer within the Commonwealth Police, I find his behaviour unusual to say the least. When Thomas' inactivity in these matters is added to his actions in the Greek Conspiracy matter, it can readily be seen that when his allegations are put to the Commission he will be liable to quite vigorous challenge as to his credit.

53. Davies of course provides no support for Thomas. Davies says he suggested the lunch. He may well have, but I do not believe his stated reason for doing so. It defies credulity that he would have arranged a lunch with a member of the High Court (an allegedly casual acquaintance at that) to discuss a future for Thomas ('not a friend') in the legal profession - particularly as Thomas did not solicit Davies' help in the first place.

54. Nor do I think that the events at Thomas' later meeting with Ryan provide any support for his description of the earlier lunch. Contrary to the views expressed in the Callinan/Cowdrey advice, I consider that the tape of the later meeting has no probative value in relation to questions of the Judge's behaviour.

55. In the end, the strength of Thomas' allegation depends very much on how he 'brushes up' as a witness.

Association with Saffron

56. The DPP files contain very little information on this. There is a manilla folder entitled 'James West' which contains a one page unsigned statement by that gentleman. He said that between 1958 and 1978 he was a partner in a hotel in Western Australia with Abe Saffron. He said that about four or five times during that partnership he visited Saffron at his motel, Lodge 44 at Edgcliffe. On one of those visits during which he was accompanied by his wife (a visit which he dates very approximately "in the early 70's") he was sitting having a meal in the dining room on the first floor of Lodge 44 when about two or three tables away he recognised a person also having a meal as being Lionel Keith Murphy. He was alone. He did not speak to him and he could not recall mentioning to Saffron that he had seen him. As far as he was able to say Saffron did not mention to him that Lionel Murphy had stayed at his hotel.

57. I have not as yet seen the material on James McCartney Anderson.

A. Phelan
24 June 1986

2691A

ALLEGATION NO. 1

DPP
Stewart Royal
Ct. Jones
Sunder material

Statement of Offence

In or about December 1979, the Judge attempted to bribe a Commonwealth Officer contrary to the provisions of Section 73 sub-section (2) of the Crimes Act 1914.

Particulars of Offence

Inventor
Stewart Royal
DPP

attach a statement

In or about December 1979, Donald William Thomas, a Detective Chief Inspector of the then Commonwealth Police in charge of the Criminal Investigation Branch for the New South Wales region, attended a luncheon at the Arirang Restaurant in Kings Cross Sydney at the invitation of His Honour Mr Justice Murphy. Also present at that lunch were John Donnelly Davies, the Assistant Commissioner, Crime of the Commonwealth Police in Canberra, and Mr Morgan Ryan, Solicitor. During the course of the luncheon, the Judge spoke to Thomas regarding a Social Security conspiracy case in which he had been involved. Particulars of that conversation are set out in the attached statement of Thomas dated 3rd of December 1985. Further particulars of this conversation are set out in the confidential transcript of the Testimony given by Thomas before the Stewart Royal Commission on 3rd of December 1985 pages 3279 to 3296 inclusive copies of which are attached. There was also discussion between the Judge and Thomas about the possibility of Thomas fulfilling a particular role within the soon to be created Australian Federal Police. The Judge said to Thomas "We need somebody inside to tell us what is going on". He followed that with the suggestion that in return for fulfilling this role, the Judge would arrange for Thomas to be promoted to the rank of Assistant Commissioner. Details of that conversation are also set out in the statement and transcript referred to earlier.

then
commonwealth
police
spend.

(a)

(b) attach statement
(c) attach statement

(2) Murphy
(Thomas)
(1)

(2)

(3)

(4)

Manner in which the case is put

Section 73 (3) provides: "In this Section; "bribe" includes the giving, conferring or procuring of any property or benefit of any kind in respect of any act done or to be done, or any forbearance observed or to be observed, or any favour or disfavour shown or to be shown in relation to a matter arising under a Law of Commonwealth or of a Territory or otherwise arising in relation to the affairs or business of the Commonwealth or of a Territory;

attach
copy of
crimes
act section

5

"Commonwealth Officer" includes a person who performs services for or on behalf of the Commonwealth, a Territory or Public Authority under the Commonwealth."

It is alleged that the Judge offered Thomas at least two benefits within the meaning of Section 73 sub-section 3:

a. an invitation to meet his parliamentary critic in order to allay his concern about the constant attacks to which he was being subjected in relation to the Greek conspiracy; and

properly
exposed
6

(make
clear
who
was
to
meet)

b. the position of Assistant Commissioner in the soon to be formed Australian Federal Police. In return, it is suggested, the Judge made it clear to Thomas that he would be expected to keep the Judge's associates (presumably the Labor Party) informed of what was going on in the Australian Federal Police in a way which could not be done through proper avenues of communication.

relates to
3

why so

The judge and his
associates.

Evidence to be obtained

The following witnesses will be called:

1. Thomas
2. Davies
3. Morgan Ryan

(attach state ments)

which added?

7

It will also be necessary to consider whether any evidence is to be led of the subsequent meeting between Thomas and Morgan Ryan in February 1980. If that evidence is thought relevant to the allegation against the Judge, a transcript of the tape recording between Ryan and Thomas should be supplied to the Judge. In addition, a statement should be obtained from Inspector Lamb. Any summons which is issued to these witnesses should include in its terms the requirement that they produce any diaries, notebooks, or memoranda which might contain matters relevant to these incidents. A separate summons should be directed to the Australian Federal Police in respect of any such documents which might have been handed to them by any of these police officers (in particular Davies) at the end of his period of office.

Possibly
8

2
document

It appears that the Australian Federal Police are currently investigating the possibility of charging Morgan Ryan in relation to the events of February 1980. It would be desirable to obtain any file notes or other working documents which the Australian Federal Police have raised in relation to that investigation. A statement should also be obtained from His Honour's associate at the relevant time to see whether the account given by Thomas can be corroborated, at least as to the invitation. In addition one should examine the evidence given by Thomas during the course of the second Murphy trial, and the unsworn statement of His Honour dealing with that point. We should also put into this file the statement that has been

(meeting referred to above)

#9

10

what revealed in court

second

obtained by the DPP from Davies which seeks to explain the events from his point of view. Finally, it is understood that Morgan Ryan was questioned about the Thomas luncheon or luncheons before the NCA. The transcript of that evidence should be put into this file as well. It appears that the NCA have photocopies of certain diary entries in Morgan Ryan's diaries (which Ryan claims to have since lost). We must obtain the copies of those entries.

Handwritten notes:
11
12
13
Hansen
date

0003M

BRIEF - ORIGINAL
DOCUMENT.

STATEMENT OF DONALD WILLIAM THOMAS

1. I was admitted to the Bar in 1979, although I did not commence until 1981. I am a practising Barrister.
2. In 1973 I left the NSW Police force to take up an appointment as an Inspector in the Commonwealth Police. In 1979 I held the rank of Detective Chief Inspector and was in charge of the Criminal Investigation Branch of the NSW Region. Throughout 1979 up until the time of his retirement, John Donnelly Davies, the Assistant Commissioner (Crime), was my immediate superior as a Detective. In addition I was second in command of the Sydney District; as I recall John Reilly was the Officer in Charge of the Sydney District during 1979.
3. Approximately 4 to 6 weeks prior to the formation of the Australian Federal Police, I received a phone call from a woman who identified herself as the Associate of Mr Justice Lionel Murphy. I do not recall the precise date of that call, nor do I recall the dates of any of the events which I shall shortly describe. I now recall that the Australian Federal Police was formed in mid October 1979, and I am able to relate the events in question to that date. After introducing herself, the telephone caller said that His Honour would like to have lunch with me and asked whether I would be available to have lunch with His Honour when next he was in Sydney. I said yes, and she said that she didn't know exactly when His Honour would be in Sydney but that there would be further contact with me. I had never met Mr Justice Murphy at the time of this conversation, nor had I had any contact with him whatsoever.
4. About a fortnight later (and still prior to the formation of the Australian Federal Police), I received another telephone call. The caller was a woman who again introduced herself as the Associate to Mr Justice Murphy.

As I recall, she said that His Honour would be in Sydney during a particular week, and asked whether I would be available for lunch. I replied in the affirmative.

5. As I recall, I may have received a third phone call from the woman claiming to be Mr Justice Murphy's Associate. During that telephone conversation (or perhaps during the second telephone conversation) the time and venue were arranged for the lunch with the Judge. The lunch was to be held at the Arirang Restaurant at Potts Point, and as I recall the time set was between 12.30 and 1.00 p.m.
6. On either the night before, or the morning of, the lunch I received a telephone call or a visit (at Police Headquarters) from Davies telling me that he was going to attend the lunch with me. That was the first time that I was made aware that he would be attending. Just prior to the lunch I picked Davies up from the vicinity of Town Hall station and drove him to the Arirang Restaurant. He and I went into the restaurant and the Judge was standing by himself. The Judge stood up as we came in and was introduced to me by Davies. The Judge said "I hope you don't mind I've invited an old friend to come to lunch. I have lunch with him whenever I come to Sydney. Do you mind?" I said, "Certainly not," and then Morgan Ryan came into view. The Judge introduced me to Morgan Ryan. It was apparent to me that Davies knew both the Judge and Morgan Ryan.
7. The four of us were then shown to a table in an alcove towards the front of the restaurant. The Judge directed who was to sit where. The table was rectangular, about 5 feet by 3. The Judge sat to my left either at the head of the table or beside me. Davies and Ryan were to my right.
8. There followed light conversation, including discussion of



Korean food and an association between Davies and the Judge at some educational establishment.

9. After a while Davies and Ryan seemed to get into a conversation by themselves, as did the Judge and I. The Judge spoke about the Australian Police that he intended to create during the period when he was Attorney-General. He said, "I had been aware of your career, and during my time as Attorney-General I had earmarked you to be an Assistant Commissioner. However we lost power and the formation of the Australian Federal Police was stopped." He then mentioned the creation of the Australian Federal Police and said "Don Davies might not take up his position because of ill health."
10. The Judge then commenced to speak to me about the Greek conspiracy case. He said, "Don't take any of that criticism in Parliament personally. It's not aimed at you personally, it's political. We need to get into power in Victoria and we need the Greek vote. This is why the criticisms being made are all political." He went on to say, "Don Grimes is not a bad bloke personally. If you like I'll arrange a meeting and you can see for yourself." I said, "Yes I know it's political because it always seems to be tied to a by-election, but I don't want to meet him."
11. The Judge then discussed the imminent retirement of Davies. He said, "Don Davies' health might not allow him to be in too long. I could arrange for you to be an Assistant Commissioner. I am aware that you were tipped to be the next Assistant Commissioner within the Commonwealth Police. We need somebody like you at the top, we need to know what's happening all the time. A man like you with your experience would be perfect for the job. We are not in power now. We are hoping to get back into power. But in any case we have friends on both sides of the Parliament." I then said to the Judge, "Thanks, but no thanks. I'm not affiliated with any political party and I

don't want to be. Thanks very much but I'm not interested." The Judge said, "Don't give me an answer now. Speak to Don about it and let us know."

12. Shortly after this last conversation the lunch broke up. It was not a long lunch.
13. At about 2.00 p.m. I drove Davies back to Town Hall Station. During that journey I described to Davies my conversation with the Judge. I said to Davies, "I'm not interested. I'm not affiliated with any political party. I owe favours to nobody and I'm not going to start now." Davies did not appear surprised at the Judge's offer, and I had the impression that he was a party to it.
14. At no time did I record the conversation I had had with the Judge in any diary, notebook or other contemporary document. Nor did I relate the conversation I had had with the Judge to any of my superiors, either then or subsequently. I have a vague recollection that I may have told the Officer in Charge of the Sydney District, John Reilly, that I intended to go to a lunch with the Judge. I am sure I never reported back to him about what was said. I have another vague recollection that I may have mentioned the fact that I had had lunch with the Judge to Inspector Peter Lamb sometime in February 1980, when I phoned him concerning another ^{meeting} ~~lunch~~ I then intended to have with Morgan Ryan.
15. At the time of my lunch with the Judge I fully intended to remain a policeman. Although I had by that time completed my Law Degree, I had no intention of practising in the legal profession. Nor had I expressed any such desire to any other persons. I certainly had not mentioned to Davies that I wished to leave the Police Force. I might add at this stage that at no time during my lunch with the Judge was my future in the legal profession discussed.

16. Some time in 1980 I proceeded on sick leave and was finally boarded out of the Australian Federal Police in January 1981.
17. The first time that I told anybody about my conversation with Mr Justice Lionel Murphy was on the 31st July, 1985. I had seen an article in the Sydney Morning Herald, dated some time in April 1985, which seemed to suggest that I was involved in something illegal with Davies. I contacted the DPP and eventually secured an interview with Mr Temby to put my side of the story. I had never received any briefs from the DPP, although I hoped that I would be briefed. I was therefore concerned that the allegations made in the newspaper had led to my being placed on a blacklist. It was during my conversation with Mr Temby that I disclosed the substance of my conversation with the Judge. [REDACTED]
- [REDACTED]

(1.8.86)

STATEMENT OF JOHN DONNELLEY DAVIES

1. I joined the NSW Police as a Cadet in 1936. In 1960 when I held the rank of Detective Sergeant I resigned to join the then Commonwealth Police at the rank of Inspector. I rose in the Commonwealth Police and the Australian Federal Police to the rank of Assistant Commissioner (Crime) before commencing sick leave in October 1979. I remained on sick leave until my 60th birthday, the 12 October, 1980, when I retired. I hold the Queen's Police Medal for distinguished service, and I am a Justice of the Peace for the ACT.

Association with Lionel Keith Murphy

2. I first met Lionel Keith Murphy in 1942, whilst I was a student at Sydney University studying Economics. I met him through a cousin of mine who, like Murphy, was studying Science. Murphy and I became friends.
3. I ceased my studies at Sydney University in 1943 to volunteer for the R.A.A.F. I lost contact with Murphy.
4. I rejoined the NSW Police in 1945. It was whilst performing my official duties that I renewed my acquaintance with Murphy, sometime during the 1950's. As a Detective I used to attend court often. Murphy was by then a practising Barrister and I met him on and off at court. I would describe Murphy as a friendly acquaintance; I have other acquaintances who are not so friendly. He was and still is a friendly acquaintance.
5. I next met Murphy in 1960, shortly after I joined the Commonwealth Police. I had been a contributor to the NSW Superannuation Fund for many years, paying in approximately 632 Pounds. However under the legislation then in force there was no provision for the return to me of the amount of money I had contributed. Obviously, this concerned me, and I went to see Murphy who was then the Barrister I knew

best. He drafted for me a petition to the NSW Governor seeking the refund of my superannuation contributions. I signed the petition and served it personally on the Governor's Secretary. However, the petition was unsuccessful.

6. Shortly thereafter the NSW Legislation was changed, permitting the return of superannuation contributions. I was insensed by the rejection of my application for a refund and I commenced what became a long running campaign to achieve the refund of my contributions. I did not approach Murphy again for many years; I wrote to various NSW Premiers myself - I kept getting knockbacks.
7. I then lost contact with Murphy. Our acquaintance was renewed in the early 1970's, when I was the Deputy Commissioner (Operations), and he was a member of the then Federal Opposition. As I recall, Murphy was the Leader of the Opposition in the Senate at that time. One of my responsibilities at that time was dealing with Vietnam demonstrators. I led an operation to remove demonstrators from the University of Melbourne. We were forced to break-in, and caused a considerable amount of damage. There was a fair amount of adverse publicity, stirred up by the then Opposition in Parliament. Murphy telephoned me and asked me for my version of events. He said "All hell has broken loose here (meaning Parliament). What are the facts?." I said "You're a politician. I shouldn't tell you. But I trust you." I then told him my version of events. He said "Oh well I'll quieten down" and he did. I thereafter had alot of respect for Murphy.
8. I next met Murphy sometime in 1972, at a function. Murphy asked me "How are you going in Compol?". I said "We're mostly working as peace officers. This is very demeaning work." I suggested an amalgamation of the Australian Capital Territory Police, Commonwealth Police, and the

Narcotics Bureau. Murphy said "that's an excellent idea. Come and see me about it." I discussed this with the then Commissioner, Jack Davis. With his approval I visited Murphy and gave him a briefing on the advantages of an amalgamation. Murphy was very enthusiastic about that idea. Shortly before the 1972 Federal Election, Murphy phoned me and said "I have put it to Caucus and they have accepted the idea of an Australian Police." I told him that I hoped the Labor Party got into power. I certainly voted Labor at that election, even though I have never had any political affiliations.

9. I had a number of contacts with Murphy over the next few years whilst he was Attorney-General. But I lost contact with him after he was appointed to the High Court in early 1975. As a result of my association with him, I regarded him as an honourable man and a man of his word.
10. I next met Murphy in 1979. I was still pursuing a refund of my superannuation contributions. The then Commonwealth Police Commissioner, Jack Davis, said to me that if I didn't get my refund before I retired at 60 that would be the end of it. I wouldn't have any chance of getting it back. Accordingly I rang Lionel Murphy, and reminded him about the petition he had drafted up for me in 1960. I knew he knew Neville Wran and asked him whether he could seek to find out whether Neville Wran would entertain an application by me for an ex gratia payment. Murphy said to me "As you know I helped you in the first place, by preparing the petition. Now it wouldn't seem right as a High Court Judge that I should become involved. I'll refer you to Morgan Ryan. He is a colleague." I took his advice and approached Ryan. I knew that Ryan did not have the best reputation in police circles; however, at that point in time I would have dealt with the devil - I was determined to get my 632 Pounds back. I saw Ryan on 3 or 4 occasions, but he was in the end unable to assist me.

Association with Donald William Thomas

11. I had known Chief Inspector Thomas since the time when he joined the Commonwealth Police. Over the years, through observing him in a number of investigations, I developed a very high regard for his investigative ability. I regarded him as virtually my protege. I should point out however that although I had a very high regard for Thomas's ability, he was not a friend of mine; I'd never been to his house, nor had he been to mine. I felt an affiliation with him because of the Greek Conspiracy Case and the drumming that he was getting in Parliament. I did admire his tenacity - he left school at the Intermediate, he obtained an Electrical Contractor's licence, and he joined the Police Force at the relatively late age of 28. He obtained a Diploma of Criminology, but because he was relatively old there did not appear to be any future for him in the NSW Police. After joining the Commonwealth Police he completed a part-time Law Degree at the University of NSW in 1979. I thought this was a great achievement. I was very laudatory in my remarks to my superiors about the ability of Thomas. However after the Greek Conspiracy Case my remarks fell on deaf ears.
12. By 1979 it was apparent to me that there was a serious question mark over Thomas's future within the Police Force.

The Lunch

13. Towards the end of 1979 my doctor had told me that I was suffering from hypertension and should retire from the Police Force. In about October 1979 I decided to retire and when I did so, Thomas came to mind. As I've already mentioned his future did not look bright in the AFP. I wondered what I could do to help the man.

14. About the end of November 1979 I telephoned Lionel Murphy, told him what had happened to me and related the circumstances surrounding Don Thomas. I told Murphy that whilst Thomas was not a friend of mine, I had a great deal of respect for his ability. I told him that I felt that Thomas was being badly treated and would have no future as a Police Officer despite his academic qualifications. I asked Murphy whether he would be prepared to have lunch with Thomas and me to discuss a possible future in the legal profession for Thomas. Murphy said that he would get in touch with me.
15. I realised that I was being presumptuous in approaching Murphy on this matter, because I had not even consulted with Thomas about his intentions with regard to a career in the legal profession.
16. Some days later a woman who identified herself as the Associate of Mr Justice Murphy telephoned me and advised the place and time of the lunch. It was an Asian Restaurant up at Kings Cross. On the night before the lunch I telephoned Thomas. I did not discuss what I had done other than tell him that I had telephoned Murphy and that the Judge agreed to have lunch the following day. I asked Thomas would he pick me up at the Town Hall station; I was then staying with my daughter at Chester Hill. I cannot recall the precise date of my telephone conversation or of the lunch. However I am certain that I had then retired and I am convinced that the lunch occurred in December 1979.
17. Shortly before the time of the lunch Thomas picked me up from Town Hall station and drove me to the restaurant. Upon arrival we were met by Lionel Murphy, and then Morgan Ryan appeared. I did not know that Ryan would be attending. We had lunch. As I recall, Murphy enquired about Thomas's background and legal achievements in the

academic world and from my recollection agreed that he would have a good career as a lawyer should he ultimately feel so disposed. Furthermore, Murphy expressed the opinion that with his qualifications Thomas would seem to have a good future within the Australian Federal Police. Ryan had little or no input into the conversation. All in all, I simply recall it as a pleasant lunch, an informal discussion between Murphy and Thomas arranged at my request because of my apprehension that Thomas had been or would be badly done by in the Australian Federal Police.

18. I have been asked if I was privy to all that was said at the lunch. As I recall it the setting was a sort of recessed eating area. Whilst I am not able to say that I can give a complete account of what was said during the lunch, I feel I would have heard anything of major importance that was discussed. I have heard reports that Thomas has recently said that Morgan Ryan and I spoke amongst ourselves throughout a conversation which Thomas had with Murphy. I did speak with Ryan and with Murphy and Thomas but it is inconceivable sitting as close together as we were that I would not have heard Murphy make such startling and improper comments and promises to Thomas as Thomas has alleged.
19. I have been asked who paid for the lunch. I do not know. I did not.
20. It was a short lunch. Thomas and I left Murphy and Ryan at the front of the restaurant. Thomas drove me back to Town Hall station. The journey lasted about 7 or 8 minutes. The only conversation of note was a remark by Thomas expressing surprise that Ryan was present. I told him that I was also surprised. Thomas made no mention of any conversation he had had with Murphy. I am aware of what Thomas has said Murphy had told him. He certainly did not discuss any such conversation with me either during the journey back to Town Hall station or subsequently.

21. I have been asked whether I had had contact with Morgan Ryan either prior to or after the luncheon. I recall I may have spoken to Ryan at about that time, but only about his attempts to recover my superannuation contributions.
22. I have been asked whether I can identify a telephone number [REDACTED] appearing in the diary of Morgan Ryan under the date 4 December, 1979. I identified that telephone number as my daughter's phone number at Chester Hill. I do not know why Morgan Ryan had that telephone number. I could have given it to him with the instructions for him to telephone me if he had any news about the refund of my superannuation. I certainly do not recall any telephone conversation from Ryan during this period about the lunch.
23. I have not spoken to Murphy or Ryan subsequent to the lunch.

THOMAS - TRANSCRIPT OF
INTERVIEW WITH JIMMYE

CONVERSATION WITH DONALD THOMAS

HELD 11TH FLOOR, 99 ELIZABETH STREET ON 23.7.86

Phelan: Well perhaps you might explain how the lunch (I refer to it as the lunch) came about, the events leading up to it and, well, just tell the story in general.

Thomas: Well. The Australian Federal Police was to be formed in October, in October 1978. So all my timing is virtually related to that. I don't have individual dates, but its, related to the date that the Australian Federal Police became official.

Weinberg: Would it have been '79.

T: '79 yes right. Yes 1979. I was at that time the officer in charge of plain clothes investigations in NSW for the Commonwealth Police. Don Davies or John Donnelly Davies as his correct name is, was the Assistant Commissioner (Crime) and my immediate superior as far as plain clothes work went. I was 2 IC of the Sydney District who at that time I think it was a fellow by the name of John Reilly who was the officer in charge of NSW. I was his 2 IC but OIC of plain clothes. I received a phone call from a woman who said that she was Mr Justice Lionel Murphy's associate.

P: When was this?

T: Prior to this October. It might of been a month prior, it might of been 6 weeks prior, I really don't know. It's was prior to that changeover date. But close to it. Within proximity that it was, it was all cut and dried that the Australian Federal Police was to be formed and John Donnelly Davies as Assistant Commissioner of Commonwealth Police was to be made an

T continues:

Assistant Commissioner in the Australian Federal Police. Those positions were all sort of set at that time so it was fairly close to that period. The woman after introducing herself, said that ...

P: ..hang on..

T: ..yes after introducing herself said that His Honour would like to have lunch and would I be available at a time to be arranged. And I think she said that when next His Honour is in Sydney, would you be available to have lunch with him. I virtually said yes and she indicated that she didn't know exactly when that would be but there would be further contact. I sometime later received a second call.

P: About how long later?

T: I think it would have been probably within a fortnight. It was still within proximity of the first call.

P: So still well prior to October.

T: Prior to that changeover date, yes. The woman again introduced herself as the Associate and said His Honour will be sitting in Sydney on such and such a week which was fairly close and would I be available on one particular date. I said yes. Now I'm not sure whether it was at that time with that phone call that I was given the details of where the lunch was to be and what time. It was either then or the week it was stipulated I received a phone call early in the week and it was said the Arirang Restaurant at I think it was 1 o'clock. 12.30, 1 o'clock. And that was the arrangement and I agreed to that and that was it. Now I'm not sure, I think I stated earlier that John Donnelly Davies came up the morning of the lunch. Now at the Murphy trial, John Donnelly Davies was also called. He was called

T continues

as a witness - he never - sorry, he was made available as a witness but he was never called. And then following that, after I gave evidence there was some articles in the newspaper that had certainly leaked from somewhere or other because it gave details of John Donnelly Davies coming up that morning. Davies rang me at home and said no that wasn't right, did I remember that he came up the night before and that he was staying at his sister's, his daughter's place at Chester Hill or Ashfield and that he met me that morning, the morning of the lunch, I picked him up outside of Town Hall Station. Now that could be right I do have memories of picking him up around the Town Hall. Whether it was that day or not, I don't know. The important thing I see about it was that I didn't know Davies was coming to the lunch. It may of been the night before when he said to me, I'm coming to lunch with you tomorrow and it was, it could be as he said, that I picked him up at Town Hall station and not that he came into the office. As I say, that could well be. If that was put to me, I would say yes that's quite a possibility because I do have a memory of it but I can't tie it into that actual days but I do remember it and I can't think of any other time, or any other situation, where I could have picked him up around the Town Hall. Certainly I drove him to the Arirang Restaurant but on the next..of the next day. We went into the restaurant and Murphy was by himself at that time in the..as you come into the door..as you come into the restaurant I think there's an office on the right hand side a bit of a lounge foyer, a lounge type setting on the right hand side, and the restaurant tables are more or less to the left I think. He was in the centre of that left hand side. He stood up as we came in and Don Davies introduced me and then he said hello and Murphy said, words to this effect I hope you don't mind, I've invited an old friend to come to lunch, I have lunch with him whenever I

T continues

come to Sydney do you mind. I said certainly not and then Morgan Ryan popped out. I don't know where he came from but he approached the table and he (Murphy) introduced me to Morgan Ryan. Davies knew him. It was virtually within a half a minute, a minute or so, very quickly, we were taken to a table in front of the restaurant at the left hand side which was in an alcove. For instance like this, smaller than that, an alcove at the back of the restaurant so we were out of the, not in the main centre of the restaurant, but off to the side and what appeared to be an alcove or what I remember as an alcove. A rectangular table. Murphy set the places. Morgan Ryan I don't suppose I could say that. He certainly sat me next to him. Morgan Ryan sat at the end, there, and Don Davies sat next to him there, and Murphy sat, I'm almost sure sat at that end or sat beside me.

P: Sat at your right?

T: No. No. I'm looking there. Murphy was on my left. Don Davies and Morgan Ryan were on my right. I'm sure that Morgan Ryan sat at the end of the table and I'm sure that Don Davies sat next to me there on my right and I'm not sure whether Murphy sat at the end or sat beside me. But certainly adjacent.

W: Just describe again the shape of the tables and how big they were there.

~~T~~: I don't think I could accurately. I could say that it was a rectangular table. It wasn't a round table it was rectangular. I don't think it was really possibly as long but...um..

W: The size of this desk? About six foot, five foot?

T: Yes, probably about five foot. I think it would do. I can't really recall but I do remember the shape of it, it was certainly, it wasn't crowded to sit in that confrontation. As I say Murphy could of sat on that end as well - On my left. There was a general discussion, between everybody at the table.

P: About what - can you recall?

T: Well I know later by listening to a tape of another conversation with Morgan Ryan. On that there's an indication that we spoke about the Nugan Hand Bank and the directors of that, suicided. That doesn't come from my memory, I really can't remember. We did talk about that. There was talk about the former association. I believe that it was about Don Davies and Murphy being associated in high school, education, something like that. I thought it was school - I have it in my mind that it was school. Then there was talk about Korean food, curry specialities that I liked, if there was anything that I didn't like whatever and the meal was brought out. I can't remember whether it was ordered at the table or whether it was just brought to the table.

W: Had you ever eaten Korean before?

T: I've never been to that restaurant before. I don't know. I don't have a recollection or knowledge that I have. But the meal was brought and the conversation was just a general conversation at that time and then Davies and Ryan seemed to get into conversation by themselves and Murphy more or less monopolised me in turn. He spoke about what was to be the Australian Police back in the days when he was Attorney-General. He said that he'd been aware of my career and that during that time he had earmarked me to be an Assistant Commissioner. In the election they lost power and it stopped the formation of the Australian Police. He

then spoke about the Australian Federal Police being formed and that Don Davies might not take up his position because of ill health. And I had an inclining of that anyway.

W: To what?

1: Don Davies had told me earlier that his blood pressure I think it was, had been playing up at some time and he might not be in the force too long. He mentioned just that Don Davies' health might not allow him to be in for too long and he could see that he could arrange for me to be the new Assistant Commissioner. He said that he was aware that I was tipped, or I was earmarked, or I should have been, the next Assistant Commissioner within the Commonwealth Police. To replace Don Davies (that had been mooted for some time) - Don Davies. He said, we need somebody like you in the movement. I'm not saying that it's his exact words but it was certainly very close. We need somebody like you at the top, we need to know what's happening all the time. A man like you would be perfect for the job. And then I told him then and there I said, thanks but no thanks, I'm not affiliated with any political party and thanks very much but I'm not interested. He virtually said, don't give me an answer now, speak to Don about it and let us know. He had spoken and he said we, prior to that he'd spoken about the, well he was speaking in terms of what I saw as the Labor Party. He spoke to me about the Greek Conspiracy he said, don't take any of that criticism from Parliament personally. It's not aimed at you personally, it's political. And this is where he used the royal, we, we need to get into power in Victoria and we need the Greek vote. It is for that reason that it, is all political, the criticisms being made. He said, Don Grimes is not a bad bloke personally. If you like I'll arrange a meeting and you can see for yourself. I said something like, yes I know it's political because it always seems to be tied to a by-election, but I don't want to meet him.

A continued:

Following that he again used the 'we', 'we' need somebody at the top, 'we' need to know what's going on, I put the two together as being 'we' the political party.

W: Which conversation came first. Was it the discussion about the Greeks and ~~the~~ Senator Grimes, ^{or} the other discussion.
1

T: Yes, yes, that virtually - yes, that certainly came first I would think that would be almost the first, not the first, the second. He may of said, I've known your career because I had you earmarked whatever - Assistant Commissioner of the old Australia Police. After that, followed on the bit about the Greeks and then the offer, he talked about Don Davies and I can have him made Assistant Commissioner.

P: Did it surprise you that he was aware of your career?

T: No - well not really to any extent because when they were Australia Police was being forward^{med} I had been told that I had been slotted into an Assistant Commissioner's spot somewhere in crime and there were going to be ah..

W: Told by whom?

T: ..by Don Davies and I think by Jack Davis the Commissioner. When I say told I was led to believe Don Davies certainly told me that everything that I was in line for that position, that I would be appointed and I think there was to be some extraordinary amount of Assistant Commissioners. There would of been more Assistant Commissioners than bloody Constables.

W: Why would the Attorney-General of the Commonwealth have either taken in an interest in or known about the career path of a particular police officer.

T: Well in the, going back to the Australia Police. He was forming, I don't know what role he was going to play but it was Murphy's pet project at the time to try and form this Australia Police. That may have given him that interest. It may have been his association with Don Davies. Don Davies was my immediate boss, and virtually told him everything that was going on. Don Davies and the Commissioner were at loggerheads. They hadn't spoken for a couple of years. The Commissioner...

W: Which Commissioner is that?

T: Jack Davis

W: Right.

T: Davis was in the habit of ringing me directly rather than going through Don Davies. Don Davies used to ring me directly. The Commissioner wanted me to report to him which I did and Don Davies as my immediate superior to whom I, in the hierarchy or scale was responsible to, would also ring to find out. So I was telling two people what was happening about the general running in NSW. That situation between Davies and the Commissioner had been on and off for some time. Davis was, he could be a very difficult man. He was a, he could be a moody man and it didn't surprise me that he'd suddenly get the poos with anybody and not talk to them. I didn't know what the disagreement between them was but it's well known by everybody practically. It was a joke down at headquarters. When one went down there rather than talk they'd pass cryptic notes. They certainly didn't get on.

P: Now we can leap back to the meeting again, the luncheon again. What happened after you turned Murphy's offer down.

T: Well I took Don Davies..

P: Was there any further conversation.

T: Yes. The - no conversation that I can really repeat. The lunch eventually broke up. It wasn't a long lunch because I'm not sure if Murphy was going back to where he was sitting..

P: Was did Morgan Ryan or Don Davies participate in the conversation in relation to the the offer by Judge Murphy.

T: No they were at that end of the table and involved in conversation themselves.

P: Were they talking at the same time that you were talking, can you recall?

T: My recollection is that they were. But that was a separate conversation almost, we talk down here, do what you've got to do at that end of the table.

W: Was your conversation with the Judge in normal tones or was it quiet or..

T: No. I'd say normal conversational tone.

W: Normal conversational tone. Were there a lot of people at the restaurant on that day.

T: I couldn't say. As I say this was in an alcove. It was sort of, wasn't part of the restaurant it wasn't central.

W: Could you hear what Don Davies and Morgan Ryan were saying if you'd been minded to listen in?

T: Yes I think so. Yeah Morgan Ryan as I remember him, speaks rather loudly in situations, or he did that day. There was a fair bit of jollity at that end of the table. That pair were certainly enjoying their company that day.

P: Did you show your anger or any anger towards the Judge in relation to his offer.

T: No I didn't. The Judge, I just let him know just there and then that I wasn't interested in becoming attached to any political party at all.

P: Was that just a normal voice.

T: Yes. (faded) Yes I was speaking to a High Court Judge. I didn't jump up - I normally don't. I'm rather placid in my approach. I try to be. I don't go off in temper or..

W: Do you usually raise your voice?

T: No I didn't. I just said no thanks I'm not interested. I then later on the way back I told Don Davies then that I wasn't interested.

P: What were the words you used?

T: I think I told Don Davies, I'm not interested, I'm not affiliated with any political party. I owe favours to nobody and I'm not going to start now. I was a bit disappointed with Don Davies because I thought at the way it had been set up that he was at the lunch that perhaps Don Davies had been an informant, and I didn't see him I don't think after that day.

P: Did you tell Davies what the Judge had said to you?

T: Yes. I think I mentioned it to him in telling him that I wasn't interested.

W: Did that come or appear to come as some sort of surprise to him.

T: No. Although I know that Davies will deny that, because he's told me so. When I say he's told me so he said, I told you when he rang that he had no idea of what offer Lionel Murphy had made me. And that just didn't sell, because I told him to tell the Judge I wasn't interested and that was it. Having dropped him off as I say I don't think I saw him again until in the vestibule over here in the old court.

P: The second Murphy trial.

T: The second Murphy trial.

W: I was just going to say well this must have been a pretty significant sort of occasion as far as you were concerned.

T: Well I didn't see it that way at the time. I didn't change my mind in any way. I didn't get all uptight about it. I just thought that was the offer made and that's the way things were done at the time.

P: Did you note this conversation anywhere.

T: No. No. I made no notes about it I had no reason to because I thought that would have been the finish of it. I never really thought much about it until Morgan Ryan rang. Then I thought it could be a bit significant. I certainly didn't do anything about it.

P: This was in February 1980 I think..

T: It was.

P: So you didn't report this to any superior - the first lunch.

T: ~~There~~ there was only John. Well there was Donnelly Davies who was there anyway who knew about it. He was the Assistant Commissioner and there was Jack Davis. Jack Davis wasn't available very much.

W: Did you tell anyone?

T: I've got an idea that (I really only say this - this is just racking my memory) I think I spoke to whoever was the OIC. If it was John Reilly I might've said, "I'm going to lunch with Lionel Murphy, I don't know what it's all about." But I never ever reported back to him about what had been said. And I'm not even sure if I did. But I've got an idea in my mind that I mentioned it to somebody.

W: Did you mention what had happened at the lunch.

T: Oh no I didn't do that at that time. The only person that I may of mentioned that to was when Morgan Ryan rang and I got a tape done. I've got an idea and I say I've got an idea again that I spoke to Peter Lamb about it. But certainly at a later time knowing the tape went to the Commissioner which was then Colin Woods, Peter Lamb said to me, the Commissioner has asked me why Morgan Ryan would try and bribe you and I said to Lamb something like, well he's only got to ask me and I'd tell him. I think I either told Lamb at that time that I had been introduced by Murphy or when Morgan Ryan when I got taped up. I said I'd met this guy through Murphy but again I'm not sure I don't know whether, whether that's a correct recollection. I've got an idea that I mentioned it to Lamb and Lamb knew not the contents of whatever'd said to Murphy, but merely that I'd met him.

W: Did you at that stage regard what Murphy had done as an attempt to bribe you?

T: Yes. I thought he was looking for an informant. That was, not so much the, I didn't look at it as a, let me put it this way. I could see that the "I will get you made, I can make you an Assistant Commissioner" and the "we need an informant". I was more upset about the fact that "we need an informant" - but that the loyalty would go out not to the Police Force but to somewhere else in a political party or something like that. That was my, the thing, that stuck in my mind more or less. The fact that he'd made the offer of the Assistant Commissionership was merely, my appreciation of that, was that was merely the reward to to dissipate loyalty. Of course that is a bribe.

W: Did you perceive it as that at the time?

T: Only in the sense of, yes that's how things get on. He's looking for an informant. Davies must have been his informant before. Now he's offering me this promotion to become an informant.

W: That must have been really mind shattering stuff. I mean if you've just been approached by a High Court Judge with an offer of a bribe, I mean..

T: ..you do..

W: Did you have any views about Mr Justice Murphy before that lunch?.

T: Not any strong views about him.

CHARLES:: You hadn't met him before that time?

T: No.

C: What did you feel when you ^{were} first rung up by his associate and asked to go to lunch with him?

T: Well I thought a few things I suppose. Vanity came into it. I wonder what he wants with me because I was at that time Chief Inspector. I was flattered and wondering about what he wanted.

P: Did you ask the associate or the woman for the reason?

T: No.

P: Can you recall her name?

T: She gave me her name. It obviously didn't click. There was a woman who merely said she was his associate. She may have said, I'm Mary Bloggs but it didn't register with me.

C: Being a Barrister I suppose it would be unusual but not terribly odd that a Judge who didn't know you rang up and said, "Can I have lunch with you". I have to put it into a context of someone like myself where I think of a Cabinet Minister to equate a High Court Judge. I would be filled with astonishment and want to know why and possibly in some situations, filled with suspicion if a Cabinet Minister rang me up and said he wanted to have lunch with me. I would be very careful I think before I went to it. Did any question of being careful occur to you?

T: No. I was asked to go to lunch and as I say I thought, perhaps it was vanity but I was flattered in that sense but no I didn't have any apprehension about it.

W: Had you commenced studies towards a law degree at that stage?

T: Yes I think I'd finished my law degree. Either Christmas, November 1978 or I think I had one subject to do in '79 so it would've been June '79 when I'd done my last subject toward the degree.

W: Were you in any doubt as to your future in the Police force, whether you were going to stay in the Police Force.

T: No. My intention was to stay in the police force. I was quite confident of my own abilities. I'd have made Assistant Commission on my own account.

P: How friendly were you with Sir Collin Woods. ^(T:) Well Sir Collin Woods - I'd taken him on virtually even before he arrived in Australia. I raised queries about some of his statements in England about what he was going to do and what he wasn't going to do. I did have words with him about the way he was treating the uniform men. I wouldn't say that we were friendly because I thought he treated the uniform men wrong, badly and I told him so and that in fact he'd, I don't even remember what it was now, he made a statement and he'd reniged on it as far as the uniformed men's future went - and I brought that to his attention. And I led a deputation or when I say I - led a party to the deputation to him when he first took office about what I considered to be the anomolies that being forced upon the uniformed men here in the Commonwealth Police.

P: Just getting back again to the date. Others have mentioned dates much later than October for that luncheon. Could that luncheon have occurred in December, say?

T: No, I don't think it could've. The Australian Federal Police and I'm sure it was formed in the October and Don Davies only served in it about a week and went off sick and remained off sick for the entire time. Right. I'm sure it was whilst he was serving member.

P: In one of your statement, I'm not sure which, you mentioned November.

W: And December. You actually said the luncheon took place in December '79.

T: Well I may have. But it's all related to when the Australian Federal Police was created.

W: How would you have got that date of December 1979 when you made that previous statement?

T: Well only because it was about the time when the Australian Federal Police was formed.

W: But you knew didn't you that the Australian Federal Police was formed in October of 1979. That seems to be that that's fairly clearly fixed in your mind.

T: It is now because I've enquired.

W: When did you make those enquiries?

T: Around the time I was supposed to give evidence.

W: Did you make a supplementary statement to the DPP correcting the earlier statement that you'd made? Did you tell anyone at the DPP or the Prosecution Branch that you've been in error in your original statement?

T: Yes. I think it was. I think it was done. In my mind it was certainly prior to the formation.

W: Who would you have spoken to at the DPP to correct that statement, if you did?

T: I would think it would be Andy Wells.

W: Andy Wells. Right..

T: ..from the Federal Police. I think Andy took all the statements.

P: When the associate phoned you on one of the occasions are you sure that she mentioned sitting dates - that the Judge was sitting at a particular time?

T: No. She said next time he's in Sydney.

P: Was there ever any mention of the, or any link between the, forthcoming luncheon and possible sitting dates of the High Court?

T: Well no, that's an assumption because the next time he'd be in Sydney. It wasn't necessarily when the Court was sitting the next time he was in Sydney - and then later he would be in Sydney for a period of time.

W: Your perception of the time this offer was made to you by the Judge, you were not then a member of the Australian Federal Police?

T: Yes its my recollection that I was a member of the Commonwealth Police.

W: Was it just prior to the transition?

T: It was just prior to the transition.

P: Did you have any diary that would record the luncheon or would you have had a secretary, or an offsider, a chief of staff perhaps?

T: No. I had a secretary merely to take dictation if I needed things like that.

P: Do you say that it was a very long period that passed between the luncheon and the approach by Morgan Ryan. Months?

T: Yes. It was some time, certainly some time and I know that that was in February because of the date on the subsequent. Though I remember the date the tape was dated..

W: We can certainly authenticate the date of the tape, but isn't there some mention on the tape at the very commencement of the luncheon having been recent?

T: At the commencement of the tape the reference is that that as to have personally had lunch with said that he's there and if you ever needed anything, need to know anything, and my reply was, what about the Greek thing and Morgan Ryan said yes.

W: But why didn't you mention the Judge or the conversation that you'd had with the Judge when this tape recorded conversation was taking place with Morgan Ryan.

T: Why?

W: It would've tended to authenticate that earlier conversation.

T: It would've now in hindsight. But I wasn't intending to authenticate it.

W: Did you see what turned out as it being linked, the approach of Morgan Ryan was making to you and ah...

T: I thought about it later that it could have been yes. It mightn't of been the political party but we might have been the pair of them. That had crossed my mind.

P: Were you aware that Peter Lamb was at around that time looking into Morgan Ryan.

T: Didn't know he was looking into Morgan Ryan. I knew he was

looking into things in Sydney and I knew that it was something to do with organised crime. As to his actual role, I didn't know. He was one of my lads. He had been seconded and he was working directly to Woods. I don't know whether he had the Assistant Commissioner between them or not, no.

P: Who's idea was it that you would be taped up for the conversation with Morgan Ryan?

T: Mine. I rang Lamb. If I'd have equipment there myself, I didn't have any available, I would just have done it myself. But I didn't have it at the time. I think I'd sent it all to Melbourne for a job. And I knew that Lamb had such good...so that's why I rang.

P: Did you mention the previous lunch to Lamb?

T: To my recollection and I said something to Peter about it, certainly that I didn't trust Morgan Ryan and that I had met him at lunch with Murphy. Now that was either then or later on when Lamb said the Commissioner keeps asking why he did try to bribe me.

W: Why did you want to have yourself taped up for the lunch with Morgan Ryan. What were you expecting to...

T: ..well Morgan Ryan had been the subject of an investigation that some of my boys had run quite sometime before over the Korean nationals but we got to the stage of sending, of wanting to send the police, I wanted to send police to Korea. I wanted our people to go over there and do the enquiries. Jack Davis eventually came back and he said, no that he wouldn't do that that Immigration had people there, I think it was Immigration or Foreign Affairs had people there and they would do it. Those enquiries came back to all the references that were subject to the conspiracy were all authentic. You know that Wehong was a motor mechanic

that worked there and served his time or he was a first class chef or he was this that and the other, or he was whatever. They all come back as authenticated. We the lads who were investigating the thing were quite sure that Morgan Ryan was involved. The story was that the at that time to support yourself as a person seeking permanent residence, you had to lodge, you had to show that you had enough money to live on whilst your things were being processed. The information was that Morgan Ryan was collecting I think it was \$2,000 into his Trust Account. That money was said to be, I've got enough money here to support myself and it was then supposedly fed back to the applicant as his living money, but in essence that was the \$2,000 fee. That was never proved but that was sort of the information we had received.

W: What did you think was going to happen when Morgan Ryan telephoned you and asked for a meeting?

T: Well I couldn't think of anything that I would have to do. I didn't trust the man. I thought he was a crook.

W: Were you aware that his telephone had been illegally tapped at that time?

T: No. I knew nothing. My, all I knew about Morgan Ryan was his reputation that was, a, in our investigations that he was involved in this Immigration racket and that he was a man involved as a fixer, put it that way. I'd never met the man up to that lunch but I'd heard of him, and of course, certainly heard of him during the investigation. I think John Haines was the bloke, the Sergeant in charge of that investigation who was one of my lads, that he was merely reporting back..

W: After this second meeting with Morgan Ryan in February 1980 when you had the tape, did you then tell anyone about the luncheon that you had with Mr Justice Murphy some months earlier.

T: No unless I told Lamb. Lamb was the only person right who felt that I had indicated to him that I had met Morgan Ryan with Murphy but I didn't disclose any of the offers to him.

W: Did you prepare a report about this second luncheon with Morgan Ryan, the second meeting?

T: No. Because I was aware that the tape that Lamb was handling the enquiry and that was going to go to the Commissioner. That was agreed on that day that that tape would go to the Commissioner.

P: Do you have a clear recollection of telling Lamb that you'd met His Honour.

T: No, it's not a clear recollection but it's a recollection that I believe that did happen and it either came up at the time when just in conversation, with when I was approaching him for the recorder to go and see Ryan or at that later time when the Commissioner had indicated Lamb said to me the Commissioner wants to know why he would try and bribe you. I can clearly remember it, saying to Lamb well he only needs to ask me and I'd tell him and I believe I told Lamb for his information because Lamb was a man that I had alot of time for and I, I respected him, and I expected him to certainly want him to respect me, so that if I'm almost sure that he told...

W: Why did you leave the police force?

T: Went out medically unfit.

P: Did you know how long later?

T: Well.

P: A year, month.

T: I think I was off sick for quite some time, months, and think I was finally boarded out January 1981. It may have been 6 months or more that I was off sick.

W: When was the first time that you ever told anybody of your recollection about the approach that was made to you by Mr Justice Murphy. The details of that approach.

T: I think it was after the first Murphy trial, an article appeared in the Sydney Morning Herald second page of the Sydney Morning Herald and it was supposedly a report of a report that an Inspector Moller had made to an inquiry that Temby was appointed as Special Investigator about that time. The Article set out Moller's views of the things he'd read on files and his conclusions from those and the gist of it was that I and Don Davies were up to something illegally - that he had spoken to the Commissioner about it and the Commissioner said forget it, I know all about it. The gist of the article was that Temby as the Investigator had been told Moller had given evidence that I was involved in something. I contacted the DPP and scored an interview with Temby just to put my position clear. And I told Temby in that interview what Murphy said to me.

W: How did that actually arise in the course of that interview?

T: Well because I wanted to tell Temby as the Special Investigator who never been near him, whose allegations in the newspaper was as I saw it, virtually saying that I was involved in something illegally - that I was involved in something shady with Don Davies and I went to Temby and

told him exactly what was on. I told him about Morgan Ryan and how I'd met Morgan Ryan virtually. I went to tell him about Morgan Ryan because that's what the article was about as far as I could see - and on that and then I told him how I met Morgan Ryan through Murphy and that he was interested in that and I told him that - the what had happened with Murphy. Then the Stewart Royal Commission - I gave evidence to the Stewart Royal Commission along the same line.

P: I think from the transcript that the Stewart Commission, the article appeared some months prior to your seeing Temby. Was there any reason for the gap?

T: Yes. Because I couldn't see Temby.

W: What efforts did you make to see him?

T: I rang a couple of times. It was a matter of getting on to him.

W: Did you leave messages for him to get back to you?

T: No.

P: Were you at The Bar then?

T: Yes.

P: When did you go to The Bar?

T: 1981.

W: Had you done some work for the DPP?

T: No.

W: No prosecuting at all?

T: No. I've done. I've done no work for the DPP.

W: How long was your discussion with Temby on that occasion?

T: It was Temby and one other person.

W: Brian Rowe would it be?

T: Could be.

W: Or Rowe.

T: Rowe I think. I would think about half an hour.

W: Did you make a statement on that occasion.

T: No. No. It was just a conversation.

P: Did Temby indicate that he'd like you to make a statement?

T: No.

P: Was the meeting in Sydney?

T: Yes.

W: This was after the first trial and before the appeal is that the position?

T: Yes.

W: Were you aware before the first trial that one of the issues that would arise was the degree of relationship between the Judge and Morgan Ryan just through reading the papers and so forth?

T: Look I wasn't really interested in it. I'm not - no, I wasn't aware of that. I was aware that that was supposed to be the allegation that they were close. I wasn't going to stick my neck out.

W: Why not?

T: Why?

W: Why not?

T: Why? I've have no intention of

W: You are a former Police Officer and a Barrister and you've got evidence which might be highly relevant to the case against the Judge.

T: Well, I don't see it that way - I saw it that I wasn't going to become involved in a political bloody shit fight. That's the way I looked at it. They said Mr Brieese's allegations were supported by other people. I had no intention of involving myself. Poor spirit perhaps, but I had no intention.

P: I'll jump back a bit. Had Don Davies ever expressed an interest in your career in the legal profession?

T: As a Barrister?

P: Yes. Whilst you were in the Police Force together, had he ever enquired as to your progress as a law student.

T: Oh yes. Put it this way, Don Davies was very friendly towards me I must say that it was quite a shock to think later that he might have been used by those people. I don't know whether he was or not but it just seemed to me that he'd been to the lunch, raised that doubt in my mind about

him, I was quite upset about that. He had supported me, certainly all the time in the Commonwealth Police. I think Jack Davis saw me as one of Davies men. Jack Davis was a very moody person that tended to administer my mood. What was right today was not right tomorrow and he could start a train of administration today and suddenly turn around tomorrow and say why are you doing that, that's stupid I don't want that done, whereas the day before it was, and I had a number of battles with him about proceedings that weren't right. Whilst I got on alright with him, it depended on his mood whether Davis accepted me as a friend or as an enemy. I'm sure at times he saw me when his mood was out, he saw me as a Davies man and he'd have the poos with me. Next time he'd see me he'd be all over me like a rash. He was that sort of, sort of administrator - you couldn't get to him.

W: Can I take you back to the lunch. Did you pay for your own lunch that day?

T: No. I don't know who paid.

P: Was there any discussion at the lunch about a career for you in the legal profession.

T: No I fully intended to remain a Police Officer. That was my, um, the thing I've done best in my life and I was doing quite well on my terms not his.

W: Did you believe that somebody in the position of Mr Justice Murphy could actually influence an appointment to Assistant Commissioner for you?

T: Yes. That was part of the discussion. Having in mind at that time they were in opposition. It wasn't to be an immediate - the impression I got of it - It wasn't to be an immediate next week you'll be an Assistant Commissioner. It

was "I can have that arranged but there are friends on both sides of Parliament."

W: What did that mean to you?

T: Well that even though they were in opposition he would have enough influence to speak to people to assist my career - that was the impression I got from the conversation.

P: Who was the Police Commissioner at that time?

T: Jack Davis. Sir Colin Woods was to be an incoming..

P: Did you believe that Murphy or anyone else could've influenced Sir Colin to appoint you as Assistant Commissioner given that its the Commissioner who appoints Assistants and not the Government.

T: Well no, it's not the Commissioner. Its an Executive Council decision. I was appointed to the Australian Federal Police on Commission. It's not the Commissioner, the Commission may well recommend who is to be there but with experience with the Police Forces is appointments can be made ~~and~~ because of ^{political} affiliation.

W: Can I put some matters to you and just get your response to them. Firstly, I'll ask you this - first of all, were you married at the time?

T: Yes.

W: Are you still married?

T: Yes. divorce.

W: Did you mention this to your wife at all. Nothing about it at all - the fact that you've been to lunch with Mr Justice Murphy.

T: I discussed very little about police things with my family.

W: Any other person close to you that you might have had a discussion about that lunch with?

T: No I can't think of anybody else.

W: The time you raised this matter with Temby in I think it was 1985, middle to '85 or thereabouts. By that stage was it still clear in your recollection what had occurred on the day whenever it was?

T: It was clear in my mind what had been offered to me, yes.

W: Did you then regard it as having been an attempt to either bribe you or influence you in some way improperly?

T: I don't think I'd applied my mind all that much to it. I knew that it was wrong, I knew that he was making me an offer to be an informant and for that I would be given a favour, I would be assisted, promoted or whatever. I haven't taken it past that. I didn't want to take it past that. I was quite prepared to forget it and leave it as being something that was said at the time. Perhaps that's the conditioning of every police officer. There are many times people offer you. In today's climate, I suppose everyone would jump up and try and charge everybody with "offer a bribe". I never did I just dismissed them and just said, forget it. Piss off, there's no need for it.

W: Can I ask you this, have you ever been a member of any political party?

T: Never.

W: It's been suggested to us - I put this quite openly to you - the conversation that you had with Mr Temby went along somewhat different lines and that in actual fact during the

first part of that conversation their perception was that you were wondering why you were not being briefed by the DPP.

T: Well that was one of the reasons yes. It was one of the reasons I wanted to get it straight with Temby that I wasn't involved in anything.

W: Did you query the briefing practices of the DPP as to why you hadn't been getting any work from them?

T: I think I queried it to the extent of wanting to make sure that it wasn't because I was under some sort of cloud over that matter. That's what I wanted to say.

W: It's also then suggested that this matter was actually raised at the very end of the conversation after you'd spoken about the possibility of there being a blacklist against you, more or less thrown in as a one can describe it that way as an after thought, would that be a fair description of ah...

T: No I wouldn't describe it as that at all - I went there purposely to discuss this thing about Moller because that was the first time that I was aware of it, came out of the tape. I wanted to make sure, certainly I wanted to be briefed by the DPP. I went there to make sure that whatever was there wasn't some sort of a blacklist, because I was aware, so I was aware, I believed that when Gareth Evans was the Attorney-General that there was some sort of unofficial direction that I wouldn't be briefed and I can't really say that that was so but that was my understanding of that matter. I certainly wanted to obtain work from the DPP. I went there to see Temby about Moller and from that the Morgan Ryan business.

W: Would you accept the proposition that your main purpose in going to see Temby was to put your position to him, in order to secure some work for yourself.

T: I put my position to him that I wasn't involved in anything illegal or underhand as was sort of set out in the article to Temby as the Special Investigator. I wanted to make sure that Temby had then issued some sort of blackban, I shouldn't be, shouldn't be employed. Certainly that was my motivation.

P: Do you know a Mark Murray?

T: Yes I know Mark Murray - a Barrister for many years.

P: Did you know he had an association with Morgan Ryan?

T: Mark Murray I knew as a Barrister around the courts. He was as far as I was concerned nature's gentleman - I always spoke to him when I saw him in court in fact he always spoke to everybody so he was a really popular man. I've had no, no association..

P: Did he ever ah, did he ever pump you for information about police information?

T: No Mark Murray as far I was concerned was always quite proper. I was around the courts all the time and so was he. He may have some sort of association. You know a police officer, you crack a joke with him and you spend your time waiting, you have a conversation and you talk about whatever.

W: You were cross-examined at great length in the committal proceedings involving the Social Security case mainly by Einfeld. You're aware that subsequently there were suggestions that you ought to be charged in relation to your participation in that matter.

T: No I don't think it went that far. I think Brown said that he would refer the papers..

W: Yes..

T: ..since that time as far as I'm aware he has, he did refer the papers because Gareth Evans as the then Attorney-General had his enquiries and whatnot and eventually sent me a letter to say that there would be no charges made.

W: You have not then been privy to, or seen the files that led to that decision?

T: No. I got a letter from him about 2 years after the event.

W: You know that Marcus Einfeld is appearing for the Judge in this matter as well?

T: Yes I've seen that in the papers.

TAPE ENDS

THOMAS STATEMENTS

a) Statement to

STATEMENT

Donald William Thomas states:

Who was it?
In about November 1979 I received a telephone call from a woman who identified herself as the associate to Mr Justice L K Murphy. She enquired whether I would be available to have lunch with His Honour when next he came to Sydney. I indicated that I would be available and she undertook to ring me to let me know when the Judge would be available. In about December 1979 I received another phone call from the woman who said that the Judge was then in Sydney and that she would contact me on a day that he was free to arrange a lunch. I had not previously met the Judge nor was I aware of the purpose of the meeting at that stage. A few days later I had a further telephone conversation with the woman who said that the Judge was available on that day for a lunch. On the same morning John Donnelly Davies the Assistant Commissioner, Crime of the Commonwealth Police in Canberra arrived in Sydney. He said to me that he proposed to attend the lunch that I was having with the Judge. I had not told Davies that I had made the luncheon arrangement although I may have mentioned it to my Officer-in-Charge. I can not now recall who that person was. At lunch time I attended a Korean Restaurant off Macleay Street in Kings Cross with Davies. When we arrived at the restaurant the Judge was already there seated at a table with another man whom I recognised as Morgan John Ryan. I had not previously met Ryan but I knew him by sight. The Judge said I hope you do not mind Mr Ryan attending the lunch as he is an old friend of mine and I have lunch with him whenever I come to Sydney. I indicated that I did not mind though I was cautious of Ryan as I regarded him as a person who may

have been involved in criminal activities. He had previously been investigated by me in relation to a Korean Immigration Racket. That is the matter on which he presently stands charged, however it was the present charge as a result of a subsequent investigation.

The Judge sat at the head of the table, I sat immediately to the Judge's right, Donnelly sat on my right and Morgan Ryan sat on Donnelly's right. It is apparent to me that both Ryan and the Judge were known to Donnelly. I think that Donnelly and the Judge were in the same class at Fort Street High School and perhaps Ryan was also at that school.

After some general conversation the group divided into two conversations. I spoke to the Judge and Donnelly spoke to Ryan. The Judge at first spoke to me regarding a social security conspiracy case in which I had been involved and in particular he mentioned the fact that there was a large Greek contingent in the Labour Electorates in Victoria and that the prosecution was embarrassing the Labour Party in Victoria. The Judge offered to introduce me to Senator Grimes who had been supporting the Greek cause. I declined the offer.

To understand the rest of the conversation it is necessary for me to provide some background information. At this time the Australian Federal Police was about to be formed. Donnelly had been the Assistant Commissioner, Crime in Compol and Jack Davis had been the Commissioner. They still held these positions immediately prior to the formation of the AFP. It was generally known that the new Commissioner was to be Sir Colin Woods and that he did not wish to have Davis as Commissioner nor Davies as Assistant

Commissioner. As I understood the matter from general conversation within the force Davis was to fill some sort of role of Consulting Commissioner in the AFP but not to really take an active part in operations and Davies was to proceed on leave after his appointment to the AFP. Murphy said to me in the context of conversation regarding the formation of the AFP: "We need somebody inside to tell us what is going on". I was not sure what he meant by the word "we" however, I gained the impression that he may have been referring to the Australian Labour Party. I also gained the impression that John Donnelly Davies had previously fulfilled the role that Murphy was suggesting to me. Murphy said that in return for me fulfilling the role which he had suggested he would arrange for me to be promoted to the rank of Assistant Commissioner. He also said that he proposed to make me an Assistant Commissioner during his term of office as Attorney General when he was proposing to establish the Australia Police. This proposal lapsed in 1975 when the Whitlam Government ceased to hold office. I indicated to Murphy that I would not be happy forming an affiliation with any political party. He asked me to think about the matter. I did not require any time to think about the matter and soon after the lunch I informed John Donnelly Davies that I was not interested in the position and I was not happy about the fact that the Judge had made the offer to me.

Nothing more happened in relation to this until I was contacted in early February 1980 by Morgan Ryan. He telephoned me at the Redfern Offices of the AFP and requested a meeting. I agreed to the meeting but before I attended it I arranged with Peter Lamb to equip me with a bugging device which would broadcast the conversation which I had with Ryan to a nearby surveillance team.

The meeting occurred at the Korean Restaurant at which I had previously met the Judge and Ryan and the conversation was recorded by the surveillance team which consisted of Lamb, Dunlop and Robertson. I have listened to a tape recording of the conversation and read a transcript and those parts of the conversation which I have listened to and those parts of the transcripts that I have read accord with my recollection of the conversation which I had with Ryan on that day.

STATEMENT

I, DONALD WILLIAM THOMAS of Sydney state:

1. I am a Barrister-at-Law. I have chambers in the Windeyer Chambers 225 Macquarie Street, Sydney.
2. In 1973 I left the New South Wales Police force to take up an appointment as an Inspector in the Commonwealth Police. In 1979 I held the rank of Detective Chief Inspector and was in charge of the Criminal Investigation Branch for the New South Wales Region which encompassed most of New South Wales.

In 1979 I received a telephone call from a female who identified herself as the Associate of Mr Justice Murphy of the High Court. Words to the following effect passed between us:

Female: "When his Honour is next in Sydney he would like to have lunch with you. Would you be available?"

I said: "Yes".

Female: "I will call you again when his Honour is next going to be in Sydney."

I had never met Mr Justice Murphy at the time of this conversation, nor had I any contact whatsoever.

Some time later (it may have been approximately one month but I am not sure) I received another telephone call from probably the same female. Words to the following effect passed between us:

Female: "It's Mr Justice Murphy's Associate calling. His Honour is sitting in Sydney (or will be sitting in Sydney). Would you be available for lunch?" (I believe she stated a week during which he would be available).

I said: "Yes".



I believe I received a third phone call from the female claiming to be Justice Murphy's Associate; probably one morning. During the conversation a time and venue was set being about 12.30pm at a Korean Restaurant in Potts Point. (I have subsequently been to the vicinity of the Arrirang House Restaurant, [REDACTED] and confirm that is the restaurant described to me by the female).

I remember that subsequent to the third conversation with the female Assistant Commissioner Davies came to my office. I was surprised to see him arrive unannounced as normally he advised me of his intention of coming to Sydney so I could arrange transport from the Airport.

Davies said: "I will be coming to lunch today with you and Mr Justice Murphy".

I acknowledged this but did not ask how he knew about it.

At lunchtime I drove Mr Davies to the restaurant.

When we entered the restaurant I recognised Mr Justice Murphy. I remember he was in the main part of the restaurant by himself. As you entered the restaurant I think there was an office and bar area to the right and a sort of alcove through an archway to the left.

Mr Davies introduced me to Mr Justice Murphy and it was apparent to me they already knew each other. Murphy then said to me, as distinct from Mr Davies or both of us:

"I hope you don't mind. I have a friend joining us. He is an old friend. I try to have lunch with him whenever I am in Sydney."

A person I now know to be Morgan Ryan then joined us and Mr Justice Murphy introduced me to him; saying:

"I'd like you to meet Morgan Ryan. He is a solicitor here in Sydney".

[REDACTED]

[REDACTED]

Ryan and I shook hands.

I think the four of us then went directly to a table set up in the alcove. I remember Mr Justice Murphy directed who was to sit where. The table was rectangular. He had Morgan Ryan sit at the head, Mr Davies against the wall on the left of Morgan Ryan, myself also against the wall and to the left of Davies, whilst Mr Justice Murphy sat either to my immediate left or at the end of the table, still to my left.

General

Light conversation regarding Korean food and other matters ensued and it was obvious the other three knew each other well. I also noticed that the male Asian appearing person I took to be the proprietor, appeared familiar with Mr Justice Murphy and Morgan Ryan.

I recollect it came up in conversation that Murphy and Davies had I think been at school together.

At the conclusion of the meal Mr Davies and I left together leaving Mr Justice Murphy and Morgan Ryan together. I do not recollect a bill being presented prior to our departure.

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THOMA - EVIDENCE AT
STEWART ROAD, COMM

MR EVATT: I think your Honour would be interested - that libel case Mr Ryan spoke of, Mr Saffron was called Mr Sin and he actually got \$25,000 damages.

THE COMMISSIONER: Did he?

MR EVATT: Yes. That is in the mid - I just mention it.

THE COMMISSIONER: Yes; that is interesting.

MR EVATT: It was a very famous case actually, your Honour. He was called Mr Sin in The Age.

THE COMMISSIONER: In The Age?

MR EVATT: In The Age; and he certainly got a very substantial verdict, I think in 1978 - regarded as a pretty classic case because he denied he was Mr Sin.

THE COMMISSIONER: Yes.

DONALD WILLIAM THOMAS, sworn:

THE COMMISSIONER: I intend to make an order in relation to your evidence, Mr Thomas. The order is as follows: pursuant to section 6D of the Royal Comissions Act 1902 and the general powers vested in me, I order that the evidence to be given by this witness shall be taken in private; and I direct that the evidence given before me by this witness, the contents of any document or the description of any thing produced before or delivered to this commission, or information that might enable this witness to be identified as a person who has given evidence before this commission shall not be published except in such manner and to such persons as I specify. I specify the staff of the Royal Commission; senior and junior counsel who have been appointed by the Commonwealth Attorney-General to assist the Royal Commission, those persons being Mr C.E.K. Hampson of Queen's Counsel and Mr Hastings of counsel. Apart from those persons, Mr Thomas, you are not at liberty to mention to anyone else what you are asked, what you say, what occurs here today, or that you have been here to give evidence. If you have already told someone you were coming, that cannot be helped; but from now on the order is effective. Do you understand that?---I understand.

Thank you. Yes, Mr Hampson.

MR HAMPSON: Is your full name Donald William Thomas?---Yes, sir.

What is your occupation?---I am a barrister of the Supreme Court of New South Wales.

In the early part of 1980 were you an officer in the Australian Federal Police Force?---I think it was then still the Commonwealth - - -

Commonwealth, the Commonwealth force. And what rank did you have in the Commonwealth Police Force at that time?
---Detective chief inspector.

Did you receive a telephone call from a Mr Morgan John Ryan?
---I did.

One afternoon in about the first week of February 1980?---As to the date, sir, I am relying on information supplied to me. I have no independent recollection of the exact date apart from the fact that it was leading up to the period when the Australian Federal Police was to be formed.

Did Mr Ryan say something in that telephone conversation about a meeting?---He asked me could I meet him; he wanted to discuss something with me.

Yes?---He did not indicate at that time what it was and he asked that I meet him at a Korean restaurant in Kings Cross off Macleay Street.

Did he stipulate a day and a time?---I think it was that particular day. He rang me in the morning and said could I see him around lunch time or after lunch or something.

All right; as a result of that conversation with other members of the Commonwealth Police Force did you meet Mr Ryan but did you go to the meeting with something about your person?---Yes, I saw Inspector Lamb; told him of the meeting and then arranged for myself to carry a transmitter and arranged for Lamb and a couple of members of his team to monitor and record the conversation.

And were they present at or around the restaurant when you met Mr Ryan?---No, I left them back at Redfern and proceeded on my own. I was in contact with them on the way that the transmitter was working by way of the radios fitted to our cars. They were somewhere in the vicinity but where exactly I do not know.

But you did meet Mr Ryan and you spoke to him?---I did.

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Transcript-in-Confidence

The conversation went on for some little time?---Yes.

And have you had played to you just before coming here this morning a tape which one of the solicitors played for you coming from file T1/0270?---I had a tape played, yes.

And did you recognize that tape?---Yes, I did.

What was the tape?---It was a tape recording of a conversation between myself and Morgan Ryan on the date as I have indicated earlier.

That meeting at the Korean restaurant that you mentioned?---Yes.

I am just going to ask for a little bit of that to be played so we can be quite sure it is the tape which you are identifying which you had played to you this morning before giving evidence?---Thank you, sir.

TAPE PLAYED

MR HAMPSON: You have heard it played this morning. Without playing it right through, as far as it has been played it is quite consistent with what you heard this morning?---I would say that is the tape.

You would say that is the tape.

Could I tender that, if your Honour pleases. The file really should be tendered and the tape is part of it.

THE COMMISSIONER: What is the number of the file?

MR HAMPSON: T1/0270.

THE COMMISSIONER: Exhibit 224. Yes, Mr Hampson.

MR HAMPSON: One particular part of the tape, you would have remembered it, related to a Dr Hameiri, I think, mentioned by Mr Ryan to you?---Yes.

Dr Hameiri from Surry Hills or something who was facing some charges relating to the National Health Act or the Medical Health Insurance Act, or something like that?---Yes, the tape refers to that.

Did you know that doctor before then?---No.

Was that the first time you had ever heard the name of such a doctor?---As far as I can say, yes.

Thank you; I have no other questions.

THE COMMISSIONER: Mr Evatt?

MR EVATT: Yes.

Where did this conversation take place?---It was a Korean restaurant in a street off Macleay Street, Kings Cross.

You do not know the name of it; or you cannot remember the name of it?---I cannot remember the name of it.

Have you got a note of the name of it somewhere?---No.

Well, what happened to your notes?---In relation to this episode I made no notes.

You made no notes?---No, sir.

Did you have a notebook in which you could have made notes?
---Yes, I would have.

But you did not use it in this case?---Well, I would not - let me put it this way, I would not normally carry a notebook as a detective chief inspector.

To the best of your recollection you have not got a clue as to the name of the restaurant?---That is correct.

To your knowledge does anyone else know the name of the restaurant?---Oh yes, I think it is pretty well known. I could go there.

Yes, but were other police involved in this tape recording?
---Yes, there was Inspector Lamb - - -

Yes; to your knowledge - - -?---And Robinson was another man I knew was involved.

To your knowledge do they know of the identity of this restaurant?---Yes.

They do. Have you spoken to them recently about it?---No.

What do you understand to be the purpose of this meeting or the significance of the meeting?---After the meeting was actually in progress, or prior to the meeting?

Well, prior to and during the meeting?---Prior to the meeting my understanding was just what I was told by Morgan Ryan.

Which was?---He wanted to discuss something with me.

So you did not know what it was apart from a discussion?---No.

What was your understanding of the purpose or purposes of the meeting while the meeting was in progress?
---That it was an offer to bribe.

Yes, but about what?---Firstly, it was an offer to bribe in relation to doing something for this Dr Hameiri who he said he was either representing or associated with his defence.

But you knew nothing about that case?---That is correct.

Would you have been in a position to do anything about the case?
---I was officer in charge of New South Wales as far as all investigations for the Commonwealth at that stage. I did have a Medibank fraud squad operating out of my office and under my control.

But Mr Ryan had never ever spoken to you before, had he?---He had spoken to me once before.

About what matter?---Just meeting the man.

Oh no, I mean apart from this incident had Mr Ryan ever spoken to you before?---Just once before.

When was that?

MR HAMPSON: I was going to leave that; but that was just socially, was it?---Yes.

MR EVATT: Where was that and when?---That was at that same restaurant some - perhaps a month before.

You had met him there socially?---Yes.

Under what circumstances?---I went to a lunch and he was there.

And you spoke to him then?---I did.

And who else was there?

THE COMMISSIONER: I do not know that you would really want to pursue this, Mr Evatt, quite frankly.

MR EVATT: If that is a hint, I will accept it, your Honour.

THE COMMISSIONER: I think it is a matter that may not help you.

MR EVATT: What do you understand to be this bribe or attempted bribe? What words do you say constitute an attempt to bribe you?---Having heard the tape this morning the words were, "I have been offered a huge amount of money to help this man".

Yes?---The ensuing conversation was whether I would interfere in the prosecution. Whilst I was not offered a particular amount it was certainly the inference some of this huge amount of money was to come my way if I could do something.

That was an inference you took?---Certainly.

But you were not offered any specific sum of money or, indeed, any money?---That is probably correct, subject to what is on the tape.

But you took it as an attempted bribe, is that right?---I certainly did.

Well then, what action did you take?---None at all.

Why not?---Because Inspector Lamb was inquiring, as far as I knew, into organized crime which involved Morgan Ryan and it was then up to him - the whole object of taping the thing was because I did not trust the man and because Lamb was involved in that area somewhere. His actual duties were not known to me but I certainly knew he was involved in that type of investigation, subject directly and working directly to the commissioner.

In any event nobody as far as we know took any action on it? ---I do not know.

You have no knowledge of it?---I have no knowledge of what happened.

Did you make a report to Inspector Lamb?---No, it would not be my prerogative to make a report to Lamb.

Did you discuss it with Lamb?---Yes.

What did you say to Lamb?---Well, to the best of my recollection what was discussed was, "Did you get all that?" - this was later on - "Yes"; they made a recording of it. He had had it transcribed and sent down to the commissioner.

Did Lamb tell you the tape was no good and no help to him?---No.

Did you make a report about this matter to anyone else?---No.

Was Lamb your superior?---No, Lamb was my junior. He was probably at that time a first class sergeant or he may have been an inspector. I think he may have been acting inspector at that time.

Now, you will agree with me that Mr Ryan did not offer you any bribe or attempt to offer you a bribe?---No, I could not agree with that, sir.

I further put to you that Mr Ryan did not use those words alleged to have been his in the tape?---No, I could not agree with that.

Is the tape genuine, do you think?---Yes.

What else was said at the conversation that was not taped, if anything?---As far as I know it was all taped.

Have you ever spoken to Mr Ryan since then?---No.

Would you recognize Mr Ryan if you saw him?---Yes.

When did you first see the tape or hear it?---This morning.

And you have never heard it before then?---No.

So just tell me whether I am right or not; is the first time you heard this tape five years after it was made?
---Yes.

You never heard it before?---No.

Have you ever had to write down the conversation before?---I beg your pardon?

Have you ever been asked to write down or have you ever written down the conversation?---No.

The tape has not been in your keeping, has it?---No, sir.

Do you know where it came from?---Well, I know that it arose out of Lamb's activities that day and as far as I know it has been in his custody or in AFPs custody.

What do you say Mr Ryan asked you to do for Dr Hameiri?
---Well, not quoting his exact words, but the request was could I interfere on his behalf.

In what way?---Well, the only way that I could interfere on his behalf would be to interfere with the prosecution.

Or to make sure that things were going along normally?---No, I could not see that as being - - -

Did you follow the matter through and ask Mr Ryan what he meant by the expression that he had received large sums of money?---No. He did not say he had received it. He said he had been offered, I think, a huge amount of money.

Did he tell you what for?---To assist this particular doctor in the prosecution.

What happened to that prosecution, do you know?---I do not know.

You have no idea. Yes, thank you.

THE COMMISSIONER: Mr Hampson, do you have anything?

MR HAMPSON: I have no other questions that would be of concern to the gentlemen who are appearing for Mr Ryan. There was a small matter I did want to explore with Mr Thomas now that we have him here.

THE COMMISSIONER: It is nothing to do with - - -

MR HAMPSON: Nothing to do with Mr Ryan.

MR EVATT: We would be only too happy to leave.

THE COMMISSIONER: I am sorry to see you go. It is always nice to see you. It has been too long. I have seen Mr Renshaw more recently than you. It is nice to see him too. Thank you for coming.

MR RENSHAW: Seasons greetings, your Honour.

MR HAMPSON: What I wanted to ask you about, Mr Thomas, was that previous when you met Mr Ryan. Remember you told us it was a social occasion and so forth?---Yes.

Would you tell us how it came about that you accepted an invitation to go to that social gathering?

THE COMMISSIONER: Just before we go on, I do not want to stop you, Mr Hampson. I am just wondering whether - and I have been told something of the nature of this evidence - whether it is within my terms of reference.

MR HAMPSON: Well, you are not exercising any coercive power to get it, I must say. I did not turn my mind to it but I understand that Mr Thomas is making this statement quite voluntarily.

THE COMMISSIONER: I have always taken the view that whilst it is proper on some occasions to interpret terms of reference rather strictly, if matters of import arise one should not turn one's back on them. This may be such a case. What do you say about that?

MR HAMPSON: Well, I would like to lead the evidence. I do not think it is at the moment any question of the terms of reference because you are not using any coercive power. It may well be it links up with some other material in a manner that I cannot yet be confident about, but for that reason I would like to lead the evidence.

THE COMMISSIONER: Yes. I am certainly not going to stop you. I just wanted to hear you on it. Yes, all right, go ahead.

MR HAMPSON: Mr Thomas, what led up to this social meeting?
---Well, it was at a period prior to that tape being made, some months prior. I received a phone call from a woman who identified herself as the associate of Mr Justice Murphy of the High Court and the conversation was to the effect that Mr Murphy when next in Sydney would like to have lunch with me and could I attend or would I be available. I said I would. She then told me that she would be back in contact when next his Honour was going to be in Sydney.

Did you know his Honour at that stage? Had you met him before?
---No, I had not. Some time later - it may have well been a month later - another phone call, apparently the same lady, identified herself and his Honour was sitting in Sydney and would I be available for lunch that afternoon - sorry - next week, a very close time. I was available. I said so, so on that particular morning - and I could not tell you the date.

No arrangement was made in that second phone call for a time and place?---No, it was not. It was merely - - -

That it would be that week?---On that week and she would contact me when his Honour was available.

THE COMMISSIONER: If I could just interrupt again. I think you said it was some few months before the second - I am sorry - before, yes, the second meeting with Mr Morgan Ryan in the restaurant at Kings Cross?
---Yes, it was.

So would that make it somewhere about the end of 1980, early 1981?---1979.

I beg your pardon. End 1979, early 1980?---Yes, and I am not being definite about those times, sir. I am really relying on memory that it was within that time ambit. I received a further phone call from the lady associate who said - who asked would I be available that lunch time.

MR HAMPSON: That day?---No, no. Would I be available - sorry - I am just going backwards. Would I be available, say, on Wednesday.

THE COMMISSIONER: This is the second phone call?---This is the second phone call; would I be available on Wednesday His Honour would be in town, and then she gave me the address of the Korean restaurant at Kings Cross and the time, which was around lunch time, 12.30, maybe 1 o'clock. That was a couple of days hence. On the particular day the assistant commissioner of the Commonwealth Police in charge of crime, John Donnelly Davies, arrived in Sydney.

Was he commonly known as Don Davies?---Don Davies.

But his name was John Donnelly Davies; obviously called Don because his second name was Donnelly?---That is the way I understood it, that is correct. There was also a mix up between the commissioner at that time who was John Davis, Jack Davis and John Donnelly Davies, so he was commonly called Don, I think, for that reason as well. He arrived in Sydney from Canberra and informed me that he was coming to lunch with me that day with his Honour. At lunch time we went together, travelled together to the restaurant. When we entered the restaurant his Honour was already there. He introduced me to - John Donnelly Davies introduced me to his Honour and in turn his Honour introduced me to Morgan Ryan who was there. He said, he asked me whether I had any objections to Morgan Ryan lunching with us as he was an old friend of his and he liked to have lunch with him when he came to Sydney. We then - I think we may have had a drink before we went to an alcove in the restaurant where a table was set. We then were seated at the table. His Honour directed the seating arrangements. He himself sat at the head of the table. I was directed to sit next to him. John Donnelly Davies sat next to me and Morgan Ryan sat the other end of the table next to John Donnelly Davies. There was a general conversation in which all four took part and then as the meal progressed his Honour directed his conversation to myself and John Donnelly Davies and Morgan Ryan were speaking, or having a separate conversation at the other end of the table, at that end of the table. The conversation that I had with his Honour related firstly to the social security case, the Greek case as it is called in which I was involved. He told me that - or his Honour said that it was political at the time because of the involvement of a large number of Greek voters in the Victorian - various Victorian electorates in any case and of course the ALP was seeking their support and would I like to meet Senator Grimes. It was not a personal thing. It was purely political at the time, but would I like to meet Senator Grimes who had been making a lot of allegations in parliament. I declined that and we continued on with the conversation. His Honour then informed me that in 1974-1975 when he was the Attorney-General, he had been going to form an Australian Police and that I had been at that time earmarked and would be an assistant commissioner in that force, but because the Whitlam government lost that election it did not go ahead. He then asked me would I - or he then said to me that we needed somebody in the new AFP to be their informant. Because he had been speaking of the Labor Party prior to this I assumed that he meant "we",

the Labor Party, but I was also a bit conscious of Morgan Ryan being there. I was not quite sure. In return for my being an informant for his Honour he would arrange that I would be promoted to an assistant commissioner in the to be formed Australian Federal Police.

He said that, did he?---Yes.

Who said that?---His Honour. I said at the time that I did not feel that I could be associated with any political party. His Honour then said words, "Oh well, do not make up your mind straight away. Think about it".

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We continued on with the luncheon and no more was said about that. It was general conversation again after that. It was said at that lunch that John Donnelly Davies and his Honour, Judge Murphy, were former schoolmates at Fort Street and I got the impression that Morgan Ryan was also a former classmate or schoolmate of both those persons. I cannot be sure of that fact. I am sure of John Donnelly Davies and his Honour being together at Fort Street.

Who said that?---Beg yours?

Who mentioned that they, both Davies and Murphy - - -?---John Donnelly Davies certainly did and his Honour also spoke about it. It was just part of the general conversation about how everybody knew each other.

At Fort Street?---I think it was Fort Street.

MR HAMPSON: You are not sure about that, but you are quite sure that they were at school together, that is Davies and Murphy were at school together?---That was the gist of the conversation, yes.

And you think they were at school together at Fort Street; have I got you right?---I have got Fort Street in my mind, but certainly schoolmates.

Certainly schoolmates?---Yes.

You are less sure of the Fort Street part than you are of the schoolmates part?---Yes, it was definitely schoolmates and I do not know - I just have that in my mind, it was Fort Street. The luncheon ended and I told John Donnelly Davies that I was not interested in the proposition and he could certainly tell his Honour that. And I had a few words with John Donnelly Davies about the offer being made and informing in that sort of situation, because I then really believed that - I still do, that John Donnelly Davies had been in the same position that had been offered to me for his Honour in the old Commonwealth Police. John Donnelly Davies was - whilst he was to be appointed to the new Australian Federal Police, the arrangement was that he would never take up the position, that he would take it up as an appointment for a period of time, perhaps a week or more, and would then leave the force either by way of retirement or medically unfit; but he would never be an active member of the Australian Federal Police. So my impression of the whole deal was that I was being offered the job that John Donnelly Davies had fulfilled earlier in the Commonwealth Police and that was how I met Morgan Ryan and why I believe the second approach was made by Morgan Ryan.

If I could go back a bit in the conversation, there are just a few things you might be able to fill in a little bit more. He mentioned that he could arrange for you to meet Senator Grimes who was making allegations in parliament. Were the allegations about the conduct of the case or something, the Greek conspiracy case, or what were they about?---The allegations at that time - or what Senator Grimes was doing in parliament at that time was making accusations of misconduct in the investigation as to - well, I just cannot be specific as to what had been said up to that point of time, but it was generally along the lines of misconduct, that it had not been a proper investigation.

So that was the point, that if you meet Grimes this could all be straightened out perhaps, or something?---I do not know. I did not take it that it was going to be that far. What he said about Grimes was, "He is not a bad bloke, he is not a bad person".

What I mean is, the inference was that you having met Grimes would be able to explain to him that it was not an unfair or improper investigation?---Well, perhaps that was one - I did not think of that at the time. The way the conversation came over to me was, "Do not take this personally, this has been done for a reason. Would you like to meet Senator Grimes? He is not a bad bloke. Then you will understand that - - -"

He has got to do it?---He has got to do it.

For the party's sake?---For other reasons, yes.

I understand what you mean. He, Murphy, said, "Would you like to be our informer?" or, "We need an informer in the AFP" or something, and you took that to mean a reference to the Labor Party but you were not sure about Morgan Ryan?---He said, "We need to know what is going on". Perhaps I have paraphrased that to say "informant". He said, "We need to know what is going on. We need somebody at the top". And from that of course to me that is an informant.

Quite, but what I am getting at is you did apparently toss up in your mind - is the "we" Murphy plus other Labor Party members, or is it Murphy plus Ryan? ---Yes, that was the thought that crossed my mind.

Why was that? Did you have some view of Ryan?---I was officer in charge of New South Wales some years prior when Morgan Ryan was investigated in relation to immigration allegations made about Korean applications for residency, which I did not do personally but which members of my staff did. I had heard of his reputation from that and from other - - -

Then you had in your mind that he would be the sort of person also who would like to have an informer in the Federal Police Force?---Yes.

Murphy said words to the effect that Ryan was a dear old friend or something or other of his and he would like to have lunch with him whenever he was in Sydney; is that right?---Words to that effect.

Was there any other expression of intimacy between the two, familiarity or friendship or however you would like to put it?---Well, I think I know what you are leading to; I do not think he ever used that perhaps now famous expression - - -

Not that particular expression, I am not hung up on any particular expression. Just any indications that they met very frequently or visited each other's homes or what sort of a - - -?---I gained the impression they were very good friends. They were quite relaxed with each other and gave me the impression that they saw each other or knew each other's - were in constant touch, let me put it that way.

You do not remember any particular topics that were discussed between the two of those?---No.

As far as John Donnelly Davies was concerned, I did not quite understand, did you conclude as a result of this lunch that he had been Mr Justice Murphy's informer in the Australian Federal Police or had you made that conclusion some time before?---No, I had no suspicion about John Donnelly Davies up until that day.

Then you thought, "Well, John Donnelly Davies is no longer available. Obviously that is why they are trying to recruit a new one". Was that the way your thought processes went?---Yes.

I could not quite fit what the boarding out meant. Why was he going to be a member, an assistant commissioner for a short time, and then with a week's leave and then get out on health grounds or something; I cannot quite see the point of that?---Sir Colin Woods was to be the inaugural commissioner of the Australian Federal Police. Sir Colin Woods I think - I was not privy to these conversations, but certainly I was informed by Davies that that was what was going to happen; that there had been a compromise struck that he would be appointed to a position in the AFP at a suitable rank, he was then an assistant commissioner of the Commonwealth Police; he would be appointed to a position which he would never in effect fill, and that he would then after being appointed retire.

Because Sir Colin Woods did not want him, is that the situation?---I think that was it.

When did you become aware of this scenario; was this some time before?---Davies had told me that before, yes.

THE COMMISSIONER: Did it come to pass?---It came to pass.

That is to say, that after the AFP was formed Davies became an assistant commissioner for a short period and then retired?---Yes.

Medically unfit?---I am unaware, I am not sure.

There are just one or two other matters that I would like to ask you about: did Mr Justice Murphy explain how he or anyone else was going to organize your higher rank in the yet to be formed Australian Federal Police, bearing in mind that Labor was not in government at the time? Prima facie at least it would seem that Labor would not have had the capacity to do that?---No, it was not discussed in any detail at all. There was some conversation about where Labor and Liberal politicians are opponents in the house but are friends or can be friends outside, but that was said in - I could not say that was said directly to that point, sir, but there was a mention in the general conversation about this; you know, you do not have to be enemies all the time between various political camps.

There is another matter that I would like to ask you about and it is this: you mentioned earlier that after this meeting or luncheon, if you like, was over you had some words with Mr John Donnelly Davies and I took it from that that you were angry and they were hard words and that you took him to task, as it were, for suggesting that you would be party to such a thing; am I right so far?---You are right in principle, sir. I am not a person who uses hard words in that I do not lose my temper or get angry usually. I was angry inwardly at that. I told him that he could tell Mr Justice Murphy that I was not interested and more or less the fact that I was disappointed in him.

Did that occur on the way back to headquarters or something, or some subsequent day?---It occurred on that day.

After you had left the restaurant?---After we had left the restaurant.

Did you mention it to anyone else; i.e. the offer or the discussion or the luncheon or anything about it other than to Mr Davies?---No. I certainly did not discuss the offer. I think I may have mentioned to the officer in charge prior to going that I was going to have lunch with Justice Murphy.

Who was the officer in charge at that stage?---I do not know.
It could have been Chief Superintendent Barge. He
may have been back. He was on sick leave for a long
time and did come back and then there were a number
of temporary positions there. I myself at times
was officer in charge of the district.

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~~Transcript - Lt. Confidence~~

Apart from Mr Barge, if it were Mr Barge, did you mention it then to Mr Davies afterwards?---No, I did not.

From that day to this, have you mentioned it to anyone else?
---I mentioned it only the other week to Mr Ian Temby, and that was because there was an article in the Sydney Morning Herald attributed to The Age tapes and a report that an Inspector Moller had filed - which intimated that I had been up to something with JDD, John Donnelly Davies.

What newspaper was that in?---It was in the Sydney Morning Herald quite some months ago.

Some months ago?---Some months ago, sir.

And it was what, how many weeks ago did you mention it to Mr Temby?---Within the month.

How did that come about; did you seek Mr Temby out or did he - - -?---I did, sir, because a report was submitted to Mr Temby in his role as a special investigator. He was appointed to investigate particular aspects relating to The Age tapes. Moller had submitted a report to him. This report had been sought under the Freedom of Information I think and was published together with some other comments by the Sydney Morning Herald.

Well, now, was this conversation with Mr Temby before or after the conviction of Mr Justice Murphy? I realize that perhaps that is a difficult question to answer because there have been so many proceedings. It has been to the High Court and back to the Supreme Court?---I think it would be after.

After Mr Justice Cantor actually sentenced him, was it?---The sentencing procedure was delayed as well. I think there was a conviction recorded I think on the jury's verdict and then it went into abeyance for some weeks.

And then went to the High Court and the High Court sent it back, and then there was sentence. Do you remember when it was in that chronology that you spoke to Mr Temby?---I would say it would be between conviction and sentence.

I see. You never came forward during the trial at any stage to offer this particular intelligence to anybody, either on the prosecution side or defence side, or anything like that?---No, sir.

Did you follow the trial at all?---Only by reading the papers.

It was a rather cause celebre and still is; do you agree with that?---Yes.

Did it occur to you as an ex-police officer and now a practising barrister that it may have been important to mention it?---No, sir.

Then can I assume that Mr Temby is aware of the facts of this matter as you have recounted them to me this morning?---Yes, sir.

All right, thank you. Mr Hampson?

MR HAMPSON: Just one other matter, do you remember who paid for the lunch, whether it was Mr Justice Murphy or Mr Ryan?---I could not say.

Cannot remember?---I do not think any bill was presented that I saw.

THE COMMISSIONER: All right. Was the restaurant the Arariang restaurant?---That could be so, sir.

Can you describe its situation more particularly? You have said it was in a street off Macleay Street?---Yes, it is. If one was travelling from Garden Island towards Kings Cross, it would be to the right about halfway up, I would think.

That is the street off Macleay Street that is to the right, on the same side as the Chevron, is it?---Yes, it is, quite close to the Chevron, could even be in the street opposite the Chevron or one street further down. It is a restaurant situated, as I remember, on the right-hand side of that road as you turn off Macleay Street.

On the right-hand side between Macleay Street and Victoria Street?---Not even sure if it goes through to Victoria Street.

Not sure it goes through?---I have not been in the area for years.

But Victoria Street runs more or less parallel to Macleay Street at one part. Some of the streets go through and some do not, but, if you turn off to the right from Macleay Street, whether the street goes right through to Victoria Street or not, the restaurant was on the right; is that correct?---Yes.

One storey or two storey?---I think it was the ground floor I was in. Whether the upstairs is part of it or not, I do not know.

It was a Korean restaurant?---Certainly a Korean restaurant; the same place on both occasions.

All right. Thank you, Mr Thomas, for making yourself available at short notice. I hope I have not inconvenienced you too much?---Thank you, sir.

You are now excused, thank you, unless there is something else you want to ask, Mr Hampson, or any submissions you want to make?

MR HAMPSON: There is a submission I want to make that relates to this matter, but I suppose it will involve in view of what was said this morning, the attendance of Mr Evatt and Mr Renshaw to make contrary submissions at some stage. I am quite happy to make the submissions now.

THE COMMISSIONER: You mean the matter of the tapes and so forth?

MR HAMPSON: Yes, I am quite happy to make the submissions now, and I would have thought maybe what should happen is the secretary should write to them or to the solicitors.

THE COMMISSIONER: With your submissions?

MR HAMPSON: Yes, to shortly put it has been submitted there is prima facie case - - -

THE COMMISSIONER: I think that should be done in the absence of Mr Thomas.

You now are excused, Mr Thomas. Thank you very much?---Thank you, sir.

THE WITNESS WITHDREW

MR HAMPSON: The situation really is that the witness has been asked, "Is not that a tape recording of a conversation you had with Chris Murphy or with Mr Thomas?" What he said is, "I do not remember any such conversation. It is not my voice."

THE COMMISSIONER: This is Mr Ryan you are speaking of?

MR HAMPSON: Yes. He got tangled up perhaps with ideas, when he is talking about statements of fact or whether it is opinion. All these sorts of interesting things are there. It would be my submission, I mean, whether he is an ill man, whether his memory has failed, those things might go to whether he could make out a successful defence. I would submit that we have on the material here, what happened yesterday with Mr Ryan in the light of the evidence that is his voice now by people who knew him, and one of the persons actually present, you have a prima facie case he told a lie here rather

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MR. BARKER: It really does no more than demonstrate that he had once met each one.

HIS HONOUR: Well, that's all it did at first. We now have, I understand evidence which will demonstrate that the accused went there quite often, I don't know how often.

MR. BARKER: No, no.

HIS HONOUR: I thought you were going to prove that the records of the Commonwealth cars were going to demonstrate visits to this restaurant?

CROWN PROSECUTOR: Yes I was to some extent. I have now resiled from that.

HIS HONOUR: It does not add anything then, does it?

CROWN PROSECUTOR: No.

MR. HIS HONOUR: Mr Barker, I don't want to hear you on that. It does not add anything further in relation to that sentence.

MR. BARKER: No. Thank you.

(His Honour adhered to his previous ruling on the admissibility of part of p 3 of m.f.i.11. For judgment see separate transcript)

IN THE PRESENCE OF THE JURY

DONALD WILLIAM THOMAS
Sworn and examined

(No objection to evidence being led)

CROWN PROSECUTOR: Q. Mr Thomas, your full name is Donald William Thomas, is that so? A. Yes sir.

Q. You are a barrister at law, practicing as a barrister with Chambers in Windeyer Chambers, Macquarie Street, Sydney, is that so? A. That's correct.

Q. And Mr Thomas, in 1979 what was your occupation? A. I was a Det Chief Insp of the Commonwealth Police.

Q. All right now, were you invited to lunch towards the end of 1979, by the accused? A. Yes sir.

Q. And did you go to that lunch? A. I did.

Q. Did you go to that lunch with anybody? A. With the then Assistant Commissioner Don Davies, of the Commonwealth Police.

Q. He was superior to you in the police force? A. Yes.

Q. All right now, did you in fact drive Mr Davies to the place where you were going to have lunch? A. Yes sir.

Q. And where was that place? A. It was a Korean restaurant, the Arrirang in a street off, Macleay Street, Kings Cross.

MR. BARKER: I did invite my friend to lead this.

CROWN PROSECUTOR: I am conscious of that.

HIS HONOUR: He is allowed to adduce it if he wishes. It does have a different effect.

CROWN PROSECUTOR: I prefer the witness's words, your Honour.

HIS HONOUR: Yes.

CROWN PROSECUTOR: Q. Well, on arrival at restaurant who were there?
A. As we entered the restaurant, there is a main room at the restaurant, Mr Justice Murphy was in that room by himself.

Q. Yes, did you recognise him? A. Yes, yes I did. Mr Davies and I went to him. Mr Davies introduced me to -

Q. Had you met him before? A. No sir.

Q. You were introduced by Mr Davies? A. Yes sir.

Q. All right, continue? A. And Mr Justice Murphy was by himself at that point of time. He said to me "I hope you don't mind. I have an old friend coming to lunch with us. I try and have lunch with him when I come to Sydney. Do you mind?" or words to that effect, and I said "No".

Within a very short space of time a man that I know now as Morgan Ryan joined us and I was introduced by Mr Justice Murphy to Morgan Ryan.

Q. Yes, well then did you go to a table set up in an alcove? A. Yes, there was a - the front of the restaurant I think it would be, there is like an alcove with a rectangular table in it and we sat there, or Mr Ryan, Justice Murphy sat at the table sort of thing. Mr Ryan was sat at the far end on my right. Next to him was Mr Davies, then myself, and Mr Justice Murphy was on my left.

Q. All right, well, was there some conversation regarding the food that you were eating? A. There was general conversation about Korean food, the usual sort of thing.

Q. All right now, what I'm interested in is your observation of the relationship as it seemed to you from what they were saying and how they were addressing each other, between the accused and Morgan Ryan?
A. Certainly Mr Justice Murphy was well acquainted with him. I think Mr Davies may have known him as well.

Q. Well, don't worry about Mr Davies. I'm interested in simply the relationship to be defined from the way in which they addressed each other and spoke to each other and the topics that they discussed, the relationship between Morgan Ryan and the accused? A. I would say they were well known to each other.

Q. And what enabled you to say that? A. Just the general tone of the conversation, what Mr Murphy had said to me when I had first met him, about joining his old friend.

Q. Yes, and do you know how he addressed him, how the accused addressed Morgan Ryan? A. No, I can't recall what terms were used.

Q. Yes, all right, had you met the accused before this occasion?

A. No sir.

(No cross-examination)

Witness retired and excused

JAMES HENRY STAUNTON
Sworn and examined

CROWN PROSECUTOR: Q. Judge, is your full name James Henry Staunton? A. Yes.

Q. And are you the Chief Judge of the District Court in New South Wales? A. Yes.

Q. And you reside at [REDACTED]? A. Yes.

Q. You were appointed a judge of that court on 1 April 1971? A. Yes.

Q. And you were appointed Chief Judge of the Court on 1 July 1973? A. Yes.

Q. And you have remained Chief Judge since that time? A. Yes.

Q. Judge, can you tell me how many District Court Judges there were in New South Wales in 1931? Approximately, would suffice? A. 34, 35.

Q. Could you also tell me approximately how many Supreme Court Judges there were at that time? A. Around about the same number. They seem to have kept it about the same.

Q. You may not have turned your mind to this but are you able to tell me approximately how many District Court Judges there were in Australia at that time, District or County Court judges, in approximate terms? A. Well, I've got to think aloud, Mr Callinan. There were approximately the same number of judges in Victoria as in New South Wales, in the County Court. There were about twenty in Queensland, there were about ten in Western Australia and I think about a dozen or thereabouts in South Australia. None in Tasmania.

Q. All right, and Supreme Court Judges in Australia, could you give me some indication of the number, approximately, of those? A. Fewer Supreme Court judges in Victoria than in New South Wales, possibly about twenty-two, thereabouts, and I'd really only be guessing about the other States, Mr Callinan.

Q. And seven High Court Judges at that time? A. Yes.

Q. All right judge, do you know the accused? A. Yes.

Q. For how long have you known him? A. Thirty-five years or more.

Q. I think you may have practiced at the Bar at the same time as he did, is that so? A. Yes.

After general conversation at the table the accused engaged Mr Thomas in conversation while Mr Ryan and Mr Davies conversed together. The accused said to Mr Thomas words to the following effect:

"In 1974-75 when I was Attorney-General I was going to form an Australian Police Force. You were ear-marked at that time to be an Assistant Commissioner. It didn't go ahead because the Government lost the election."

There was some further discussion and the accused referred to the Greek Conspiracy case and to criticism that had been made of Mr Thomas in Parliament about it. The accused then said words to the following effect:-

"The allegations of misconduct made by Senator Grimes are political. It is not a personal thing. There are a large number of Greek voters in the various Victorian electorates and the ALP is seeking their support. Would you like to meet Senator Grimes? He is not a bad bloke. Then you will understand".

Mr Thomas replied:

"No thanks".

The accused then said words to the following effect:

"We'll soon be in power again. We need to know what is going on. We need somebody in the Australian Federal Police - somebody at the top. If you are willing to do that we can arrange for you to be an Assistant Commissioner when it is formed. We have friends on both sides.

Mr Thomas then said words to the following effect:

"Look, I'm not a member of any political party and I really don't want to get involved that way."

The accused then said words to the following effect:

"Okay. Well, don't make up your mind straight away. Think about it."

Present Callinan QC, Cowdery, Clarke, Don Thomas and Drennan.

Thomas gave some background material: he was admitted in 1979 having completed an LLB at University of New South Wales following a diploma of criminology from Sydney University.

In 1973, having been in the New South Wales Police Force for 20 years he was offered a position as an Inspector in the newly formed Commonwealth Police Force. Jack Davis had invited him to apply for an Inspector's job which were advertised nationally. Having been appointed as an Inspector he rose to the rank Chief Inspector.

Thomas taken through his statement dated 24 March 1986.

In addition to the matters set out in his statement he is able to give further evidence, firstly in relation to the lunch attended by himself, Murphy, Ryan and Davies, and secondly a subsequent lunch attended by him and Ryan.

Details are as follows:

(a) Lunch: Murphy/Ryan/Davies/Thomas

In late 1979 he was a Detective Chief Inspector in the Australian Federal Police and Officer in Charge for N.S.W., based in Sydney. His immediate superior was Assistant Commissioner John Donnelly Davies; who in turn was answerable to the Commissioner. [Thomas can date it by reference to date of formation of Australian Federal Police]

On a day prior to October, 1979 Thomas, in his office in Sydney, received a telephone call from a woman who identified herself as the Associate to Mr Justice Murphy who Thomas had never met. The Associate told Thomas that Murphy would like to have lunch with him when he was next sitting in Sydney and said she would call again when a date could be arranged.

About a month or so later Thomas received another call from the Associate who told him that the Judge would be sitting in Sydney the next week (or in the near future) and asked if Thomas would be available. He said he would.

Not long after, Thomas received a third call from the Associate in which the time, date and the Arrirang House Restaurant, Potts Point were nominated.

On the day of the lunch Davies arrived at Thomas' office in Sydney and informed him that he would be attending the lunch too. Although it was not unusual for Davies to visit Thomas, but he generally announced his intention beforehand. Thomas drove Davies to the restaurant. Thomas was aware that Davies knew Murphy.

When they entered the restaurant they met Murphy, who was apparently alone. Murphy said to Thomas:

"I hope you don't mind. I have a very old friend joining us. Time is short and I try to have lunch with him whenever I am in Sydney".

Ryan then joined them and Murphy introduced him to Thomas. (They had not previously met).

After general conversation at the table for some time, Murphy engaged Thomas in conversation while Ryan and Davies conversed together. Murphy told Thomas:

"In 1974-75 when I was Attorney-General I was going to form an Australian Police Force. You were ear-marked at that time to be an Assistant Commissioner. It didn't go ahead because the Government lost the election".

There was some further discussion and Murphy referred to the Greek Conspiracy case and to criticism that had been made of Thomas in Parliament about it.

Murphy said:

"The allegations of misconduct made by Senator Grimes are political. It is not a personal thing. There are a large number of Greek voters in the various Victorian electorates and the ALP is seeking their support. Would you like to meet Senator Grimes? He is not a bad bloke. Then you will understand".

Thomas replied:

"No thanks."

Murphy then said words to the effect:

"We'll soon be in power again. We need to know what is going on. We need somebody in the Australian Federal Police - somebody at the top. If you are willing to do that we can arrange for you to be an Assistant Commissioner when it is formed. We have friends on both sides."

Thomas said:

"Look, I'm not a member of any political party and I really don't want to get involved that way".

Murphy said:

"Okay. Well, don't make up your mind straight away. Think about it."

The conversation turned to other matters. Ryan and Davies had been in conversation with each other while Murphy and Thomas had that conversation.

(b) Lunch: Ryan/Thomas

About a month later Thomas was invited to lunch at the same restaurant by Ryan. It was the next contact Thomas had with him. Thomas wore a transmitting device, the transmissions being recorded on tape nearby by two other Australian Federal Police officers. At the beginning of their conversation Ryan said:

"The good news first. That mate of mine that we had lunch with, gee, that's straight" [apparently a reference to something else] "nothing was said of course but he said to tell you that he's there if ever you wanted to know anything".

Thomas said:

"Oh yeah - what over? This Greek thing?"

Ryan said:

"Yeah."

Thomas said:

"Yeah, I think I'm coming out of that alright."

Ryan said:

"Well, that's what I would have said."

There was then further conversation about the Greek case and other matters were discussed during lunch. Ryan's firm, Morgan Ryan and Brock, was acting for Demos Hadjipaniotis, a principal defendant in the Greek prosecution.

Thomas said he expected that the approach being made by Ryan related to the Greek case.

(c) Greek Social Security Conspiracy Case

Thomas gave a brief history of the Greek preliminary investigation. In respect of the basis of the criticism of him by Bruce Brown SM he advised as follows. Chris Narkis who had been a pre-arrest police informer proposed to tell Rofe of that fact. Thomas said that he then did and still does hold the view that the privilege in relation to informers is the informer's, not a police officer's. Accordingly it was not open to him to tell the Crown lawyers that Narkis was an informer, it was up to Narkis. Narkis was, according to Thomas, happy to tell Rofe QC that, in private. Narkis was however informed that that could not be done: that the rules required that those instructing Rofe (Herman Woltring and Greg Smith from the then Deputy Crown Solicitor's Office) be present at any conference with a witness and accordingly they would also have to be told. Narkis took the view that, because Woltring and Smith worked for the Attorney-General's Department they were/might be open to political pressure (or interference) and accordingly he refused to inform Rofe.

Thomas said he had been originally approached by a solicitor called Wunderlich, who acted for Narkis, who outlined the general conspiracy and asked for a reward. Thomas spoke to Pat Lanigan (who was then the Director of the Department of Social Security) who offered Thomas \$30,000.00 for Narkis. Thomas took the view that it was inappropriate to pay Narkis a reward then, that the investigation ought proceed and that the assessment of any reward to Narkis should be made after the prosecution was completed so that his

assistance could be accurately gauged. He complained to the then Commissioner of the Commonwealth Police about this, who apparently was unsympathetic and directed Thomas to offer Narkis \$30,000.00 which he then did. That offer was refused. Thomas suggested (either to Narkis or his solicitor) that Narkis ought write requesting a reward for the information provided by him up to \$200,000.00. That apparently happened and the Commissioner approved it. Thomas refused to deal with Narkis about the reward until the Commissioner put his approval in writing which he did after about a week.

After that was put in writing the offer was made to Narkis, he was de-briefed, tapes were made of his information and there was an undercover police operation and subsequently, of course, the arrests.

In the course of the proceedings (very much towards the end since Thomas gave very limited, and to a large degree formal, evidence) Bruce Brown criticised him about his conduct in respect of Narkis, firstly as to his failure to advise the Crown of Narkis' true role in the investigation (ie. a pre-arrest informer - the Crown had always been of the understanding and had proceeded on that basis that Narkis was a post-arrest informer) and secondly the offering of a reward in the circumstances. Thomas expressed the view which he held then and continues to hold that the law did not require Narkis to disclose the fact of him being a pre-arrest informer at what Thomas describes as "an inquiry" (ie. a committal hearing), although he thinks the position may be different at trial.

Brown's comments were referred to the Attorney-General - Gareth Evans, who after a delay of what Thomas said was in the vicinity of two years, eventually wrote and said that in the absence of sufficient evidence it was not proposed to charge him.

THOMAS - COMMENTS BY
MAGISTRATE BAUCE BROWN

e) Comments on Thomas
by Magistrate Bruce Brown
in Greek Conspiracy committal
hearing

Chief Inspector Ben Thomas, formerly of the Federal Police, was in charge of the investigation into the Greek Social Security Conspiracy Case in 1973. It emerged during the investigation that Thomas had agreed to pay one Nakis a sum of money to set up the defendants. Nakis is supposed to have originally asked for \$20,000 and later upped the ante to \$200,000. The correspondence reveals that Thomas played an active role in securing the payment of a much higher sum to Nakis.

At the conclusion of the committal hearing, Magistrate Bruce Brown dismissed the charges saying of Thomas, 'I am of the view that the evidence has established the highest impropriety by Detective Chief Inspector Thomas, who it is revealed in these proceedings, is no longer a member of the Australian Federal Police, but is now a practising member of the NSW bar. That he should have behaved in the manner he did, of deceiving Crown counsel and the Court as to the role he and Nakis have been playing is a matter of considerable dismay.'

The magistrate referred the transcript to the Attorney-General for consideration of charges against Thomas for 'conspiracy to pervert the course of justice' and 'perjury'. The Attorney-General directed that no action be taken against Thomas.

The Age Tapes reveal that Thomas was leaking information to Ryan about the investigation into his immigration racket.

Barrister - D.M. Thomas 18 Martin Place, 221 0377.

6 or 7 February, 1980 - Ryan and Eric Boyd, after discussing letters and files apparently related to the immigration racket:

Ryan: Also, I'm sh... I just don't know how I'm handling it yet, but I'm meeting at a sh... I'm having a meeting with that D.F. this afternoon.

Boyd: Are you?

Ryan: A meeting with him.

Boyd: That's the secret to all of this you know. 'Cause if he, like, has been mentioned to me. He, ah, said, although there's not much on there'll be big times coming again shortly. He feels, right, if they do anything with that industry or anything else, right? And he said, I just... he said, Even when you had the tall bloke down there down... ah, although he might have been a bit weak or that, at least he had some cover, right? At least you knew. But he said not knowing at the moment, I said, like umm... he said the difference between having someone in there who doesn't make waves and somebody who does, he said, is just chalk and cheese, you know.

Ryan: Well alright. Well anyway, this is another meeting today that I'm having alone.

Boyd: Good.

Ryan: Also, I'm finding out, I might have other information today.

Boyd: Good.

THOMAS - REFERENCES
'AUG' TRANSCRIPTS.

Chief Inspector Ben Thomas, formerly of the Federal Police, was in charge of the investigation into the Greek Social Security Conspiracy Case in 1978. It emerged during the investigation that Thomas had agreed to pay one Nakis a sum of money to set up the defendants. Nakis is supposed to have originally asked for \$20,000 and later upped the ante to \$200,000. The correspondence reveals that Thomas played an active role in securing the payment of a much higher sum to Nakis.

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Barrister - D.W. Thomas 19 Martin Place. 221 0377.

6 or 7 February, 1980 - Ryan and Dr. Boyd, after discussing letters and files apparently related to the immigration racket:

Ryan: Also, I'm ah... I just don't know how I'm handling it yet, but I'm meeting at a ah... I'm having a meeting with that P.T. this afternoon.

Boyd: Are you?

Ryan: A meeting with him.

Boyd: That's the secret to all of this you know. 'Cause if he, like, has been mentioned to me. He, ah, said, although there's not much on there'll be big times coming again shortly. He feels, right, if they do anything with that industry or anything else, right? And he said, I just... he said, Even when you had the tall bloke down there down south, although he might have been a bit weak or that, at least he had some cover, right? At least you knew. But he said not knowing at the moment, I said, like umm... he said the difference between having someone in there who doesn't make waves and somebody who does, he said, is just chalk and cheese, you know.

Ryan: Well alright. Well anyway this is a bit meeting today that I'm having alone.

Boyd: Good.

Ryan: Also, I'm finally out, I might have other information today.

Boyd: Good.

8 February, 1980, AM - Call in from this (probably associated with Australian Federal Police) to Ryan. (Due to technical difficulties parts of this conversation are inaudible.)

Ryan: Morning. How was the holiday?

Male: Oh, bloody fantastic. I went down to the doctor yesterday and he said that my blood pressure...

Ryan: Did he?

Male: Yeah. Well, I'm not very happy with myself at the moment.

Ryan: Why, what's happening?

Male: Well nothing much that I know of. They are having difficulties getting this Narcotics Bureau settled down. They've got to get their Act of Parliament changed so that they can bring in those that they want...

Ryan: I was going to ring you. I've missed you with one thing and another.

Male: Have you spoken to Ben again?

Ryan: Once.

Male: Get him to lunch with that other mate of his.

Ryan: Yeah, I might do that but... Look, I'll tell you... It's just that he worries me a bit, you know, in this respect - He's not a forward fellow, of course... Oh, I just got a bit of advice from him and I think he's a dead set back man myself. I don't think he'd ever give you the weather report.

Male: No, I don't think he would... er... er...

Ryan: Take him along quietly?

Male: The introduction was there. The other one is a good idea. He is held in very high regard by the other bloke, Jack.

Ryan: I just happened to say to him there was a doctor in a lot of strife. That's what I wanted to see him about. And another pretty high, well-thought-of fellow came to me and said to me, 'If you can do anything for this fellow, the sky is the limit.' And I didn't say anything to him. I just said to him, 'Look this fellow is in trouble with so and so. There's about 14 charges, and three of them have made statements since that they were coerced into becoming witnesses...

Male: Is this the Greek thing is it?

Ryan: No, this is a fellow called Kakeri. And it was an offer too good to refuse for a lawyer. But I said I had never seen the fellow or anything else, and I didn't touch it unless I thought there was a way out. And he said, 'Well, there wouldn't be as far as I was concerned. I would never interfere.' I said, 'I could readily understand that.'

Male: Well, he's in the same position as I... I could never directly interfere. So that doesn't matter. You've got to understand that...

Ryan: I think he... er...

Male: There are sometimes ways around that.

Ryan: Well, you can too. This is very difficult, because I think... Have you ever heard of a fellow named Cooper up there? A Sergeant Cooper?

Male: Wally Cooper?

Ryan: Must be.

Male: Where? Up there in Sydney?

Ryan: Well, he's in Sydney now, anyway.

Male: NSW police?

Ryan: No, this fellow is Commonwealth.

Male: Is he? Cooper? No, no, there's no Cooper I know. Dave Cooper. He retired years ago. Is that his name?

Ryan: No, no. He's handling this particular case.

Male: Cooper? I think you've got the wrong name. Bloody Cooper. There's no Cooper, definitely.

Ryan: Isn't there?

Male: No.

Ryan: I said to him as a lawyer, and you being a lawyer, I know, and I said to him that they were thinking of changing policy back in that Department. And I said to him, 'I do a bit of that work. You probably know because of the Korean bloody thing I had about 4 years ago.' He said, 'I knew about that. But that was only because you got,, seemed to be getting some priority there.'

Male: Oh well, he's telling you what the score was. He's opening up to you.

Ryan: But I said, It wasn't just a matter of priority. They just appointed a task force. There was nothing smart then. That's when Mahoney (sp?) was in charge of ASIO. And he was a bit of a mate of that other mate of mine up there. And he gave me a bit of a hand in that and these fellows thought...and the Department...they all got into a flutter down there and they appointed a task force. All they did was put two men on to get rid of the applications. All I said to him was, Isn't it an awful thing? Here I am sitting here talking to you and there's three of them still going. I've made an average of \$200 out of them over a period of 3 years. But he went on to say that no one was watching the bloody place. But he said these fellows are paranoid.

Male: Who?

Ryan: You know, down in the Department. You can't seem to do anything with, you know.. Chinatown fellows have asked me to..

Male: Did you mention that to him?

Ryan: Yes, and he said, 'I think they are paranoid. Nobody's worrying. A complaint's got to come from either the director or somebody else. We just don't bother.'

Male: Well, this is what I just told you. We don't initiate things. We don't get into them ourselves.

Ryan: We're not there to be worrying...But he said it has got a history there of a bit of trouble. Suppose it's because of the difficulties. I said, Well I wouldn't want anything, but I might want to come to you for advice. Because, I said, you're pretty expert on these sort of fellows. And I said, I don't want to be doing work...I explained to him how the work was done. And he didn't realise that they now have all sorts of checks on them overseas and that...I said, The trouble with these people is that if anything goes wrong, they make out they have paid outlandish sums of money. I mean I don't mind if they have paid two thousand or three thousand, but the next thing is it becomes twelve thousand or ten thousand. You know, it just drives you bloody mad. And I said to him, For some unknown reason, you've got to be careful because the newspapers seem to always want to write this bloody rubbish up. I think after you get to know him...

Male: Oh yes, quite alright from what you tell me.

Ryan: But when he said, I'm in a position now. If I'm beaten in a case I don't mind and er...But he went on, But I wouldn't do anything else. I said that I could understand that. I said, You're on the top and that's it. Who wants to do otherwise. I don't want to offend you by over-awing you anything. As a matter of fact... Good news first. Lionel and I had lunch with Murray and he had lunch with Briese. I only spoke to them and left. And Lionel said, Tell that mate of yours that I've introduced us to that he's got friends in the right place if necessary.

Male: Yeah, up in the Magistracy.

Ryan: Yeah! And you know, he was helped to get the job, the fellow in the number one job. And he said, well I'm pretty right there. I'm not worried about that. Well, I said, I don't mention it that's all. But he never seems to say much about that Department. Well, of course, naturally. Never mentioned any bloody names or anything. But all he could talk about was the one case he had down there. And the only thing I was crooked on, and still am...He said, These fellows that get into these government departments and threaten fellows, you know, pay or else. You know, I'm going to send you home to bloody Siberia or...

Male: That's right, that's what was happening.

Ryan: And he did explain a bit about how it was happening. So that was it. I know I've got to shake hands and the sort of thing. You wouldn't credit it. I'm glad you haven't seen me.

Male: Why?

Ryan: You'd have been shaking mine.

Male: (Laughs)...those horses have been running backwards?

Ryan: It's not that so much. I just haven't been doing anything. That's what I (was) saying to him when I was talking to him. I said, These bloody legal practices, like this work if it comes back. They are thinking of changing that policy back, see? And I don't want a hand or anything, but I don't want to be accused. These fellows, as far as I am concerned, can't do much wrong. They have got a stamp under the table and if they are going to hit a document for you, that's alright. But nothing like that can ever occur. It's got to go through so many people. Will you be there in the morning?

Male: Yeah, yeah. Look what I...The principal thing I want ... (interference)

Ryan tells male to hang up and he will ring him back.

Ryan dials a number in Traralgon. [redacted] Ryan speaks to the same male as in the previous conversation.

Ryan: By the way, I suppose you haven't got that cheque?

Male: No.

Ryan: You're a certainty to get it now, because he's going to take over that job.

Male: Oh. Rightio.

Ryan: He's got no way out now. O.K.?

Male: Right. Good. Fine.

Ryan: You're a certainty to get that now. But he won't... He doesn't take over until after that by-election. O.K.?

Male: Good. I'm doing some alterations up here and I'm up for a bloody lot of expenditure, and that's what I'll be looking for. That's fine.

Ryan: O.K. Well as long as you say that the progress is alright. I said to him...I don't know if I made one error when I was talking to him. I said to him, Anything I say, I'm always a person of honour, I hope, but if you wanted another opinion, that mate of yours, Jack Whelan would vouch for me. I don't suppose there's any harm in that?

Male: No, no. You mentioned that when we had lunch the other day. No. Look, he said, I've worked for Jack, well, he was my Sergeant for a long while. I've got a high opinion of him. You know...you get onto Jack now and er...

Ryan: But that's the position. Well, look, are you coming down here or what?

Male: No. I won't. Not for the foreseeable future. Are you coming up here?

Ryan: Well, I will. Give us a week, will you?

Male: O.K. A week.

Ryan: Anyway that's all. I said to him, look I'd be happy to come to you for a bit of advice if I got into a tangle, because I got other work from these people and they're shifting money as large and that sort of thing. He said, Oh yeah. I know how the scene has changed. As a matter of fact the Chinese... I said, I always find them to be a people of their word. He said, Better probably that those Greeks... have gone with Labor and the Croats have gone with the Liberals. There is going to be trouble. And of course the Vietnamese that they are letting in, a few of them went down to one of the gambling joints with a bloody sub-machine gun. And another fellow got a job with the Bank of NSW and he finished up knocking off 25 C plus all the accounts of 6 other people.

Male: Immigration is the most touchy and politically motivated thing.

Ryan: Anyway that was it.

Male: How long ago was this?

Ryan: That was only yesterday. (7.2.80)

Male: Oh. O.K. Well you want to leave it another 3 or 4 weeks before you go back again. It's time to go back to lunch with Whelan.

Ryan: When I rang him there was no trouble. As a matter of fact we met at that same place.

Male: Yeah, that's a nice quiet place.

Ryan: O.K. I'll be in touch with you.

Male: O.K. See you next week.

(From the summaries)

4 April, 1980 - Morgan rings Mark Murray. Mark tells him that he has drafted a letter for Bob England. Mark has not gone out to the Commonwealth Police as yet. Will go next week. Mark will have to find out from D.T. What's the go. He matters as well to discuss with D.T. They agree they don't want to flog D.T. Morgan tells Mark that if he can find out this thing for me he can put two and a half in Mark's hand. Morgan will see Mark on the Sunday and fill him in prior to Mark seeing D.T.

9 April, 1980 - Morgan rings Mark Murray at home. Mark is crook but tells Morgan that he is going out to see that fellow today. Morgan tells Mark that he has heard some news that an Inspector Lamb and a squad of 9 other Police are going to investigate the Korean situation. Morgan has advised some of these Koreans. Inspector Lamb is under the control of D.T. Further conversation as to how Morgan advised the Koreans and what money he received for that work. Morgan is very concerned about this investigation.

Later - Morgan Ryan rings Mark Murray at home, tells him about this woman 'Journé' who is doing all this muck-raking, and Morgan appears to be worried. Mark tells Morgan to ring him about mid-day after he has been out to see D.T.

11 or 12 April, 1980 - Morgan rings Mark Murray at home and Mark again tells him about seeing that fellow out there. Morgan is still worried, wants to see Mark and tell him everything that he has done in this matter. Mark tells him that a problem is that they do not know what they have but also tells him that he does not think there is any sweat in it. One of Morgan's big worries (is) that if the Koreans are questioned and told 'Look here tell all or you will be deported' they might say anything. Morgan wants them to have a fairly good treatment when they are questioned so as to cause no problem.

Also wants the Korean church leaders to be told about person's rights and for them to tell their flocks about their rights.

12 April, 1980 - Mark Murray rings Morgan at home. Morgan says that he is tired as he has spent 4 hours with Bruce Miles (last night). He also says that he spoke to the leader of the committee. Morgan wants to know how D.T. will find out in relation to Lamb if he is not working with him. Mark says, 'He might be the captain of the other team, but he will know someone in the other side.' Also mentions that Alan Sing is the 2inc of the other side.

14 April, 1980 - Morgan rings Mark Murray at home, tells him that he has \$150 for him for getting the info from Thomas. Talk about the 8 persons from the Pando who were charged. Morgan also tells Mark that there is plenty of money around for the investigations he makes over there.

8 May, 1980 - Morgan speaks to Jack Whelan. Whelan has not yet seen D.T. and will contact him when he does.

THOMAS

Dimitris as well as he did. That knocked him a bit. And we went back and they had to go elsewhere and went back with Noel and had a few beers and everything was sweet. Pat gave Gary a golf buggy and I dropped a load down a day later. Everything was going to be right. That was just a starter. They were only getting two or three hundred a week out of the club, and Gary said, You're stupid. There are thousands down there. Pat used to ring Gary up at the.....twice a week because he wants him on side. And then he knocks it off and expects Gary to walk away and forget it. Is this how they do it?

Ryan: It is all a bit foreign to me.

Boyd: It was all arranged. Noel said it would be right. I don't know with these blokes. We were giving them one a week with something on top of that - 2 up front to start off with and another 2 to come and suddenly they just went the other way. They went the other way for 300 a week or something. Everyone was shaking their heads. It not only went the other way. It really gave it a caning and bad mouthed Gary all over the place. My attitude to Gary is, drop out. You will never win with them.

Ryan: It's flogging a dead horse. I think you just have to go out and join the Hakims if you want to be in it.

Boyd: No. I don't want to join the Hakims.

Ryan: I have never known such a reaction to that one name.

Boyd: What, did he say anything to you direct, or did he just say he would have nothing to do with it?

Ryan: Who?

Boyd: Pat.

Ryan: I don't know him. I wouldn't know him if he walked in the door.

Boyd: But his reaction back was he would never do anything with that bloke again.

Ryan: Yes, that's right. It came from Edwards first. He said, There is a fellow called Gary Boyd in this operation. We won't have him at any price. Well, look, I don't want to say anything to you that I am not permitted to say even by the boy.

Boyd: I'm going. I told Gary I wasn't getting into S.P. and all that shit. We'll just score a few for Jim and someone picks the other money up and if we end up with half a dozen pubs....

Ryan: Well, I'm glad you didn't now. I'm surprised at this business.

Boyd: I think you will find we have a pretty good track record.

Ryan: That's right. It has embarrassed me. I feel I've let everyone down. I can't believe what happened at the weekend.

Boyd: Knocking Wenty off?

Ryan: Yes, but the other one as well.

Boyd: What the name.....and that was the end result....

Ryan: I will be given some reasons this week.

Boyd: I'll be interested to find them out.

Ryan: I just deal with the one person. I'm losing credibility. My person said he is too.

Boyd: My attitude is this. The last weak copper I knew was my father. Coppers are all in business for themselves these days. Frank (Hakim) lives in their pocket. He is down there every Saturday.

Ryan: Only hope you have with him is someone will turn his pacemaker off one day.

Boyd: Our history in this goes back to Thomas, when he was in charge. I organised the lease of the Hongtow. I was 22 or 23 at the time, and the day before it was due to open, Thomas said it couldn't.

Ryan: Jim went to the court this morning to find out why his other joint was knocked over.

Boyd: Yeah, he's had cover there for four years.

Later - Gary Boyd to Ryan. Ryan tries to tell him why they were knocked off. Gary has already spoken to Brian.

Boyd: John was in touch today and he was called in by Robert Yuen last night and he was told that we didn't get the go, that he didn't get stopped. It was just to stop me getting in.

Ryan: There's been another sensational development in this business. It's just unbelievable what's happened.

Boyd: Not my name again, I hope.

Ryan: If you want revenge, it's now staring us in the face, and it's thrown everyone into a flap.

Boyd: No, I don't want revenge.

Ryan: If I tell you this, you can't tell The Secretary. You can't tell no one. I must have your word on that. Well, I don't know what's going to happen. It concerns the same fellow. It's come out of the blue from Robert, but the people no(w) are so high up are involved. This fellow Robert, unbeknowns to me, accidentally lives next to a judge, and the judge now wants to see me.

Boyd: Yeah, that figures.

Ryan: ...says this is a disgraceful turnout. He said, Who is this fellow called Watson? He said, I want to talk to you about this. He said, I've a good mind to speak to N about it, and he put N there, with me.

Boyd: That's a bit over my head. I don't want to get involved in that.

Ryan: So I said, You had better put the brakes on there until you and I have had a long talk, because what will happen is if this thing blows up, I can tell you what, Mr Watson won't survive it, because he'll start getting orders. The trump will start getting orders, I want that fellow out. That's what's going to happen if this fellow starts saying anything. So, I, ah, all of us are going to get the backlash. I cannot understand...

Boyd: Pat will ride it out for sure. They'll just make him survive.

Ryan: They can't do that, if anybody decided. You know why now. There is a new head of the Public Service Board. This man is all powerful. You see there are three votes needed for these people. He's got two of them. That's the fuckin' end of that. I think Robert must be mad. I've always found him so close-mouthed at the races.

Boyd: He is, he is. What is he complaining about? Just because he didn't get a go.

Ryan: No, he's complaining about the way he's been treated down there. And he's paid the money. He keeps paying the money and they keep cutting his throat.

Boyd: Yeah, but I think that's primarily responsible for them coming in the other night. They just cleared the table and put it all in their pockets. Remember when I told you the night they came in and took eight grand and they only declared 460. Well this is it - they've just been doing that all the time, making a welter out of it.

(They then discuss passport matters. Ryan says that they have got to be careful of the judge taking any action, because although Watson will roll, they'll probably all roll down the hill together. Boyd suggests that Ryan finds out where the previous occupier of the Wenty is now operating, and send someone around there to have a chat with him.)

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D. THOMAS

application to marry a Chinese girl. He made a statement and was asked to sign it but he did not. The proprietor told him that he wanted to see a solicitor first, so 'he' took the statement back. Morgan wants a copy of the statement and is pleased that the matter was 'headed off'. They arrange to meet the next day. John Yuen is very hard to understand because of his deep voice.

- 2 April, 1980 - Morgan rings Bill Lee and ascertains an address to send a parcel. The name is Fong, [REDACTED].

Morgan rings Gary Boyd at the Immigration Department. Gives the name of Jim Brown. Gary will not talk but tells Morgan that he will ring back at the pub.

Incoming call from male. Sounds like Gary Boyd. Morgan gives him the name of Fong and the same address as earlier mentioned. They then discuss the dental mechanic and what he has to do in relation to putting a document in the next six months. Boyd also talks about a (Mac) and asks if 'it' should go to his current address.

Morgan rings Bill Lee and they discuss Mac's or Max? book. They also discuss Elton Poon the dental mechanic. They then further discuss what Poon has to do, see Boyd directly, no one else, and also that England might have finished.

Morgan rings Mark Murray. They discuss the letter that England has received from his department [about] not answering the questions correctly. They discuss another meeting with England, Murray, Morgan etc. England has to pay \$200 and also discuss what a good bloke England is and the fact that he has a heart attack. Morgan wants Mark to drop England's name to some police (most likely Federal) to check their reaction and try and ascertain if they are working on him.

Morgan rings Bob England and discuss the meeting with Mark Murray being on the Thursday morning. Bob says that Canberra people are unhappy and the troops of England's level - Smith, Boyd and Stratton. The higher-ups want to pin 'Warren', however they cannot remember his surname.

- 3 April, 1980 - Morgan rings Mark Murray and Mark tells Morgan that a John Nicholson has taken over his office. Mention a case which Morgan was involved in re two Chinamen. Morgan suggests to Mark that he should go to the 'Twin Towers' and see what is going on. The Twin Towers is no doubt Fedpol Headquarters.

Morgan rings Mark Murray and Mark tells Morgan that Bob England's letter in reply to his department should be answered in the terms, shortly, 'As far as I am concerned I have answered the letter and questions as far as the Department is entitled to and do not propose to go any further.' Mark will visit his friend at the 'Twin Towers' and find out what is doing.

- 4 April, 1980 - Morgan rings Mark Murray. Mark tells him that he has drafted a letter for Bob England. Mark has not gone out to the Commonwealth Police as yet. Will go next week. Mark will have to find out from DT (Don Thomas possibly, what's the go. He has matters as well to discuss with DT. They agree they don't want to flog DT. Morgan tells Mark that if he can find out this thing for me he can put two and a half in Mark's hand. Morgan will see Mark on the Sunday and fill him in prior to Mark seeing DT.

Morgan rings Bob England. Tells him he will have the full report from the Commonwealth Police on Tuesday night. England reads his letter that has been drafted out for his answer to his department. Bob tells Morgan that it looks like his retirement is imminent.

- 6 April, 1980 - SMH article claimed that the Department of Immigration was trying to cover up the racket. The department had refused to call in the Federal Police. South Koreans. Four solicitors. Co-operation from within the Department.

In to Morgan from Col. STD. Talk races and also that the boys in blue in Canberra tried to prove that some signatures were forged. Mention about the Korean cases. All the files that have been investigated prove to be OK. Morgan has checked with the Korean cases. All have been finalised except two or three.

- 9 April, 1980 - John Yuen rings Morgan. Discuss about a man named similar to Lewis being over in America at the moment. Talk about that dental fellow (Poon). Talk about meeting and discussing the dental chap, job offers and if he talks English.

Morgan rings Choi. Wants the refrigerator mechanic to be taken around the places so as he can not say he has not worked there. Mentions about Kim John Ock's file being with the Special Investigation section. Also mention about a man named Tang Kwang Bang whom they are worried about, together with a man named Kwon for whom they have another job offer.

Morgan rings Choi again to obtain Kwon's full name, as he will be speaking to someone today about him. Kwon has just completed a welding course at Newcastle.

In to Morgan from Bruce Miles. Morgan wants to know what has happened to Dibb. Also that Yuen's case is on Monday and they arrange a conference about this matter.

Morgan rings Choi. Talk about the Koreans and their false work records. Bang comes from South America. Ock comes from Iran. They think Bang is the weak link if questioned as he will always tell the truth.

Bob England rings Morgan and tells him that the Ock file is still with the SRB and he cannot get to it. England has left the Immigration Department. Sounds just about to crack with all the pressure. England mentions the journo's name who is muck raking in the Herald paper. Bang and Kwon are mentioned and England inquires if Morgan has had any further contact with the idiot in Newcastle, James. Morgan cannot get the report for England. He has been told to wait another day.

Morgan rings Bill Lee. He tells Bill about the tax men making inquiries about some files. The discussion is that a lot of files that Morgan and Lee have handled do not have Lee's name thereon. Lee mentions about Mak Shukri's book for stamping. Morgan is having it sent to him. Lee tells Morgan to keep his eye out for the Poon matter.

Morgan rings Jim Mason and talk about an ad in the paper for one Asian in particular. Bang will have to get a job.

- 10 April, 1980 (?) - Morgan rings Mark Murray at home. Mark is crook but

tells Morgan that he is going out to see that fellow today. Morgan tells Mark that he has heard some news that an Inspector Lamb and a squad of 9 other police are going to investigate the Korean situation. Morgan has advised some of these Koreans. Inspector Lamb is under the control of DT. Further conversation as to how Morgan advised the Koreans and what money he received for that work. Morgan is very concerned about this investigation.

Morgan out to Norman Wong. Wong has not received the letter as yet for his father. He wants to see Morgan about this and also another matter.

Morgan rings Bruce Miles. He tells Bruce that Mark Murray is going to find out for him and he is going to ring him at lunch time. Morgan advises that the legit Korean organisation should write to the Commonwealth Commissioner of Police. Morgan wants to take Bruce with him to Penrith. He tells Bruce about Pearson flying the coop and cannot be located. Bruce is going to see 'Archie' at the station at North Sydney and then Morgan will collect Bruce there at 10.15am. Morgan is worried that the Secretary of the Immigration Department might hand everything over to the Commonwealth Police and that's why Morgan wants to take Bruce Miles with him to Penrith, so they can keep talking about it, looking for loop-holes that can be covered up. Bruce will ring back soon.

Morgan out to Jim Mason. Talk about races, then about the man Bang. Morgan is worried about this person. Tells Mason that if he is spoken to about this matter, tell them that you have consulted a solicitor about the matter. Bang has not gone through yet and they might be having a look at it. Morgan then talks about another thing called 'Watchmecallit'. Mason has not put it through as yet. Morgan is very worried about that. Morgan makes him promise that he won't do anything about it until he works out a plan of attack. Mentions a Gordon Smart or 'Gordon's Smart'.

- 11 and 12 April, 1980 - Morgan rings Bruce Miles at home. Sounds very, very worried. Mentions to Bruce that there is an inquiry going on into the Korean matter. Mark Murray has rung up to tell Morgan all of [this] information.

Morgan rings Mark Murray at home and Mark again tells him about seeing the fellow out there. Morgan is still worried. Wants to see Mark and tell him everything that he has done in this matter. Mark tells him that a problem is that they do not know what they have, but also tells him that he does not think that there is any 'sweat in it'. One of Morgan's big worries (is) that if the Koreans are questioned and told 'Look here, tell all or you will be deported' they might say anything. Morgan wants them to have a fairly good treatment when they are questioned so as to cause no problems. Also wants the Korean church leaders to be told about person's rights and for them to tell their flock(s) about their rights.

Morgan rings Mark Murray again at home and asks Mark if Bob England has had a mention. Answer is no. From the tone of Morgan's voice, he is still worried.

- 12 April, 1980 - Mark Murray rings Morgan at home. Morgan says that he is tired as he has spent 4 hours with Bruce Miles (last night). He also says that he spoke to the leader of the committee. Morgan wants to know how D.T. will find out in relation to Lamb if he is not working with him. Mark says, 'He might be the captain of the other team, but

he will know someone in the other side.' Also mentions that Alan Sing is the 21C of the other side.

Morgan speaks to a Mr Costa and introduces himself as Mr Saffron's solicitor. The talk about a fellow who will clean the refrigerator - a Korean chap - at the Barrell and at the Carousel.

Morgan rings Choi and tells him to warn the other people that if they are spoken to not to say anything, or not to let on that they understand English. Also warns that if the people get worried about not answering, tell them that they want a solicitor present when questioned. Also warns not to say anything until he (Morgan) sees Mr Miles.

Morgan rings Bruce Miles. Morgan tells him that he has spoken to Choi. Refers to him as President Park Choi or the President. Further talk about the above conversation that he had previously with Choi. Morgan inquires if it would be a good idea to try and get interpreters on side, or not. Bruce is against this as they would be bound to do the job properly.

Morgan rings Choi. Morgan again warns him about being ready for something to happen. Also asks him if he knows any of the interpreters. To listen and keep his ear to the ground. Tells him about the appointments for the refrigeration mechanic at the Barrell and the Carousel. So, if he is questioned he will know his duties and where he has worked.

- 13 April, 1980 - In from Miles. Morgan warns about the phone being bugged and then laughs. Talk about Choi. Morgan tells him that although he may have the K's (Koreans), he, Bruce has the T's (Turks). Then talk about a Keith Bell giving job offers. Then talk about John Yuen's case and that it would be a good idea to try and get some money for Mark Murray also being at court on the day of the case and keeping his ear to the ground, although not to take part of this case. Just be there, etc.

Morgan out to John Yuen. Tells him that Bruce Miles will be at court for his case.

- 14 April, 1980 - Norman Wong rings Morgan and they discuss a letter that Norman's father has sent him and he will ring Morgan when he gets it.

Morgan rings Choi. Tells him he wants to have a meeting. Choi tells him that he thinks he has a heart problem at the present time. Morgan inquires if the fridge mechanic turned up to clean out the fridges. No. Morgan goes crook at Choi over this.

Morgan rings Vic Bates. Speaks about Vic setting up a slaughter yard for killing kangaroos for human consumption. Talks about job offers to Koreans that Bates has given. Morgan warns him to say nothing if he is questioned etc.

Morgan out to Lee's office. Wants to see him about all outstanding matters.

In from Bruce Miles to Morgan. He tells Miles that he is going to meet Choi and discuss matters... They arrange to meet later at Choi's. Further talk about John Yuen's case and the fact that Mark Murray was there.

In from Bob England. Speaks about the Panda Restaurant and the fact that there is no investigation into England by the Commonwealth.

Morgan rings Mark Murray at home. Tells him that he has \$150 for him for getting the info from Thomas. Talk about the 8 persons from the Pando who were charged. Morgan also tells Mark that there is plenty of money around for the investigations he makes over there.

Morgan rings Bruce Miles... Morgan tells him what Mark Murray told him about the Department only wanting the persons from the Immigration Department in trouble, and that is why they charged the Chinese. They want one of [the] Chinese to crack...

Morgan out to Bob England. Tells him what Chris Murphy has planned about sending letters to all concerned about not being interviewed unless a solicitor is present etc.

16 April, 1980 - Morgan out to male (could be Bill Lee). Talks about the investigation into the Immigration Department.

17 April, 1980 - In to Morgan from Bruce Miles. Bruce wants Morgan to get a list of all the files that were taken and under investigation. Morgan thinks that he might be able to get the names later on.

Morgan out to male. Further talk in relation to the immigration investigation.

Morgan out to Chris Murphy's office. Talk about the above situation and Murphy plans to write letters for the Koreans.

18 April, 1980 - Norman Wong wants to see Morgan on 19.4.80. Ryan agrees to see him at his office. Morgan wants Wong to place an ad in the paper.

19 April, 1980 - Morgan speaks to Choi. He presses Choi for the 52 names of Chow's to go to immigration.

Morgan speaks to Bill Lee and makes arrangements to see Chow at his office.

Bob England rings Morgan about the Immigration Department investigation.

Mark Murray speaks to Morgan. They discuss the fact that Canberra officials came to the Department of Immigration and removed all the Korean files.

Colin (probably Colin J. Smith) from the Immigration Department. Speaks to Morgan. He is a bit concerned about the investigation at his department.

20 April, 1980 - Morgan speaks to Bruce Miles. They are concerned that ComPol might be on Miles' phone.

Morgan makes arrangements to meet Yuen at 4.15pm 20.4.80.

Morgan speaks to Choi. More talk about certain immigration matters.

21 April, 1980 - More conversation with Yuen, Choi and others re

14 March, 1979 - Cessna and Milner were arrested on drugs charges.

March, 1979 - The selection committee for the appointment of the new Chief Stipendary Magistrate conducted interviews. About this time, Briese says that he was approached by Farquhar and asked what he was like on favours. He was asked if he would handle things discreetly for the Premier.

31 March, 1979 - In to Morgan from Lionel Murphy.

...Murphy: How [is] this bloke that is replacing Murray? Is he the right fellow?

Ryan: Yes, you're going to dine with him.

Murphy: He's a good fellow, is he?

Ryan: You're going to find out for yourself. We'd better not talk about it now, had we?

Murphy: No, righto.

Ryan: It'll be well and truly satisfactory, I'd say...

10 May, 1979 - Briese attended a dinner at the home of Morgan Ryan at which were present Murray Farquhar, Lionel Murphy and Merv Wood. Mark Murray was to have attended, but was ill.

25 May, 1979 - Farquhar resigned as Chief Stipendary Magistrate.

7 February, 1980 - Murphy: Hello.

Ryan: I just wanted to make sure you were awake. This is a wake-up call. You alone?

Murphy: Yes.

Ryan: Well, don't forget - Every little breeze...

Murphy: Rightio.

Ryan: Every little breeze to be told that those other. It's very simple, to three, when if ever and how's it going to be done. Is it going to be...

Murphy: By whom.

Ryan: The Lush, or is it going to be the three, board of three.

Murphy: Yep, alright...

8 February, 1980 - Call in from male (probably associated with Australian Federal Police) to Ryan.

Ryan: ... Good news first. Lionel and I had lunch with Murray and he had lunch with Briese. I only spoke to them and left. And Lionel said, 'Tell that mate of yours that Don introduced us to that he's got friends in the right places if necessary.'

Male: Yeah, up in the magistracy.

Ryan: Yeah. And you know, he was helped to get there, the fellow in the Number 1 job (Briese). And he said, 'Well, I'm pretty right there. I'm not worried about that.' 'Well', I said, 'I just mentioned it, that's all.'

(Summaries):

8 February, 1980 - Possible association between Morgan and unknown male person in Victoria who had connections with the Australian Federal Police and with Jack Whelan and Don Thomas. Discussed the setting up of the Task Force, appointment of Clarrie Brieese and Morgan having an interest in the charges laid by the Commonwealth in relation to Dr Hameiri.

THOMAS/RYAN TRANS.
OF LUNcheon DISCUSSION

ROYAL CC
II
TELEPHON

Royal Commission of Inquiry into Alleged
Telephone Interceptions

Exhibit number: 224
Tendered by: HARRISON
Place: 5475
Date: 3 DEC 1988
CONFIDENTIAL

TI 10270

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TITLE TAPE OF CONVERSATION BETWEEN
D. THOMAS & M. RYAN and TRANSCRIPT.

Source (How Acquired) produced by A.F.P.

[illegible]

FILE NO. IF 10270

DT Ah, hello Bob.

MR Do you want a drink?

DT I wouldn't mind a beer.

MR A cold beer please. The good news first. A mate of mine we had lunch ... nothing was said of course but he said ten years was up. He's there if you want to know anything.

DT Oh, year - what over this Greek thing.

MR Yeah.

DT I think I'm coming out of that alright

MR Well that's what I was ... Murphy.

DT I think they're just er ... I think they've tried their hardest to squash it politically - they can't, or haven't been able to so far. Perhaps now they are going to try and fight the thing on the legal grounds but I think they're finding out they're having a hard battle there too.

MR Don - I just want to say this to you. You undoubtedly would know about it. You know about four years ago I...the Assistant Consul ... Consul there for Korea asked me take on a job of looking after about eighty of these Koreans. I finished up, you know, Commonwealth Police and everyone else in the investigation. I just want to tell you what a fucking nightmare it has been. I earnt about three hundred dollars from each client you know. This fellow here is a real... fellow.

DT I don't know who he is.

MR He was in a...

DT That was at a time I don't think I was in the enquiry - wasn't that ... at a time when er

MR That's enough thanks - only the one

DT Where at Immigration?

MR Yes - you know I have just been screaming in there because - you know it is still going on. You know they paid into a fund and then they had a committee running. All the committee had to be paid, then the employment officer had to be paid. I finished up with about three hundred dollars. And you know how long I've been working on it. Three and a half fuckin'

years and the only reason why I left I didn't want the thing to blow up in my face - like you know - the papers print things.

DT Yeah, but didn't that all turn out - that...

MR Yeah, it all turn out clear....

DT Yeah that was my....

MR I'm still left with bludgers.

DT Oh, I see

MR That's what I am getting at. You know - how unfair it all can be. I had to be very careful that I didn't get a wrong brand on me for something I was doing that I wanted to. I just happened to mention it again because here I am still playing with it. You know trying to help people. I am....in that Department. You can't do anything really crooked. All you can do is get a hand on priority. You know you put an application into transfer, then the fellow gives you a sheath of papers of what he can do. Then you submit him?

DT Yeah

MR You know - that comes with in the category that gets you into the country. I mean nobody has got a false rubber stamp under... says give us 3 grand and I'll stamp it.

DT No, no.....

MR It is clear....

DT Look as far as - I wasn't in it but as far as....I do remember....

MR It was all clear

DT I thought it came up because people or the complaints that were initially made was that your clients were getting priority or preference by the Department....

MR Yes, that's right

DT I think that was the basis of the whole thing

MR Well they did get some preference because what happened at the time. What you call it was a mate of mine in charge of ASIO up there.

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DT Ha - I don't know too many of those

MR Well he was a mate of -

DT Remember it is an offence to disclose an ASIO agent

MR Oh (laughter). Well I won't disclose. But anyway I knew him and I knew a lot of fellows and all we did was get was known as a 'Task Force' they called it.

DT Yes, yep

MR What I wanted to ask you here today, you can either say yes or no or tell me anything. You know to prove what I say. Only thing I can say to you - you are a mate of Jack WHELAN'S I think he's a fellow that would vouch for me - my word. There's a fellow, a Doctor Hamurai in Surry Hills

DT What nationality mate?

MR He's an Australian doctor as far as I know. I have never seen his head. A Sergeant Cooper is looking after the cunt. I understand there are twelve to fourteen Medibank charges.

DT There's no Sergeant COOPER in my place

MR Commonwealth Police - Sergeant COOPER I thought.

DT Oh wait awhile - he might be he might be one of the lads; I have got six lads up from Canberra. He's not one of our - what I say Sydney based operators. We have got so far behind with all those that he's - we have got six extra men from Canberra - he's quite ... could be one that.

MR Well - I know that this Commonwealth is not like the State force all I can tell you is I have been offered a huge sum of money if I can do anything for this fellow. I don't I thought I'd only mentioned it - you might say - Oh no I don't want anything to do with it and leave it with me.

DT No - well that's my attitude really. I'm not interested in that sort of thing mate. Er - the old doctor that's on the Medibank fraud. I don't know the case firstly but secondly I would not interfere with anything like that. It is bloody hard enough to get them anyway. He would be far better off to take his chances.

MR Well that is what I thought. Really... because the fellow was a close friend of mine and "well in" in the medical profession I just said, you know...

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DT No - that's not my line of business mate - I'm not - I've gone too far living on my salary now to be bothered trying to pick up extra money that way. If I want money I go and work for it.

DT. MR Mm No - I'm quite sure the lads involved... Oh they wouldn't be in - I agree with you. It's just that look I just thought, I just took the chance

DT Well his other chance of course is to approach the Health Department.

MR But they're screaming

DT They've done that ... They have done that with us on the past where some form of settlement has been worked out on a on a ... the basis of.... I'm trying to think of the section of the Act the way it is worded. There is a section of the Act where they can make a reconciliation and that has been the finish of it.

MR A pay back

DT Virtually a payback, yeah. That fellow who started Valentine Health Studios, he was into them for about three million dollars on the scheme being there that every member got a work up - bloody pathology, full pathology examination. He skipped to the States and was going blind with glaucoma for which there is no cure, did a reconciliation with the Department and they pulled us off and now he's back and running with a couple of new Pathology services.

MR Is he in fact a doctor?

DT Yes - not Eggleston but he is an American doctor that's been practising.

MR I wonder how we...

DT But that was under the section of this reconciliation business. They dropped the three million dollars because it was gonna ... it was too hard to get into, virtually. But then there were other couple of hundred thousand dollars in their false claims in other areas, but they did a reconciliation with them and that was it. The brief was just taken back on us.

MR But who would have that authority?

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DT Well that's the Health Department themselves who

MR The Commonwealth Health Department

DT Yes - because they are the people responsible for the claim. So these ones... with your client, would be offences back before the Medibank Private before the funds sort of split so they would still be the responsibility of the Health Department.

MR There's about fourteen. But my inclination; my effort for that... I did with Bruce Miles.

DT I know Bruce. Yes.

MR Well Bruce acted for - he produced this fellow Prakash.

DT Oh yes the Indian fellow. Well-he's what committed for trial now or finished.

MR Oh - he is fixed up.

DT Oh yes following...yeah it was him and his brother wasn't it. Yes.

MR No, only him.

DT Yes he employed his brother - as his secretary or something - there were two of them in it.

MR All I know is that the Health Commission seemed to be absolutely screaming to get him.

DT I don't know the case because I have just handed those over and they go over over to the Squad and they deal with them but if there is any value involved in it I would think that I would have heard about it.

MR Well this fellow (Hamurai) apparently only got fourteen charges.

DT Has he been charged?

MR Yes - the thing in for mention apparently in a few days. he has got this fellow Einfield apparently appearing for him.

DT What the QC? Yes.

MR And it is just a case of you visited the patient too long or all sorts of things. But I mean - you'd get the patient in ... take a statement from him.

DT Yes. That is the normal procedure.

MR But they have had somebody else go and see three of (these witnesses who say that they were stampeded into making a statement. They said well if you don't come clean with us ... we are gonna we are going to deal with you. They got frightened, this is what three of them say, not that that means anything to you or I. But I just know - just that the offer was so good I could not refuse thinking about it.

DT No...I

MR But I can see your point - you are beyond the river of no return. You're not gonna be party to that..

DT Well mate, I have never been interested in that sort of thing - it is just too bloody hard to live really. You know I just prefer to do my job and if someone beats me in court well they bloody well beat me in court, but they got to take me to court to beat me. You know and I don't ... I'm not interested now and I wasn't interested before. But you know if I wanted to get into that sort of thing I would probably could have got in with Krahe and Kelly and all that team. I am not involved.

MR You know, you remember we were talking in here last time. About Frank Nugan.

DT Oh yes, suicide yeah

MR Well I

DT I think he had troubles at home with his misses, I've been told as well, although I think the family denies that but I have heard...

MR Well if he had anything to do with anything to do with being in drugs or anything. I am a shocking judge at everything. My opinion ...

DT His bank may well have been tied up in moving money and things like that. See they are offering they were offering about a two per cent better rate overseas for some reason or other. But whether that has that has got anything to do with his demise here I don't know. He was..he and his brother were both...oh, there were a prima facie case found and they were to come up in May and they were going to defend it in the lower court.

MR There should have been no prima facie case against him.

DT No but I would think if if they were going to defend it in the lower court they would have pretty good case in rebuttal. Normally you would not go to a lower court to fight something in a committal - it is an unusual situation as far as I am concerned.

MR Well they sacked ... Corporate Affairs struck the one counsel and then put this fellow Hyatt.

DT Yeah he's er ... that's the fella with the goaty beard, isn't it? Hyatt

MR Yeah

DT I met him in Canberra a few years ago. I don't know the man really. With all the judges that have come out of Commissions and enquiries that the state government have appointed maybe he's an...next in line for the bloody Supreme Court.

MR Yes, that's what they all aim for. They all get up there. They all aim for that well what about this. I will just ask you this because I may not have chance again. They're thinking about, I, I, do do a bit of work for the Chinese. They are thinking of changing - and I know you are the top man on that. Well that is what everyone says.

DT I have got a few successes there. Doesn't take me to the top very quickly

MR Well they say that you were the only one who could look them and, and know the answer... Tell you what these Koreans

DT Yeah I wasn't involved in that

MR I know sure ... but I do some work for them now I think they are going to relax the policy again. At the moment you can't do any work for them.

DT What as far as representing them

MR Well - you could represent them I mean ... It's no good ... I think you'd know this - it is no good representing these people and charging them a fee when you don't have any success. There is too much talk, rumour, talk of all sorts, how figures have trebled and ... It is not worth it. See what happened was they changed the policy meaning that nobody that came here could transfer over....

DT What from the old story of

MR Tourist

DT Visitor, tourist overstay get a job. I think they are still processing people along those lines but are they... are they prior June

MR I've got two or three. Only a few. There's no processes from what ... You know how old the cases are - three years. I have got three there that are nearly three years old. You just never get a bloody result - it just goes on and on.

DT So that stopped ... what does that mean, since anybody applying since last June is virtually out of the gate automatically. They won't process.

MR They won't process anybody.

MR I think you got to be a mother and father, brother and sister.

DT Oh yes this family reunion thing

MR But, the whisper is that this may be relaxed again in a couple of months. And I only want to do some of the work as individual work. Always particularly with this work if you just ... You look at the fellow's background and you just say well I accept it. They're not there to investigate it.

DT That's the applicant you mean.

MR Yes the applicant because the applicant comes along and produces produces a sheath of papers that could be bloody well forged or not genuine or anything else.

DT Well, that is his look out then....

MR Yes, but you still got to be bloody careful handling it. The second thing is that you got to get... you've got to be able to get things done. I once had an interview with McKellar over the business of these fellows and you know what he said to me...he said, Bruce and I were seeing him because he came from Bruce's electorate where he was running one of the branches. He said, "I cannot understand why anybody would use a lawyer in connection with my Department".

DT Yeah - I think he said that somewhere in the public area too.

MR I said to him but what... and this is what I said to him, "Mr McKELLAR lawyers...you are either going to have them or get rid of them."

DT They're tradesmen, they're plumbers or whatever yeah

MR "What difference is your Department to the Department of Trade or any other Department. What makes it so special. Oh, he said, because it is so simple." That's how bloody stupid he is.

DT Was this following the Korean thing.

MR This was when it was on.

DT Oh

MR I got asked to appear for...to look after another batch of them which I refused to do because I could not stand the the bloody worry of it - but when you deal with the Chinese community they are people of their word.

DT Yeah - I find the Chows would be migrant-wise the good ones, are great. They are no trouble, they keep out of the normal types of trouble the police come involved with anyway. The majority of them are great.

MR There's one of the things that I find - one of the things that you got to be able to do is what I did before - that those fellows they all seem to be petrified in that bloody Immigration Department. I mean - it must have a history of...

DT Well they have come under review quite a few times.

MR Don - what, I keep asking, what they can do

DT What they can do within the Department.

MR All they can do. I tell you what they can do. They can look at a thing I suppose like you can look at a statement and give someone the benefit of the doubt. That is about the only thing they can do because everything they do here has virtually got to go to Canberra and so help me God there is two or three fellows up there, they ought to be down there and working under you for three months to tell them what life is all about.

DT Mm, I think the process ...

MR I just don't want to get involved if it's that bloody's hot. Because if I get involved I want to be able to get things done.

DT Yes, I don't know whether it is all that hot in that sense but I think their own system leaves it as what you say. What can they do, they can give them the benefit of the doubt because all the allegations in the past when we locked up the ex-Hong Kong policeman... Ip the interpreter down there. He was pulling money. (Voice: Ip, John Ip)

- MR He was picking fellows up and letting them go if they paid wasn't he?
- DT Well that was ... that was the start of it he was picking on the ... on the people who had been declared Pro Imms and then having them pay money to him and then they were processed for permanent residence and that was working but the system allowed that or it to happened because of this benefit of the doubt. Anything that was adverse was never, ever recorded, of you follow me, never ever recorded on the files. The file eventually was put up for signature as a 'this man should be accepted'. That was the scheme that Ip was using, now whether he was manipulating within the Department or not.
- MR Wasn't he in the Special Branch.
- DT Special Reports Branch, yeah.
- MR But how could he possibly put, how could he ... I can't see how he could do that.
- DT Well in those days, I believe, it has probably changed now because they did change the staff. Yes but ... the the ... The bad reports come from special Reports. You see the normal applications would go through and Special Reports might never ever see them. It is where there is some doubt there's some irregularity is found it goes to Special Reports for investigation. So that if Ip in his capacity in Special reports whilst he was employed as an interpreter he was acting as a field officer. If ... If he found, he obviously he knew because he had people scouting out these people, he could then arrange that there would not be any adverse reports because he was the officer who was going to put the report on if it was going to be adverse. So when you get down to the... to the ... I don't know whether they have a quota system of how many the can bring in or bring out...if there were fifty applications went up for signature at the same time his number in amongst them with no adverse reports are exactly the same as any legitimate application where no money has been paid. Where I was so dirty on him was that he was virtually standing over them finding them and saying, "All right ... if you don't pay its back to Hong Kong tomorrow what do you want to do." Now you know that is just bloody blood money.
- MR But now what you do now is - a fellow comes and he fills in a form - they call it a Form 47 which his whole history is set out.
- DT Yes, I think that has always been the case. I don't know what the number of the form is or anything like that but...

MR But then he has got to produce his references as to what he does and then that's all sent back to Hong Kong checking.

DT They go that far now. (voice: can you hear that)

MR My bloody oath. It goes back to Hong Kong for checking.

DT That must have come out of that Ip investigation because I know prior to that they didn't

MR Oh well it all goes there for checking and then it comes back clear. Now one of .. one of the tricks naturally is that you can't do any good with Hong Kong because that is a straight out, you know, I have got no one in Hong Kong I could ring up or anyone like that.

DT No.

MR But I impressed on the fellow that unless this thing comes back 100 percent - you're a cooked goose because if they write a bad report against you, you have gone. Well then the only other thing...

DT And even these people here if they were involved, couldn't change that adverse report because it is on... it is coming out of Hong Kong to ... I suppose Foreign Affairs would do it.

MR Oh yes they have got their own men there ...but then one of the things is Don that when the thing...but one of the tricks here is too you have got to be set they've gotta be set up in a position that fulfils what they say they are.

DT In Hong Kong

MR They can't say they're a chef they can't say they are a chef here like we're got a chef here say, in this restaurant here if in fact the fellow is a kitchen hand

DT Yes I follow that

MR I think this is what probably this fellow used to do. They would go around and check up - is he working at this place. They go in and check up. No he's not the bloody chef - he's only the bloody kitchen hand.

DT Yeah, but here before they weren't allowed to work they had to put up this bond money or something that they could afford to live without working.

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- MR Oh well that's what they do now anyway. This is how it works. Then if they are accepted they have to get a Commonwealth Police clearance.
- DT That's only on criminals.
- MR An ASIO police clearance and that is the end of the section. But if a fellow replies he doesn't get bloody well seen, even if he is a million percent and he has got everything in his bloody favour and he don't get seen for over three years.
- DT After they make this application
- MR Yeah
- DT Well that would go towards him though wouldn't if he has got three years residency.
- MR But he has got a wife.
- DT Oh the wife is back there.
- MR A wife to come over here. It's still it is alright for people like us who get out of bed every morning.
- DT Yeah, but they can't bring their wives until they get their residence.
- MR They have got to get their residence and the wife has then got to be cleared and all sorts.
- DT Well the wife gets it automatically then on the husband - or she did.
- MR I just can't see what what under the present system what they do wrong down there. They're terrified of the Commonwealth Police.
- DT Oh well I hope I keep then that way. (Voice: their terrified)
- MR I wanted to try ... I wanted to try and get in there but... I mean thats what's gonna you know, usually in any other place lawyers everyday go down to Central Court and pull things on and puts things off and....
- DT Well McPhee is the new minister there - isn't he? McKellar has gone to some other post and McPhee is going in there or he is in there now as the Minister. He'd...

- MR See I put it to you bluntly, all I am worrying about is that a fellow gets up and all of sudden get things rolling and gets and starts getting things done ... if immediately the first thing they say he must be slinging.
- DT Maybe if you can get any public servant off his arse mate er...
- MR But I mean you fellows surely don't investigate these phases do you unless there's a complaint. That's what I'm told ... Does there have to be a complaint from an individual or a complaint from the Director
- DT We er
- MR That's all I am worried about.
- DT We only act on complaints - I have got I think about thirty men left out of a hundred odd I should have. They are all bloody out on this bloody gold bullion theft last night at the moment. Now as far as anything else goes
- MR Jesus Christ
- DT "There is bugger all left in the office but we .. we normally only, as you say, get a ... the complaint usually goes to the Director of Immigration or the Minister or to a member of Parliament who immediately goes to the Department and then the Department usually do an enquiry themselves - look at it and then once they are convinced that it is not a departmental matter, that it may be criminal matter, then its sent back to us yep and then I have got to find men to do it.
- MR And then well then it silly for fellows to think that they are completely under scrutiny and they are hated by the bloody Commonwealth Police all the time.
- DT I don't think that is really the position. You see on the last occasion we received the complaint or the brief from the Department of Immigration to do it and that was involving IP and we did do surveillance work on them on the section because we didn't really have IP identified at that point in time. Now out of that may well have come the thought that they are under constant something and now there is some woman been arrested over this. But I said "I couldn't .. I said no sensible policeman would know that she is some woman been handin' out false documents?
- DT Oh, Angie-yeah. Well they might be paranoid at the moment because of that. You see the argument..the story then was

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that was she working with the Immigration Department. But the evidence does not show that all. The evidence just shows that she's collecting money, her and the boyfriend. That doesn't involve any departmental officer at all but initially of course, the story that she was telling around the traps was that I am working for the Immigration Department.

MR But she did work for them as an interpreter or something.

DT Yes, but not as an immigration officer. You see if you want an interpreter - if you get a Norwegian in and you want to talk to him in his own language you go and hire a bloody interpreter. No she wasn't an official employee in that sense in that she was part of an Immigration section or anything. She was ... If she did interpretations she did them as a free-lance interpreter. Sought of thing ... Come in, they want to talk to you - I'll take you in and interpret for you." That sort of thing. What she was telling the people around the traps was "I work for the Department of Immigration and I can fix this because I am within the Department" So that may have got everybody jumping up and down at the time. Of course that is part heard at the moment because they don't do anything to enhance their image, probably because this paranoid attitude you say they have got at the moment in that they become very unco-operative so you immediately think, why the bloody hell are they being unco-operative if they have got nothing to do with it. That's probably our paranoia.

MR Are they unco-operative are they, I thought the fellow who was handling her used to work down at what you call its game in Goulburn Street.

DT Who's that

MR This girl Angie whatever her name is.

DT Well there was another fellow who's hit the toe

MR Gone out to town

DT Yeah

MR It finished really with the money

DT Oh yeah, yeah but again he was outside the Department. What I mean is that it explains this the attitude of a lot of people down there that they're they are on their guard immediately you try and get any information which tends to make us think why the bloody hell....

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- MR I'll tell you another thing that I do think happens to them down there. A lot of a lot of people go in there offering money to get things done.
- DT Yeah, well....
- MR But the system, of course, doesn't allow them to do it unless they are gonna be really corrupt and they couldn't last three months.
- DT H'mm, well
- MR The way I look at it - because I have just done this work and I am just trying to....
- DT Well, they have had so much of reputation I think Morgan for so long. Going back years I think ... 19 ... even back as far as 1964 there was some quite large investigations into members of the Immigration Department. It didn't get anywhere but, you know, as long as ... as long ago as that. I did that one in 1974 or 75 and again in Angie the latest one - that was last year. So you know there is always a lot of stories circulating because as far as the Chinese community were concerned she was an Immigration official, she was working for Immigration officials. But she could....
- MR But in your dealings with these orientals Don, don't you find like I have found that these these Koreans like this fellow who has come from a very good family and is a pretty wonderful fellow - they whisper and inform exaggerate
- DT We find that happens anyway
- MR I was bloody sick of them while that bloody business was on - I can tell you. And I was just being worried about absolutely nothing.
- DT H'mm. Yeah well, again I suppose that was a rub off of the reputation, I suppose. The general reputation of the Immigration Department is not good.
- MR You know such as he fixed up the papers for me which has been an absolute... fucking like, I wouldn't even know how to do it.
- DT Yeah but I don't ... well... going back to that enquiry wasn't the ... wasn't that the crux of the whole situation that the people that you were representing their papers were presented properly and quickly and that was the reason that they were getting priority.

MR Yes, that's right. We had a Task Force but when I went back... when I put my head in again... because it is not a bad practice I can assure you. If you can handle it you get the right blokes. Look they had it all charged at \$2,000 that was the maddist thing. The most we ever charged was 700 of which I collected about 300 and then I have got a sheaf I would like to show to the fellow who came and saw me that is that fucking high of letters that no one paid at all. But when I went back and said, 'Oh Jesus it is no ... too bloody dangerous here now ... things you can't do ... you couldn't even look sideways. But that took some manipulating. that poor little bugger that run then died of cancer since by the way

DT Who was he with

MR He was with the Department of Immigration

DT Oh yes

MR I did get a Task Force to do it. With that Task Force it took two and a half years. You present the form; they send over and have the people to have interviewed and they do an overseas check and that takes two and a half years.

DT I didn't think they did overseas checks in those days, I thought it was...

MR When they invent ... When I was involved with these fellows they did

DT What year was that?

MR That was about 1974

DT Yeah, yeah, I did hear about it. But I didn't think they did it then.

MR It all came out clean but...it was ... doing the stupid things that was charged these fellows \$1,000 - there were a couple of them - and they were not doing any of the work.

DT Yeah. Well really I would see the advantage...to a solicitor doing that sort of work would be the ... be getting the papers together getting them in order ... make sure they are right and then submitting them and that was the finish pardon. But that would be ... pardon me...I had a very hurried hamburger for lunch and the bloody thing it has started to come back on me.

...?

MR I'm getting too old to even eat those bloody things these days. Alright I suppose there is nothing wrong with that. I know now ... there again.

DT Yes well I can't help with that but as I say as far as the Immigration Department goes generally their general reputation amongst the ethnics is not good but I can understand that there might be a little bit of ... bias there anyway because they are the people who are gonna throw them out if they catch them out isn't it.

MR H'mm

DT Yes...yes. I suppose the best way to do it now mate is to become a refugee from Viet Cong and Vietnam or something. Buy yourself a little boat and fly into Darwin Harbour

MR You know what's going to happen there yourself.

DT There's gonna be trouble

MR Oh Jesus is there going to be trouble. They got down there with a submachine gun at the bloody gambling school a few months ago. You know about that one.

DT Well -

MR I will tell you another feud. They took this fellow in from Vietnam, got him a job in the Bank of New South Wales, the Commonwealth Bank...he he was introducing their accounts - he knocked off \$25,000 of the bank's money and then they ... somebody rang up another fellow to go bail for him at Central and when the fellow put in to take the \$5,000 out of his savings account it wasn't there - he had already knocked that off too.

DT There's a bit of irony in that one

MR They say that that also was a put up. There was seven accounts with the money that had been deposited and withdrawn on forged accounts but the fellows that had banked the money they had drawn the money out, whacked that up knowing that they could sue the bank for the money.

DT Yes - the bank's responsibility

MR Oh I believe they are ... they are absolutely unreal.

DT Well they are going to set themselves up here alright.

- MR And there ... see Wm are getting every thief and his bloody brother in there apparently or a great percentage of them.
- DT Yes - I dare say there is a few who will or probably quite a lot of genuine refugees
- MR These fellows are all from Vietnam.
- DT Yes - there are a lot of stories surrounding them but politically we are going to have a lot of trouble with them as far as street violence and you know because they have grown up with it, it is the only way to settle an argument is to bloody shoot him or knife him or do something silly with him. I don't know what political party they are going to attach themselves to. You know the Croats grabbed the liberals and the bloody Greeks have grabbed Labor or Labor has grabbed the Greeks I don't know which is what there.
- MR You can't stop it make Don hey ... How are we going to hang on to this country. There is only about five million Australians. How many kids have you got - I have got three.
- DT I heard a bloke when ... yesterday ..
- MR The population....
- DT Talking about that ... yes er (voice: Lamb get off the fucking bull) conversation the fellow said I think it was in the pub, I overheard the "oh you know we have got a Greek bloke working down here with us now". He said 'Oh have you?' He said "Yeah you know what he said to me the other day, he said, "you have just about had this country without breathing it". Things are so bad in the rest of the world. Greece is going into the EEC now. And if you are a member country of the EEC there are open borders. So the Pakis and the bloody Indians are flooding into Greece now and they will be residents by the time Greece is officially entered the market and then they have an open road straight back to England where they came out of a couple of years ago. I don't know how the Poms or the rest of them are going to get over that - they'll have bloody millions of them. Still...
- MR I don't think Don, I reckon its a change for the world and thats it. Anyway don't let me hold you up.
- DT I have to go back mate I have got
- MR Anyway I hope I didn't offend you but you know I am just one of these fellows thats

DT Oh well

MR say it

DT We will take it for what it was said mate but you know I am really I am not interested in that sort of go at all

MR But anyway you've given me something that might be worthwhile to hand on to this fellow

DT Yeah, I am sure he'd ... have an idea of what the reconciliation clause is all in there about because they have done it before.

MR Reconciliation clause

DT Yep, that's for instance if he'd committed say three hundred offences and they charged him with a token two or three, they would then go back at him and say right now under the two hundred and ninety eight other charges you owe us - we have paid you so much, you pay us and that is the end of the story. Oh well in other cases they... the explanation is ... Oh, I believe I am well I think there is a lot of publicity on it particularly with the doctors going to this Tribunal on wages, not wages, on fee setting and all this sort of nonsense. I think NSW walked out but the Federal body were going to give evidence.

MR Well look if I ever got ... If ever I got into this stuff and I ever thought there was something stinky, providing there was nothing wrong can I get your advice then.

DT Mate - I am always ready to talk to people about anything but as I say the Immigration Department has got a bad name so if you want to go into that area well - it is difficult. Because ... I ... personally if I got a brief on any of them I would not hesitate in ... in going ahead because of this virtual of stand-over business. You either pay us or you're gonna go back to bloody Hong Kong or lower Venezuela or wherever else you come from and you know what the conditions are like there. So I ... I really get uptight about that one.

MR Yes I know but say if everything everything is done, you are just trying to wheel and deal a bit to get things done providing there has been nothing criminal done nothing wrong.

DT Mate if there's nothing criminal done well....

MR That is what I am talking about....

DT Well there is no problem - yeah - certainly no problem but ...

MR I mean I don't mean saying ... going to you saying look this fellow - I have given this fellow 8 grand or something and this fellow a rubber stamp that's against the law what do I do if you'll shut your eyes to that. I don't mean anything stupid. But sometimes I. What I am talking about is you know being unfairly dealt with. Because you see if I don't ... I don't want to do ... to be able to start working that bloody hard, I have a fairly good practice - This bloody legal practice. This work can be fairly good you know and I don't want to lose the the Chinatown I do other sort of work for them.

DT I know.. I would think there would be a lot of work for ...

MR I am telling you exactly as I've put in front of you today.

DT Look Mate if there is work to do there that you can do but you

MR All I want, I want to be able to say to you yes look I know that case but all I did was ... I did get it a bit of bloody bloody priority. Well Jesus what's a lawyer for

DT Yeah well - I don't see that's necessary as an illegal act. See the main allegations that ever come up in relation to to the Immigration Department

MR Oh you have told me in one sentence here today.

DT Is virtually this business of standing over if you want to get it, this is what it is going to cost you. I dare say there are a few people in the act who who take advantage of that and rip off their own countrymen. And I dare say there are a few down there... No ...

MR Dealing through the Chinese community I would say to them this is the fee take it or leave it. You know

DT Oh yes well that's a legitimate exercise

MR I wouldn't be saying if you can't pay this.

DT No, no well ... that true that ... I know

M Crimminal work

MR Jesus some of our...I can tell you two QCs... well bugger you ... you wanted to get business done this is what I want. You take it or leave it but you'll go down the shute if I don't handle it. It virtually same thing - not quite as bad though ... and send a fellow back to

DT In a sense yes

MR No but I can see now what your ... what your point that is the that is the very thing where they have made the mistake down there.

DT Yeah

MR They see the chance - pay or else

DT That's ... that's usually the allegation that is made. Or has been the allegation in every case that I have ever had anything to do with and I dare say it is still happening. They ... they don't seem to select their staff with a great deal of concern. A lot of these people are really held in fear.... where then should ... if they were doing their job or doing their job in a better fashion they'd ... they should have more friends down there than bloody enemies.

MR Yes - they have got a short small staff down there

DT Yes - well if it takes three years .. for a bloody application to go through

MR There's a couple of bloody women down there that ought to be taken out and...

DT Yeah but they are public servants, I suppose.

MR I have been doing a little of it but not much lately you know but just I wanted to be a bit armed but I can see your point now.

DT Yeah I think you would have to be very circumspect in ... you know going into it on any ... any large scale anyway. Apart from that that is the Immigration Department. I think McPhee will make a lot of difference to it. He is held in pretty high esteem I think by everybody down there. I don't know I don't know much about him but he is said to be a very good minister. I don't even know what he was doing before.

MR Well he's a moderate. You got some balance. If you were a lawyer though and had that interview that I did with McKellar you'd just come out of the bloody place just roaring. To me has was hardly wet behind the bloody ears this was the first three

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months he was Minister. No, do you know the real reason why I am asking...the danger is that. I know you have had a name with these people - the danger with these people is it wouldn't matter what you do, you got to be so terribly careful of what they will say.

DT Yeah the old

MR They'll exaggerate, They'll lie, they'll ... they'll exaggerate moneys that is where I feel sometimes sorry for the Immigration Department that is the only tricky thing in handling it.

DT Yeah well the old tea money is a pretty a well established practice where they come from. Say one thing wink wink, nod nod... and they bloody tell a

MR Yeah well that's right

DT Yeah I know I understand they'll have some problems with that. Anyway I will go back to my gold bullion mate

MR Well that will keep you busy - you'll get that won't you

DT I wouldn't mind it but ...

MR Anyway, no offence of course - I was glad I that I talk it through

DT No its right mate

(voice over: They're coming out, Victor 1 to Victor 5)

MR See you later

(voice over: They're just parting company now, I'm not sure if one or both will come out, but they have just said goodbye)

DT Bye bye. No mate about 150,000 odd grand last night from TAA

MR They couldn't possibly they couldn't get away with that get away with that

DT Of course they couldn't. They have more chance of getting away with that than anything. [Voice over: have you got them in right] Ten minutes over the gas stove mate and we could never identify it.

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MR You are quite right

DT Sell it here, race up to Graces and give them half an ounce at a time and you are in business.

MR A man sitting in there talking about something but can't some of them think of something OK. See you later

DT There you go. Bye bye

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INVESTIGATION RUNNING SHEET

Page No. 1.....
State File:.....
H.O. File:.....

Subject Matter.....

TIME & DATE	INFORMATION OBTAINED - ACTION TAKEN	POLICE C'TND
6.2.80	Contacted at 2.55 pm this date by Det Insp Thomas who stated that he had recently received a telephone call from a very agitated <i>Maggan</i> RYAN. Thomas stated that Ryan wanted to see Thomas on a very important matter at 2.30 pm tomorrow Thursday 7 at the Karen Restaurant situated at the site of the Chevron Hotel just off Macleay Street. Inspector Thomas requested that I attend his office this afternoon to discuss the matter.	P.J. Lamb Det. Inspector

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FILE NOTE :

Conversation between Ryan and Thomas

The tape and transcript contained in this file were received from Brown of the AFP. The transcript contained some parts of the conversation which were not recorded on the tape. Also the tape has background noise including the voice of Peter Lamb and perhaps others.

I sought from Lamb the original tape.

Lamb advised that he attended the observation point where the conversation was recorded on a master tape. As Sir Colin Wood had sought a report on the conversation within twenty minutes of it occurring Lamb used a 'Pearl-corder' held near the device which was broadcasting the conversation. This accounts for the background noise. Lamb made enquiries regarding the whereabouts of the master tape and has been unable to locate it. The last he heard of it was that it was sent to Sir Colin Wood.


20 November 1985

T Ah, hello Bob.

M Do you want a ^{drink} beer?

T I wouldn't mind a beer.

M A cold beer please. A mate of mine that flares up... nothing was said of course but he said ten years was up. He's there if you want to know anything.

T Oh, yeah - what over this Greek thing.

M Yeah.

T I think I'm coming out of that alright

M Oh That's good, I'll ask Murphy.

T I think they... tried their hardest to squash it politically - they can't, or haven't been able to ~~do so~~ so far. Perhaps now they are going to ^{try to} fight the thing on the legal grounds but I think they'll find ^{they're having} a hard battle there to mate.

M Don - I just want to say this to you. ^{you} Undoubtedly ^{would} you know about ^{it} ^{you know} about four years ago I... the Consul for Korea asked me take on a job looking after about eighty of these Koreans. I finished up, you know, Commonwealth Police and everyone else in the investigation. I just want to tell you what a fucking nightmare it has been. I earned about three hundred dollars from each client you know. This fellow here is a real... fellow.

T I don't know who he is

M He was in a ...

T That was at a time I don't think I was in the enquiry - wasn't that...

M That's enough thanks - only the one

T Where at Immigration?

M Yes - you know I have just been screaming in there because - you know it is still going on. You know they paid into a fund and then they had a committee running. All the committee had to be paid, then the employment officer had to be paid. I finished up with about three hundred dollars. And you know how long I've been working on it. ^{three} ~~four~~ and a half ^{fucking} years and the only reason why I left..... I didn't want the thing to blow up in my face - like you know - the papers print things.

T Yeah, but didn't that all turn out - that...

M Yeah, it all turned out clear...

T Yeah that was my...

M ~~I'm still left with the bludgers.~~
~~You should have lifted the bludgers.~~

T Oh, I see

M That's what I am getting at. You know - how unfair it all can be. I ^{had} ~~have~~ to be very careful that I didn't get a wrong ~~brand~~ ^{*}..... I just happened to mention it again because here I am still playing with ^{it} ~~them~~. You know trying to help ^{people} ~~them~~. I am.... in that Department. You can't do anything really

* branding on me for something I was doing that I wanted to.

crooked. All you can do is get a hand or a priority. You put an application into transfer, then the fellow gives you a ^{sheath of papers} ~~sheet which supposed to tell~~ of what he can do. Then you submit. him?

T Yeah

M You know - that comes with ⁱⁿ the category that ^{gets} lets you into the country. Nobody has got a false rubber stamp under. ^{and I've stamped it.} this which says heres 3 grand

T No, no....

M It is clear...

T Look as far as - I wasn't in it but as far as... I do remember...

M It was all clear

T I thought it came up ^{because} people or the complaints that were initially made was that your clients were getting priority or preference by the Department...

M Yes, that's right

T I think that was the basis of the whole thing

M Well they did get some preference because what happened at the time. What you call it was a mate of mine in charge of ASIO up there.

T Ha - I don't know too many of those

M Well he was a mate of -

T Remember it is an offence to disclose an ASIO agent

M Oh (laughter). But anyway I knew him and I knew a lot of fellows ^{and all we did} ~~who always~~ ^{was get what was} ~~did what~~ was known as a 'Task Force' they called it.

T Yes, yep

M Had I... here today. I ^{would} say yes or no or tell me anything. To prove what I say. Only thing I can say to you - you are a mate of Jack WHEELANS ^{I think} and he's a fellow ^{that would} ~~who will~~ vouch for me - my word. There's a fellow, a Doctor Handlehigh (phonetic) in Surry Hills

T What nationality mate?

M He's an Australian doctor as far as I know. I have never seen his head. ^{* Cooper is looking after the cunt.} A sergeant ^{is...} ~~is... keeping after the cunts.~~ I understand there are twelve to fourteen Medibank charges.

T There's no Sergeant COOPER in my place

M Commonwealth Police - Sergeant COOPER I thought.

T Oh wait awhile - ^{he} it might be one. ^{of the lads,} I have ^{got} six lads up from Canberra. He's not one of ours - what I say Sydney based operators. We have got so far behind with all those that he's - we have got six extra men from Canberra - he could be one of them.

M Well - I know that this Commonwealth... all I can tell you is I have been offered a huge sum of money if I can do anything for this fellow. ^{idiot} I thought I only mention it - you might say - ^{all well...}

T No - well that's my attitude really. I'm not interested in that sort of

thing mate. Er - the old doctor who is on the Medibank fraud. I don't know the case firstly but secondly I would not interfere with anything like that. It is bloody hard enough to get them anyway. He would be far better off to take a chance

M Well that is what I thought. Really... because the fellow ^{was} is a close friend of mine and "well in" ⁱⁿ the medical profession I just said, you know...

T No - that's not my line of business mate - I'm not - I've gone too far living on my salary now to be bothered trying to pick up extra money that way. If I want money I go and work for it. No - I'm quite sure the lads involved...

M Oh - I agree with you. Look I just thought, I ^{just} took ^{the} a chance....

T Well his other chance ^{of course} is to approach the Health Department

M ...

T They have done that with us ^{on} in the past where some form of settlement has been worked out on a... the basis of... I'm just trying to think of the section of the Act ^{the way} ~~where~~ it is worded. There is a section of the Act where they can make a reconciliation and that has been the finish of it.

M A pay back

T Virtually a payback, yeah. That fellow who started Valentine Health Studios, he was into them for about three million dollars on the scheme being ^{there} that every member got a work up - bloody pathology, full pathology examination. He skipped to the States and was going blind with glaucoma ^{for} which there is no cure. Did a reconciliation with the Department and they pulled us off and now he's back and running with ^{a couple of} the new Pathology services.

M Is he in fact a doctor?

T Yes - not Edgelstein ^{Edgelstein} but he is an American doctor ~~thats~~ been practising.

M I wonder how we...

T But ^{this} that was under ^{the} this section of reconciliation business. They dropped the three million dollars because it was... too hard to get into, virtually. But ^{then} ^{were other} there ~~was a~~ couple of hundred thousand dollars in their false claims in other areas, but they did a reconciliation with them and that was it. The brief was just ^{taken} .. back on us.

M But who would have that authority?

T ^{thats} The Health Department themselves who...

M The Commonwealth Health Department

T Yes - because they ^{client.} are the people responsible for the claim. So these ones... with your client, would be offences ^{back} before the Medibank Private before the funds ^{sort of} split so they would still be the responsibility of the Health Department.

M * It is about fourteen. With my explanation... with Bruce...

* Theres " " But my inclination; my effort for that - - with Bruce ^{sumame?} ...

T Yes I know Bruce

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M Well Bruce acted for - he produced...

T Oh yes the Indian fellow. ^{well-he's what} ~~What is he~~ committed for trial ^{now or} ~~or has he~~ finished.

M Oh - he is fixed up.

T Oh yes following... yeah ^{it was him} ~~he~~ and his brother wasn't it.

M No Only him

T But he employed his brother - as ^{his} ~~a~~ secretary or something - there were two of them in it.

M All I know is that the Health Commission seemed to be absolutely screaming to get him.

T I don't know the case because I have just handed ^{those} over and they go over to the Squad and they deal with them but if there is any value involved in it I would have think ^{that} I would have heard ^{about} it.

M Well this fellow (HENRILISA) ^{apparently only} ~~has~~ got fourteen charges

T Has he been charged?

M Yes - the things in for mention apparently in a few days. He has got this fellow Risefield (Einfield) appearing for him.

T The QC?

M And it is just a case of ^{you} ~~visiting~~ ^{ed} the patient too long or all sort^s of things. But I mean - but ^{you'd} ~~he would~~ get the patient in ...take a ^{statement} ~~A~~ from him.

T That is the normal procedure

M But they have had ^{body} ~~someone~~ else ^{go and} going to see three of ^(these witnesses who) ~~them~~ to say that they were stamped ⁱⁿ ~~to make~~ ^{ing} a statement. Well you know - tells us what the plan... we are going to deal with you. They got frightened, this is what three of them say, not that means anything to you or I. But I just know - just that the offer was so good I could not refuse thinking about it.

T No... I

M Well I can see your point - you are beyond the river of no return ^{you're not}

T Well mate, I have never been interested in that sort of thing - it is just too bloody hard to live really. You know I just prefer to do my job and if someone beats me in court well they bloody well beat me in court, but they ^{got} ~~have~~ to take me to court to beat me. I'm not interested now and I wasn't interested before. If I wanted to ^{get} ~~give~~ into that sort of thing I would probably could have got in with Cray and Kelly and all that clan. ^{ream} I am not involved.

M You remember we were talking in here last time. About Frank Nugent

T Oh yes, committed suicide

M

T I think he had troubles at home with his misses, I've been told as well, although the family denies that but I have heard...

M Had he anything to do with anything in drugs or anything. I am a shocking judge at everything.

- T His bank may well have been tied up in moving money and ^{things like} all that. ^{See} They are offering a two per cent better rate ~~for~~, overseas for some reason or other. But whether that has got anything to do with his demise here I don't know. He was... he and his brother were both... oh, there was a prima facie case found and they were to come up in May and they were going to defend it in the lower court.
- M There should have been no prima facie case against him.
- T I would think if they were going to defend it in the lower court they would have pretty good case in rebuttal. Normally you would not go to a lower court to fight something in a committal - it is an unusual situation as far as I am concerned.
- M Corporate Affairs struck the one. ^{receipt?} ^{and then} ~~to~~ put this fellow higher
- T Yeah but that's the fella J.B. BEARD isn't it?
- M Yeah
- T I met him in Canberra a few years ago. I don't know the man really. With all the judges that have come out of Commissions and enquiries that governments have appointed maybe he's an... next in line for the Supreme Court.
- M Yes, that's what they all aim for. They all get up there. What about this. I will just ask you this because I may not get another chance again. Thinking about... I do do a bit of work for the Chinese. They are thinking of changing - and I know you are the top man on that. That is what everyone says.
- T I have had a few successes there
- M know the answer... the Koreans
- T I wasn't involved in that
- M I do some work for them and I think they are going to relax the policy again. At the moment you can't do any work for them.
- T As far as representing them
- M Well - you could represent them but go... you will know this - it is no good representing ^{these people} ~~them~~ and charging them a fee when you don't have any success. There is too much talk, rumour, talk ^{off all sorts} ~~and the~~ figures have trebled. It is not worth it. See what happened was they changed the policy which meant that nobody could transfer over...
- T What from the old story of tourist, visitor, ^{overstay} get a job.
- M Tourist
- T I think they are still processing people along those lines but they...
- M Only a few. You know how old the cases are - three years. I have got three there which are nearly three years old. You ^{just} ~~never~~ get a bloody result - it just goes on and on.
- T Anybody applying since last June is virtually out of the gate automatically. ^{M. They won't process anybody.}
- M I think you got to be a mother and father, brother and sister.

T Oh yes this family reunion thing

M But, The whisper is that this may be relaxed again in a couple of months. And I only want to do some ^{of the work as} individual work. You look at the fellow's background and you ^{just} say I will just accept it. You are not there to investigate it.

T That's the applicant

M Yes the applicant produces a ^{sheath} sheet of papers that ^{could be} is bloody well forged or genuine or anything else.

T Yes

M I mean it is...

T Well, that is his look out then...

M Yes, but you still got to be bloody careful handling it. The second thing is that you got to get... to be able to get things done... I once had an interview with McKellar over the business of these fellows and you know what he said to me... he said Bruce and I were... because he came from Bruce's electorate where he was running one of the branches. He said, I cannot understand why anybody would use a lawyer in connection with my Department.

T Yeah - I think he said that somewhere in the public area too.

M I said to him but one... and this is what I said to him, Mr McKELLAR lawyers... you are either going to have them or get rid of them.

T Tradesmen, plumbers or whatever yeah

M What difference is your Department to the ^{any other Dept.} Department of Trade? What makes it so special. Oh, he said, because it is so simple. That's how bloody stupid he is.

T Was this following the Korean thing

M This ^{was} ~~is~~ when it was on

T Oh

M I could ask to appear for... to look after another batch which I would refuse to do because I could not stand the.... but when you deal with the Chinese community they are people of their word

T Yeah - the chows would be migrant wise the good ones, they are great. They are no trouble, they keep out of the normal types of trouble the police get involved with anyway. The majority of them are great.

M One of the things that I find - one of the things that you got to be able to do is what I did before - those fellows they all seem to be petrified in that bloody Immigration Department. I mean - it must have a history of...

T They have come under review a few times

M Don - what, I keep asking, what they can do

T What they can do within the Department

M All they can do. I tell you what they can do. They can look at a thing I suppose like ^{you can} look at a statement and give someone the benefit of the doubt. That is about the only thing they can do because everything they do here has

virtually got to go to Canberra and so help me God there is two or three fellows up there. They ^{oughta be down there and} would be working under you for three months to tell them what life is all about. If I just want to get involved, ^{if its that bloody hot.} I would want to get things done.

T Yes, I don't know whether it is all that hot in that sense but I think their own system leaves it as ^{what} you say. What can they do, they can give them the benefit of the doubt because all the allegations in the past when we locked up the ^{ex} Hong Kong policeman... Ip the interpreter down there. He was pulling money.

M He was picking fellows up and letting them go if they paid wasn't he?

T Well that was the start ^{of it} he was picking on the people who had been declared Pro Imms and then having them pay money to him and then they were processed for permanent residence and that was working but the system ~~was~~ allowed that ^{it} because of this benefit of the doubt. Anything that was adverse was never, ^{lower it to happen} never recorded, if you follow me, on the files. The file ~~was~~ eventually ^{was} put up for signature as a 'this man should be accepted'. That was the scheme ^{that} Ip was using, now whether he was manipulating within the Department or not.

M Wasn't he in ^{the} Special Branch

T Special Reports Branch, yeah

M But how ~~you~~ could ^{be} possible... I can't see how he could do that

T Well in those days, it has probably changed now because they did change the staff. The bad reports come from Special Reports. You see the normal applications would go through and Special Reports ^{might} ~~may~~ ^{ever} see them. It is where there is some doubt ^{there's some} or irregularity is found it goes to Special Reports for investigation. So if Ip in his capacity in Special Reports whilst he was employed as an interpreter he was acting as a field officer. If he found, obviously he knew because he had people scouting out ~~for~~ these people, he could then arrange that there would not be any adverse report because he was the officer who was going to put the report on if it was adverse. So when you get down to the... I don't know whether they have a quota system of how many they ^{can} bring in or bring out... if there were fifty applications that went up for signature at the same time he ^{has} ~~has~~ ^{no. in} numbered ^{amongst} them with no adverse reports are exactly the same as any legitimate application where no money has been paid. Where I would say they were dirty on him was ^{that} he was virtually standing over them fighting them ^{and} saying if you don't pay back to Hong Kong tomorrow what do you want to do. That is just blood money.

M ^{But now} What you do now is - a fellow comes ^{he} and fills in a form - they call it a Form 47 which his whole history is set out.

T Yes, I think that all has been the case. I don't know what the number of the form is or anything like that but...

M But then he has got to produce his references as to what he does and then that's all sent ^{back} to Hong Kong for checking.

T They go that far now

M My bloody oath. It goes back to Hong Kong for checking

T That must have come out of the ^{that} Ip investigation because I know prior to that they didn't

M Well it all goes there for checking and then it comes back clear. Now one of the tricks naturally is that you can't do any good with Hong Kong because that is a straight out, you know, I have ^{got} no one in Hong Kong I could ring up.

T No

M But I impress on the fellow that unless this thing comes back 100 percent - you're a cooked goose because if they write a bad report ^{against} ~~about~~ you, ^{you} have gone. Well the only other thing...

T Well, ^{even} these people if they were involved couldn't change that adverse report because it is on... well it is coming out of Hong Kong suppose Foreign Affairs would do it

M Yes they have got their own ^{men there}.. but one of the things is Don that when the thing... one of the tricks here is ^{too} ~~they~~ ^{you} have got to be set up in a position which fulfils what they say they are

T In Hong Kong

M They can't say they are a chef here in this, say, in this restaurant here if in fact the fellow is a kitchen hand

T Yes I follow you

M I think this is what probably this fellow used to do. They would go around and check up - is he working at this place. No he's not the bloody chef - he's only the bloody kitchen hand

T Yeah, but here before they weren't allowed to work they had to put up this bond money or something that they could ^{afford to} live without working

M Well that's what they do now anyway. This is how it works. Then if they are accepted they have to get a Commonwealth Police clearance.

T That's only on criminals

M An ASIO police clearance and that is the end of ^{the section} ~~acceptation~~. But if a fellow replies he doesn't ^{bloody well} ~~get even~~ seen, even if he is a million percent and he has got everything in his favour and he ^{don't} ~~doesn't~~ get bloodywell seen for over three years.

T After he has made his application

M Yeah

T Well that would go towards him if he has got three years residence

M But he has got a wife

T Oh the wife is back there

M A wife to come over here. It is alright for people like us who get out of bed every morning.

T Yeah, but they can't bring their wives until they get their residence.

M They have got to get their residence and the wife has got to be cleared and all sorts of things

T Well the wife gets it automatically on the husband - well she did.

M I just can't see what under the present system what they do wrong down there.

They're Petrified of the Commonwealth Police

T I hope it keeps that way

M I want to try and get in there but... you know, in any other place lawyers everyday go down to Central Court and pull things on and put things off and...

T Well McPhee is the new minister there - isn't he? McKellar has gone to some other post and McPhee is in there now as the Minister. He'd...

M I will put it to you bluntly, all I am worrying about is that a fellow ^{gets up &} all of sudden get things rolling and starts getting things done but immediately the first thing they say he must be slimming

T Maybe if you can get any public servant off his arse...

M You fellows surely don't investigate these phases ^{unless there's a} ~~on the Minister's~~ complaint. Does there have to be a complaint from an individual or a complaint from the Director - that's all I am worried about.

T We only acted on complaints - I have got something like thirty men left out of a hundred odd I should have. They are all out on this bloody gold bullion theft last night at the moment. As far as anything else goes there is bugger all left in the office but we normally only, as you say, the complaint ^{usually} ~~normally~~ goes to the Director of Immigration or the Minister or to a member of Parliament who goes immediately to the Department and ^{then} the Department ^{usually} ~~do~~ an enquiry themselves - look at it and then once they are convinced that it is not a departmental matter, ^{that it may be} ~~but a~~ criminal matter, then sent back to us and then I have got to find men to do it.

M It would be silly for fellows to think that they are completely under scrutiny and they are hated by the Commonwealth Police.

T I don't think that is really the position. You see on the last occasion we received the complaint or the brief from the Department of Immigration to do it and that was involving IP and we did do surveillance work on the section because we didn't ^{really} have IP identified at that point in time. Now out of that ^{Side A} may well have come the thought that they are under constant ^{*}surveillance but still I would not have the men to do that sort of thing really.

M I was talking to them and they said, You don't understand these fellows - we're one Department they want, get me. I said what are you doing. Have you got a stamp under the desk. ^{been} ~~Stamping something~~ and now there is some women ^{being} arrested over this... I said no sensible ^{police man} ~~person~~ would know that she is some woman ~~who has been in and out~~... handin' out false documents?

Side B begins
T *Oh, Angie - Yeah* Well they might be paranoid at the moment because of that. You see the argument.. the story was then was she working with the Immigration Department.

What the evidence does not show that all. The evidence just shows that she's collecting money, her and the boyfriend. That doesn't involve any departmental office^y at all but initially of course, she - the story she was telling around the traps was ^{that} I am working for the Immigration Department.

M But she did work for them as an interpreter or something

T Yes, but not as an immigration officer. You see if you want an interpreter - you get a Norwegian in and you want to talk to him in his own language you would go and hire a bloody interpreter. She wasn't an official employee in that sense in that she was part of ^{an} Immigration section or anything. If she did interpretations she did them as a free-lance interpreter. Come in, I want to talk to you - I'll take you in and interpret for you. That's the sort of thing. What she was telling the people around the traps was I work for the Department of Immigration and I can fix this because I am within the Department so that may have got everyone jumping up and down at the time. But that is part heard at the moment because they don't do anything to enhance their image, probably because of this paranoid attitude ^{you say} they have got ~~at the~~ ^{as you say} at the moment in that they become very unco-operative you immediately think, why the bloody hell are they being unco-operative if they have got nothing to do with it. That's probably ^{our} ~~they're~~ paranoid.

M Are they unco-operative? I thought the fellow who was handling her was working at what you call ^{it's} ~~him's~~ game in Goulburn Street.

T Who's that

M Angie or whatever her name is

T Well there was another fellow who has hit the toe

M Gone out of town

T Yeah

M It finished really with the money

T Yeah, yeah but again ^{of a lot of people} he was outside the Department. What I mean is that ~~he~~ ^{it} explains the attitude ^{down} there that they are on their guard immediately you try and get any information which tends to make us think why the bloody hell...

M I'll tell you another thing ^{that} ~~which~~ ^{do} I think happens to them down there. A lot of people go in there offering money to get things ~~down~~ ^{done}.

T Yeah, well...

M But the system, of course, doesn't allow them to do it unless they ^{gonna be} ~~are~~ really corrupt and ~~of course~~ ^{couldn't} they ~~wouldn't~~ last three months.

T H'mm, well

M The way I look at it - because I have just done this work and I am just trying to...

T Well, they have had ^{so much of} ~~such~~ a reputation ^{Morgan} I think for so long. Going back years - even as far back as 1964 there was some quite large investigations

into members of the Immigration Department. It didn't get anywhere but, as you know, as long ago as that. I did that one in 1974 or 75 and again in Angie the latest one - that was last year. So you know there is always a lot of stories circulating. As far as the Chinese community were concerned she was an Immigration official, she was working for Immigration. But she could...

M But with ^{these} all your dealings with ^{these} orientals Don, don't you find as I have found that these Koreans like this fellow who has come from a good family and is a wonderful fellow - they whisper, inform, exaggerate

T That happens anyway

M I was bloody sick of them while that bloody business was on - I can tell you. I was being worried about absolutely nothing.

T H'mm. Again I suppose that was a rub off of the general reputation, I suppose. The general reputation of the Immigration Department is not good.

M he fixed up the papers for me which has been an absolute... he didn't know how to do it.

T Yeah well... going back to that enquiry wasn't that the crux of the whole situation that the people that you were representing their papers were presented properly and quickly and that was the reason that they were getting priority.

M Yes, that's right. We had a Task Force but when I went back... when I put my head in again... because it is not a bad practice I can assure you. You can handle... you get the right blokes. Look they had it all judged at \$2,000 that was the maximum. The most we ever charged was 700 of which I would collect about 300 and then I have got a sheet I would like to say the fellow who came and saw me that I let no one... paid at all. But when I went back... I said Jesus it is too bloody dangerous here now things you can't... look sideways. But that took some manipulating, that poor little bugger that died of cancer.

T Who was he with

M He was with the Department of Immigration

T Oh yes

M I did get a Task Force to do it. With that Task Force it took two and a half years. You present the form and they send over the people to have interviewed and they do an overseas check and that takes two and a half years

T I didn't think they did overseas checks in those days, I thought it was...

M When I was involved with these fellows they did

T What year was that?

M That was about 1974

T Yeah, I did hear about it. But I didn't think they did it then.

M It all came out clean but... it was the stupid things that was charged these fellows ~~about~~ \$1,000 - there were a couple of them - and they were not doing

any of the work

- T Yeah. Well really I would see the advantage... (tape cuts out)
.... make sure they are right in submitting them and that was the finish of them, they passed. But that would be... pardon me... I had a very hurried hamburger for lunch and it has started to come back on me.
- M You're getting a bit old to eat those things these days aren't you? Alright I suppose there is nothing wrong with that. I know now...
- T Well I can't help with that but as I say with the Immigration Department goes generally their general reputation amongst the ethnics is not good but I understand that there may be a little bias there anyway because they are the people who will throw them out if they catch them out.
- M H'mm
- T Yes... oh yes. I suppose the best way to do it now mate is to become a refugee from Viet Cong or Vietnam. Buy yourself a little boat
- M You know what's going to happen there
- T There is going to be trouble
- M Oh Jesus is there going to be trouble. They got me with a submachine gun at the bloody gambling school two months ago. You know about that one.
- T Well -
- M I will tell you another feud. They took this fellow in from Vietnam, got him a job with... in the Bank of New South Wales, the Commonwealth Bank... he ^{was} ~~is~~ ^{intro} producing their accounts - he knocked off \$25,000 of the bank's money and then someone rang up another fellow to go bail for him at Central and when the fellow put in to take the \$5,000 out of his savings account it wasn't there - he had already knocked that off too.
- T There's a bit of irony in that one
- M They also say that was a put up. There were seven accounts which the money ~~had been~~ ^{was} deposited and withdrawn on forged accounts but the fellows that had banked the money they had drawn the money out, whacked that up knowing that they could sue the bank for the money.
- T Yes - the bank's responsibility
- M I believe they are absolutely unreal
- T Well they are going to set them ^{saves} up here alright
- M We are getting every thief and his brother
- T Yes - I dare say there is quite a lot of genuine...
- M Yes - there are a lot of stories about them but politically we are going to have a lot of trouble with them with street violence and they have grown up with it, it is the only way to settle an argument is to bloody shoot him or knife him or do something silly with him. I don't know what political party they are going to attach themselves to. The Croats grabbed the Liberals and the Greeks grabbed Labour or Labour have grabbed the Greeks I don't know which you want best.

M You can't stop it Don. How are we going to hang on to this country. There is only about five million Australians. How many kids have you got - I have got three

T I heard a bloke yesterday...

M The population...

T Yes he's... I heard the conversation in the pub - the fellow was beside me - oh you know we have got a Greek bloke working down here with us now. He said 'Oh have you?' He said you know what he said to me the other day, he said you have just about had this country without breeding it. Things are so bad in the rest of the world. Greece is going into the EEC now. If you are a member country of the EEC there are open borders. So the Pakis and the bloody Indians are flooding into Greece now and they will be residents by the time ^{the} Greek is officially entered the market and then they have an open road straight back to England where they came out a couple of years ago. I don't know how the Poms are going to get over that - there's bloody millions of them. Still..

M Don't let me hold you up

T I have to go back mate I...

M I hope I didn't offend you but you know I am just one of these fellows... say i

T Well, we will take it for what it was said mate but really I am not interested in that sort of go at all

M But ⁱⁿ you have given me something ^{that might be to hand} worthwhile, ~~you hang~~ on to this fellow

T I am sure he would have an idea of what the reconciliation clause is all about because they have done it before

M Reconciliation clause

T Yep, that's for instance if he committed say three hundred offences and they charge him with a token two or three, they go back at him and say now the two hundred and ninety eight other charges you owe us - we have paid you so much, y pay us and that is the end of the story. In other cases they... the explanation is... I believe I am entitled ^T to charge this that and the other or we tell you that you are not entitled to charge this that and other - you are entitled to charge that - alright I am sorry. What do we do now? Well we will work that over the next twelve months or so. We will recoup that money from moneys owing to you. That is the sort of way it goes on.

M I think the Medical Board will strike anybody off if they...

T * [I think there is a lot of publicity on it particularly with the doctors going to this Tribunal on wages, not wages, on fee setting and all this sort of nonsense. I think NSW walked out but the Federal body were going to give evidence.

M Look if I ever got into this stuff and I ever thought there was something sticky, can I get your advice then

conv.
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out then
resumes
at

T Mate - I am always ready to talk to people about anything but as I say the Immigration Department has got a bad name so if you want to go into that area well - it is difficult. Personally if I got a brief on any of them I would not hesitate in going ahead because of this virtue of stand-over business. You either pay us or you ^{and go} back to Hong Kong or lower Venezuela or where else you come from and you know what the conditions are like there. So I really get uptight about that one.

M Yes I know but beside... everything is done, you are trying to wheel and deal a bit to get things done providing there has been nothing criminal done nothing done

T If nothing criminal ^{there's} done well...

M That is what I am talking about... to shut ye

T Well there is no problem - yeah

M I don't mean going to you and saying look this fellow - I have given this fellow a .. ^{or something} grand and this fellow a rubber stamp ^{that's against the law what do I c} and you... ^{eyes to that.}

I don't mean anything stupid. What I am talking about is being unfairly dealt with. You see if I don't... I don't want to be able to start work ^{on the} that bloody hard, I have a fairly good practice - is legal practice. This work can be fairly good and I don't want to lose the Chinese ^I and do other sort of work for them.

T I know...

M I am telling you exactly what it is like, like I put in front of you today

T Look Mate if there is work for you to do there...

M All I want... look I know that case but all I did was give it a bit of priority What's a lawyer for

T Mate - I don't necessarily see that as an illegal act. The main allegations that ever come up in relation to the Immigration Department

M You have told me in one sentence here today

T Is virtually if you want to get it, this is what it is going to cost you. I dare say there are a few people in the act ^{who} take advantage of that and rip off their own countrymen. I dare say there are a few down there...

M Through the Chinese community I would ^{to them} say ^{is} this the fee take it or leave it. You know

T Oh yes that's a legitimate exercise

M I wouldn't be saying if you can't pay this

T No, no

M Jesus some of our... I can tell you two QCs... you wanted to get business done this is what I want. You take it or leave it. You'll go down the shute if I don't handle it. Same thing - not quite as bad

T In a sense yes

M I can see now what your point is but that is the very thing where they have made the mistake down there.

T Yeah
 M ~~They seek~~ ^{they see} the chance - ~~more or less~~ ^{pay else}

T That's usually the allegation that is made. Or that has been the allegation in every case that I have ever had anything to do with and I dare say it is still happening. They don't seem to select their staff with a great deal of concern. A lot of these people are ^{really} held in fear.... if they were doing their job or doing their job in a better fashion they should have more friends down there than bloody enemies.

M Yes - they have got a short small staff down there

T Yes - if it takes three years to... for a bloody application to go through

M There's a couple of bloody women down there that should be taken out and...

T Yeah but they are public servants

M I will be doing a little of it but not much lately but I wanted to be a bit armed but I can see your point now.

T I think you would have to be very circumspect in going into it on any large scale anyway. Apart from that that is the Immigration Department. I think McPhee will make a lot of difference to it. He is held in pretty high esteem by everybody down there. I don't know much about him but he is said to be a ^{even} good Minister. I don't ^{was doing} know what he ~~did~~ before.

M He's a moderate. You got some battles. If you were a lawyer on that interview with McKellar... with a face just roaring. To me he was hardly wet between the ears and this was the first three months he was Minister.

The real reason why I am asking... the danger is the... I know you have a name ^{with} of these people - the danger with these people ^{is} it wouldn't matter what you do, you got to be so terribly careful of what they will say. They'll lie, they'll exaggerate moneys that is... ^{where I feel} sometimes ~~I feel sorry~~ for the Immigration Department and that is the only tricky thing handling it.

T Well the old tea money is quite a well established practice from where they come from. Say one thing wink wink, nod nod...

M That's right

T I know I understand they'll have some problems with that. Oh I will go back to my gold bullion mate

M That will keep you busy - you'll get that won't you

T I wouldn't mind it

M Anyway, no offence

T No it is alright mate

M See you later

T Bye bye. No mate about 160,000 odd grand last night from TAA

M They couldn't possibly get away with that

T Of course they couldn't. They have more chance of getting away with that than anything. Ten minutes over the gas stove and we would never be able to identify it.

00002

M You are quite right

T Go up to Graces and given them half an ounce at a time and you are in business. Okay

M See you later

T Away you go - goodbye.

000026

ROYAL COMMISSION OF INQUIRY INTO ALLEGED TELEPHONE INTERCEPTIONS

Commissioner: THE HON MR JUSTICE D. G. STEWART
Secretary: A. V. HICKERTON

G.P.O. Box 2528
Sydney, N.S.W. 2001
Australia
Telephone (02) 265 7255

17 October 1985.

Commissioner,
Australian Federal Police,
P.O. Box 401,
CANBERRA CITY. ACT. 2601.

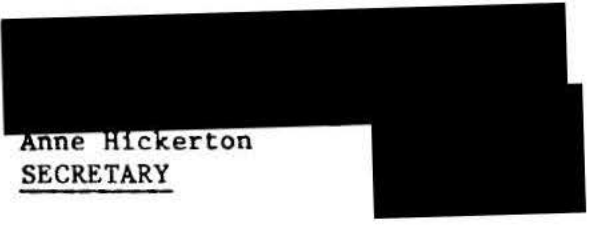
Attention: Chief Superintendent Brown.

Dear Sir,

I am writing to acknowledge receipt of a SONY MC-60BM tape marked D.T. and M.Ryan and a transcript of the recorded conversation pages 1-16 delivered to the Commission on 15 October 1985.

To assist the Commission to record the source of original material received from your force I should be grateful if in future you would furnish a covering letter with such documents setting out the details of the material being produced.

Yours faithfully,



Anne Hickerton
SECRETARY

7
12/10/80
15/10/80
2000025
R
a Smith



Australian Federal Police

Phil,
Copy of RYAN/TNOMAS
transcript. Receipt to
Andrew Brown, please.
Regards

With Compliments



T Ah, hello Bob.

M Do you want a beer?

T I wouldn't mind a beer.

M A cold beer please. A mate of mine that flares up... nothing was said of course but he said ten years was up. He's there if you want to know anything.

T Oh, yeah - what over this Greek thing.

M Yeah.

T I think I'm coming out of that alright

M That's good

T I think they... tried their hardest to squash it politically - they can't, or haven't been able to do so so far. Perhaps now they are going to fight the thing on the legal grounds but I think they'll find a hard battle there too mate.

M Don - I just want to say this to you. Undoubtedly you know about... about four years ago I... the Consul for Korea asked me take on a job looking after about eighty of these Koreans. I finished up, you know, Commonwealth Police and everyone else in the investigation. I just want to tell you what a fucking nightmare it has been. I earned about three hundred dollars from each client you know. This fellow here is a real... fellow.

T I don't know who he is

M He was in a ...

T That was at a time I don't think I was in the enquiry - wasn't that...

M That's enough thanks - only the one

T Where at Immigration?

M Yes - you know I have just been screaming in there because - you know it is still going on. You know they paid into a fund and then they had a committee running. All the committee had to be paid, then the employment officer had to be paid. I finished up with about three hundred dollars. And you know how long I've been working on it. Four and a half years and the only reason why I left..... I didn't want the thing to blow up in my face - like you know - the papers print things.

T Yeah, but didn't that all turn out - that...

M Yeah, it all turned out clear...

T Yeah that was my...

M You should have lifted the bludgers.

T Oh, I see

M That's what I am getting at. You know - how unfair it all can be. I have to be very careful that I didn't get a wrong brand..... I just happened to mention it again because here I am still playing with them. You know trying to help them. I am.... in that Department. You can't do anything really

crooked. All you can do is get a hand or a priority. You put an application into transfer, then the fellow gives you a sheet which supposed to tell of what he can do. Then you submit.

T Yeah

M You know - that comes with the category that lets you into the country. Nobody has got a false rubber stamp under...

T No, no...

M It is clear...

T Look as far as - I wasn't in it but as far as... I do remember...

M It was all clear

T I thought it came up... people or the complaints that were initially made was that your clients were getting priority or preference by the Department...

M Yes, that's right

T I think that was the basis of the whole thing

M Well they did get some preference because what happened at the time. What you call it was a mate of mine in charge of ASIO up there.

T Ha - I don't know too many of those

M Well he was a mate of -

T Remember it is an offence to disclose an ASIO agent

M Oh (laughter). But anyway I knew him and I knew a lot of fellows who always did what was known as a 'Task Force' they called it.

T Yes, yep

M Had I... here today. I say yes or no or tell me anything. To prove what I say. Only thing I can say to you - you are a mate of Jack WHELAN and he's a fellow who will vouch for me - my word. There's a fellow, a Doctor Handlehigh (phonetic) in Surry Hills

T What nationality mate?

M He's an Australian doctor as far as I know. I have never seen his head. A sergeant is... keping after the cunts. I understand there are twelve to fourteen Medibank charges.

T There's no Sergeant COOPER in my place

M Commonwealth Police - Sergeant COOPER I thought.

T Oh wait awhile - it might be one... I have six lads up from Canberra. He's not one of ours - what I say Sydney based operators. We have got so far behind with all those that he's - we have got six extra men from Canberra - he could be one of them.

M Well - I know that this Commonwealth... all I can tell you is I have been offered a huge sum of money if I can do anything for this fellow. I thought I only mention it - you might say - all well...

T No - well that's my attitude really. I'm not interested in that sort of

thing mate. Er - the old doctor who is on the Medibank fraud. I don't know the case firstly but secondly I would not interfere with anything like that. It is bloody hard enough to get them anyway. He would be far better off to take a chance

M Well that is what I thought. Really... because the fellow is a close friend of mine and well in the medical profession I just said, you know...

T No - that's not my line of business mate - I'm not - I've gone too far living on my salary now to be bothered trying to pick up extra money that way. If I want money I go and work for it. No - I'm quite sure the lads involved...

M Oh - I agree with you. Look I just thought, I took a chance....

T Well his other chance is to approach the Health Department

M ...

T They have done that with us in the past where some form of settlement has been worked out on a... the basis of... I'm just trying to think of the section of the Act where it is worded. There is a section of the Act where they can make a reconciliation and that has been the finish of it.

M A pay back

T Virtually a payback, yeah. That fellow who started Valentine Health Studios, he was into them for about three million dollars on the scheme being that every member got a work up - bloody pathology, full pathology examination. He skipped to the States and was going blind with glaucoma which there is no cure. Did a reconciliation with the Department and they pulled us off and now he's back and running with the new Pathology services.

M Is he in fact a doctor?

T Yes - not Edelstein but he is an American doctor

M I wonder how we...

T That was under this section of reconciliation business. They dropped the three million dollars because it was... too hard to get into virtually. But there was a couple of hundred thousand dollars in their false claims in other areas but they did a reconciliation with them and that was it. The brief was just.... back on us.

M Who would have that authority?

T The Health Department themselves

M The Commonwealth Health Department

T Yes - because they are the people responsible for the claim. So these ones... with your client, would be offences before the Medibank Private before the funds split so they would still be the responsibility of the Health Department.

T It is about fourteen. With my explanation... with Bruce...

000021

M Well Bruce acted for - he produced...

T Oh yes the Indian fellow. What is he committed for trial or has he finished.

M Oh - he is fixed up.

T Oh yes following... yeah he and his brother

M Only him

T But he employed his brother - as a secretary or something - there were two of them in it.

M All I know is that the Health Commission seemed to be absolutely screaming to get him.

T I don't know the case because I have just handed over and they go over to the Squad and they deal with them but if there is any value involved in it I would have think I would have heard it.

M Well this fellow (HENRILISA) has got fourteen charges

T Has he been charged?

M Yes - the things in for mention apparently in a few days. He has got this fellow Risefield (Einfield) appearing for him.

T The QC?

M And it is just a case of visiting the patient too long or all sort of things. But I mean - but he would get the patient in ...

T That is the normal procedure

M But they have had someone else going to see three of them... to say that they were stampeded to make a statement. Well you know - tells us what the plan... we are going to deal with you. They got frightened, this is what three of them say, not that means anything to you or I. But I just know - just that the offer was so good I could not refuse thinking about it.

T No... I

M Well I can see your point - you are beyond the river of no return

T Well mate, I have never been interested in that sort of thing - it is just too bloody hard to live really. You know I just prefer to do my job and if someone beats me in court well they bloody well beat me in court, but they have to take me to court to beat me. I'm not interested now and I wasn't interested before. If I wanted to give into that sort of thing I would probably could have got in with Gray and Kelly and all that clan. I am not involved.

M You remember we were talking in here last time. About Frank Nugent

T Oh yes, committed suicide

M

T I think he had troubles at home with his misses, I've been told as well, although the family denies that but I have heard...

M Had he anything to do with anything in drugs or anything. I am a shocking judge at everything.

T His bank may well have been tied up in moving money and all that. They are offering a two per cent better rate for overseas for some reason or other. But whether that has got anything to do with his demise here I don't know. He was... he and his brother were both... oh, there was a prima facie case found and they were to come up in May and they were going to defend it in the lower court.

M There should have been no prima facie case against him.

T I would think if they were going to defend it in the lower court they would have pretty good case in rebuttal. Normally you would not go to a lower court to fight something in a committal - it is an unusual situation as far as I am concerned.

M Corporate Affairs struck the one... to put this fellow higher

T Yeah but that's the fella J.B. BEARD isn't it?

M Yeah

T I met him in Canberra a few years ago. I don't know the man really. With all the judges that have come out of Commissions and enquiries that governments have appointed maybe he's an... next in line for the Supreme Court.

M Yes, that's what they all aim for. They all get up there. What about this. I will just ask you this because I may not get another chance again. Thinking about... I do do a bit of work for the Chinese. They are thinking of changing - and I know you are the top man on that. That is what everyone says.

T I have had a few successes there

M know the answer... the Koreans

T I wasn't involved in that

M I do some work for them and I think they are going to relax the policy again. At the moment you can't do any work for them.

T As far as representing them

M Well - you could represent them but go... you will know this - it is no good representing them and charging them a fee when you don't have any success. There is too much talk, rumour talk and the figures have trebled. It is not worth it. See what happened was they changed the policy which meant that nobody could transfer over...

T What from the old story of tourist, visitor

M Tourist

T I think they are still processing people along those lines but they...

M Only a few. You know how old the cases are - three years. I have got three there which are nearly three years old. You never get a bloody result - it just goes on and on.

T Anybody applying since last June is virtually out of the gate automatically.

M I think you got to be a mother and father, brother and sister.

T Oh yes this family reunion thing

M The whisper is that this may be relaxed again in a couple of months. And I want to do some individual work. You look at the fellow's background and you say I will just accept it. You are not there to investigate it.

T That's the applicant

M Yes the applicant produces a sheet of paper that is bloody well forged or genuine or anything else.

T Yes

M I mean it is...

T Well, that is his look out then...

M Yes, but you still got to be bloody careful handling it. The second thing is that you got to get... to be able to get things done... I once had an interview with McKellar over the business of these fellows and you know what he said to me... he said Bruce and I were... because he came from Bruce's electorate where he was running one of the branches. He said, I cannot understand why anybody would use a lawyer in connection with my Department.

T Yeah - I think he said that somewhere in the public area too.

M I said to him but one... and this is what I said to him, Mr McKELLAR lawyers... you are either going to have them or get rid of them.

T Tradesmen, plumbers or whatever yeah

M What difference is your Department to the Department of Trade. What makes it so special. Oh, he said, because it is so simple. That's how bloody stupid he is.

T Was this following the Korean thing

M This is when it was on

T Oh

M I could ask to appear for... to look after another batch which I would refuse to do because I could not stand the.... but when you deal with the Chinese community they are people of their word

T Yeah - the chows would be migrant wise the good ones, they are great. They are no trouble, they keep out of the normal types of trouble the police get involved with anyway. The majority of them are great.

M One of the things that I find - one of the things that you got to be able to do is what I did before - those fellows they all seem to be petrified in that bloody Immigration Department. I mean - it must have a history of...

T They have come under review a few times

M Don - what, I keep asking, what they can do

T What they can do within the Department

M All they can do. I tell you what they can do. They can look at a thing I suppose like look at a statement and give someone the benefit of the doubt. That is about the only thing they can do because everything they do here has

virtually got to go to Canberra and so help me God there is two or three fellows up there. They would be working under you for three months to tell them what life is all about. If I just want to get involved I would want to get things done.

T Yes, I don't know whether it is all that hot in that sense but I think their own system leaves it as you say. What can they do, they can give them the benefit of the doubt because all the allegations in the past when we locked up the Hong Kong policeman... Ip the interpreter down there. He was pulling money.

M He was picking fellows up and letting them go if they paid wasn't he?

T Well that was the start, he was picking on the people who had been declared Pro Imms and then having them pay money to him and then they were processed for permanent residence and that was working but the system was allowed that because of this benefit of the doubt. Anything that was adverse was never, never recorded, if you follow me, on the file. The file was eventually put up for signature as a 'this man should be accepted'. That was the scheme Ip was using, now whether he was manipulating within the Department or not.

M Wasn't he in Special Branch

T Special Reports Branch, yeah

M But how you could be possible... I can't see how he could do that

T Well in those days, it has probably changed now because they did change the staff. The bad reports come from Special Reports. You see the normal applications would go through and Special Reports may never see them. It is where there is some doubt or irregularity is found it goes to Special Reports for investigation. So if Ip in his capacity in Special Reports whilst he was employed as an interpreter he was acting as a field officer. If he found, obviously he knew because he had people scouting out for these people, he could then arrange that there would not be any adverse report because he was the officer who was going to put the report on if it was adverse. So when you get down to the... I don't know whether they have a quota system of how many they bring in or bring out... if there were fifty applications that went up for signature at the same time he has numbered amongst them with no adverse reports are exactly the same as any legitimate application where no money has been paid. Where I would say they were dirty on him was he was virtually standing over them fighting them saying if you don't pay back to Hong Kong tomorrow what do you want to do. That is just blood money.

M What you do now is - a fellow comes and fills in a form - they call it a Form 47 which his whole history is set out.

T Yes, I think that all has been the case. I don't know what the number of the form is or anything like that but...

M But then he has got to produce his references as to what he does and then that's all sent to Hong Kong for checking.

T They go that far now

M My bloody oath. It goes back to Hong Kong for checking

T That must have come out of the Ip investigation because I know prior to that they didn't

M Well it all goes there for checking and then it comes back clear. Now one of the tricks naturally is that you can't do any good with Hong Kong because that is a straight out, you know, I have no one in Hong Kong I could ring up.

T No

M But I impress on the fellow that unless this thing comes back 100 percent - you're a cooked goose because if they write a bad report about you have gone. Well the only other thing...

T Well these people if they were involved couldn't change that adverse report because it is on... well it is coming out of Hong Kong suppose Foreign Affairs would do it

M Yes they have got their own... but one of the things is Don that when the thing... one of the tricks here is they have got to be set up in a position which fulfils what they say they are

T In Hong Kong

M They can't say they are a chef here in this, say, in this restaurant here if in fact the fellow is a kitchen hand

T Yes I follow you

M I think this is what probably this fellow used to do. They would go around and check up - is he working at this place. No he's not the bloody chef - he's only the bloody kitchen hand

T Yeah, but here before they weren't allowed to work they had to put up this bond money or something that they could live without working

M Well that's what they do now anyway. This is how it works. Then if they are accepted they have to get a Commonwealth Police clearance.

T That's only on criminals

M An ASIO police clearance and that is the end of acceptance. But if a fellow replies he doesn't get even seen even if he is a million percent and he has got everything in his favour and he doesn't get bloodywell seen for over three years.

T After he has made his application

M Yeah

T Well that would go towards him if he has got three years residence

M But he has got a wife

T Oh the wife is back there

M A wife to come over here. It is alright for people like us who get out of bed every morning.

T Yeah, but they can't bring their wives until they get their residence.

- M They have got to get their residence and the wife has got to be cleared and all sorts of things
- T Well the wife gets it automatically on the husband - well she did.
- M I just can't see what under the present system what they do wrong down there. Petrified of the Commonwealth Police
- T I hope it keeps that way
- M I want to try and get in there but... you know, in any other place lawyers everyday go down to Central Court and pull things on and put things off and...
- T Well McPhee is the new minister there - isn't he? McKellar has gone to some other post and McPhee is in there now as the Minister. He'd...
- M I will put it to you bluntly, all I am worrying about is that a fellow all of sudden get things rolling and starts getting things done but immediately the first thing they say he must be slimming
- T Maybe if you can get any public servant off his arse...
- M You fellows surely don't investigate these phases on the Minister's complaint. Does there have to be a complaint from an individual or a complaint from the Director - that's all I am worried about.
- T We only acted on complaints - I have got something like thirty men left out hundred odd I should have. They are all out on this bloody gold bullion theft last night at the moment. As far as anything else goes there is bugger all left in the office but we normally only, as you say, the complaint normally goes to the Director of Immigration or the Minister or to a member of Parliament who goes immediately to the Department and the Department do an enquiry themselves - look at it and then once they are convinced that it is not a departmental matter but a criminal matter, then sent back to us and then I have got to find men to do it.
- M It would be silly for fellows to think that they are completely under scrutiny and they are hated by the Commonwealth Police.
- T I don't think that is really the position. You see on the last occasion we received the complaint or the brief from the Department of Immigration to do it and that was involving IP and we did do surveillance work on the section because we didn't have IP identified at that point in time. Now out of that may well have come the thought that they are under constant surveillance but still I would not have the men to do that sort of thing really.
- M I was talking to them and they said, You don't understand these fellows - we're one Department they want, get me. I said what are you doing. Have you got a stamp under the desk. Stamping something and now there is some women being arrested over this... I said no sensible person would know that she is some woman who has been in and out...
- T Well they might be paranoid at the moment because of that. You see the argument.. the story was then was she working with the Immigration Department.

What the evidence does not show that all. The evidence just shows that she's collecting money, her and the boyfriend. That doesn't involve any departmental office at all but initially of course, she - the story she was telling around the traps was I am working for the Immigration Department.

M But she did work for them as an interpreter or something

T Yes, but not as an immigration officer. You see if you want an interpreter - you get a Norwegian in and you want to talk to him in his own language you would go and hire a bloody interpreter. She wasn't an official employee in that sense in that she was part of Immigration section or anything. If she did interpretations she did them as a free lance interpreter. Come in, I want to talk to you - I'll take you in and interpret for you. That's the sort of thing. What she was telling the people around the traps was I work for the Department of Immigration and I can fix this because I am within the Department so that may have got everyone jumping up and down at the time. But that is part heard at the moment because they don't do anything to enhance their image, probably because of this paranoid attitude they have got as you say at the moment in that they become very unco-operative you immediately think, why the bloody hell are they being unco-operative if they have got nothing to do with it. That's probably they're paranoid.

M Are they unco-operative? I thought the fellow who was handling her was working at what you call him's game in Goulburn Street.

T Who's that

M Angie or whatever her name is

T Well there was another fellow who has hit the toe

M Gone out of town

T Yeah

M It finished really with the money

T Yeah, yeah but again he was outside the Department. What I mean is that he explains the attitude down there that they are on their guard immediately you try and get any information which tends to make us think why the bloody hell...

M I'll tell you another thing which I think happens to them down there. A lot of people go in there offering money to get things down.

T Yeah, well...

M But the system, of course, doesn't allow them to do it unless they are really corrupt and of course they wouldn't last three months.

T H'mm, well

M The way I look at it - because I have just done this work and I am just trying to...

T Well, they have had such a reputation Morgan I think for so long. Going back years - even as far back as 1964 there was some quite large investigations

into members of the Immigration Department. It didn't get anywhere but, as you know, as long ago as that. I did that one in 1974 or 75 and again in Angie the latest one - that was last year. So you know there is always a lot of stories circulating. As far as the Chinese community were concerned she was an Immigration official, she was working for Immigration. But she could...

M With all your dealings with orientals Don, don't you find as I have found that these Koreans like this fellow who has come from a good family and is a wonderful fellow - they whisper, inform, exaggerate

T That happens anyway

M I was bloody sick of them while that bloody business was on - I can tell you. I was being worried about absolutely nothing.

T H'mm. Again I suppose that was a rub off of the general reputation, I suppose. The general reputation of the Immigration Department is not good.

M he fixed up the papers for me which has been an absolute... he didn't know how to do it.

T Yeah well... going back to that enquiry wasn't that the crux of the whole situation that the people that you were representing their papers were presented properly and quickly and that was the reason that they were getting priority.

M Yes, that's right. We had a Task Force but when I went back... when I put my head in again... because it is not a bad practice I can assure you. You can handle... you get the right blokes. Look they had it all judged at \$2,000 that was the maximum. The most we ever charged was 700 of which I would collect about 300 and then I have got a sheet I would like to say the fellow who came and saw me that I let no one... paid at all. But when I went back... I said Jesus it is too bloody dangerous here now things you can't... look sideways. But that took some manipulating, that poor little bugger that died of cancer.

T Who was he with

M He was with the Department of Immigration

T Oh yes

M I did get a Task Force to do it. With that Task Force it took two and a half years. You present the form and they send over the people to have interviewed and they do an overseas check and that takes two and a half years

T I didn't think they did overseas checks in those days, I thought it was...

M When I was involved with these fellows they did

T What year was that?

M That was about 1974

T Yeah, I did hear about it. But I didn't think they did it then.

M It all came out clean but... it was the stupid things that was charged these fellows about \$1,000 - there were a couple of them - and they were not doing

any of the work

T Yeah. Well really I would see the advantage... (tape cuts out)
.... make sure they are right in submitting them and that was the finish of them, they passed. But that would be... pardon me... I had a very hurried hamburger for lunch and it has started to come back on me.

M You're getting a bit old to eat those things these days aren't you? Alright I suppose there is nothing wrong with that. I know now...

T Well I can't help with that but as I say with the Immigration Department goes generally their general reputation amongst the ethnics is not good but I understand that there may be a little bias there anyway because they are the people who will throw them out if they catch them out.

M H'mm

T Yes... oh yes. I suppose the best way to do it now mate is to become a refugee from Viet Cong or Vietnam. Buy yourself a little boat

M You know what's going to happen there

T There is going to be trouble

M Oh Jesus is there going to be trouble. They got me with a submachine gun at the bloody gambling school two months ago. You know about that one.

T Well -

M I will tell you another feud. They took this fellow in from Vietnam, got him a job with... in the Bank of New South Wales, the Commonwealth Bank... he is producing their accounts - he knocked off \$25,000 of the bank's money and then someone rang up another fellow to go bail for him at Central and when the fellow put in to take the \$5,000 out of his savings account it wasn't there - he had already knocked that off too.

T There's a bit of irony in that one

M They also say that was a put up. There were seven accounts which the money was deposited and withdrawn on forged accounts but the fellows that had banked the money they had drawn the money out, whacked that up knowing that they could sue the bank for the money.

T Yes - the bank's responsibility

M I believe they are absolutely unreal

T Well they are going to set them up here alright

M We are getting every thief and his brother

T Yes - I dare say there is quite a lot of genuine...

M Yes - there are a lot of stories about them but politically we are going to have a lot of trouble with them with street violence and they have grown up with it, it is the only way to settle an argument is to bloody shoot him or knife him or do something silly with him. I don't know what political party they are going to attach themselves to. The Croats grabbed the Liberals and the Greeks grabbed Labour or Labour have grabbed the Greeks I don't know which you want best.

M You can't stop it Don. How are we going to hang on to this country. There is only about five million Australians. How many kids have you got - I have got three

T I heard a bloke yesterday...

M The population...

T Yes he's... I heard the conversation in the pub - the fellow was beside me - oh you know we have got a Greek bloke working down here with us now. He said 'Oh have you?' He said you know what he said to me the other day, he said you have just about had this country without breeding it. Things are so bad in the rest of the world. Greece is going into the EEC now. If you are a member country of the EEC there are open borders. So the Pakis and the bloody Indians are flooding into Greece now and they will be residents by the time Greek is officially entered the market and then they have an open road straight back to England where they came out a couple of years ago. I don't know how the Foms are going to get over that - there's bloody millions of them. Still..

M Don't let me hold you up

T I have to go back mate I...

M I hope I didn't offend you but you know I am just one of these fellows... say it

T Well, we will take it for what it was said mate but really I am not interested in that sort of go at all

M But you have given me something worthwhile, you hang on to this fellow

T I am sure he would have an idea of what the reconciliation clause is all about because they have done it before

M Reconciliation clause

T Yep, that's for instance if he committed say three hundred offences and they charge him with a token two or three, they go back at him and say now the two hundred and ninety eight other charges you owe us - we have paid you so much, you pay us and that is the end of the story. In other cases they... the explanation is... I believe I am entitled to charge this that and the other or we tell you that you are not entitled to charge this that and other - you are entitled to charge that - alright I am sorry. What do we do now? Well we will work that over the next twelve months or so. We will recoup that money from moneys owing to you. That is the sort of way it goes on.

M I think the Medical Board will strike anybody off if they...

T I think there is a lot of publicity on it particularly with the doctors going to this Tribunal on wages, not wages, on fee setting and all this sort of nonsense. I think NSW walked out but the Federal body were going to give evidence.

M Look if I ever got into this stuff and I ever thought there was something sticky, can I get your advice then

T Mate - I am always ready to talk to people about anything but as I say the Immigration Department has got a bad name so if you want to go into that area well - it is difficult. Personally if I got a brief on any of them I would not hesitate in going ahead because of this virtue of stand-over business. You either pay us or you go back to Hong Kong or lower Venezuela or where else you come from and you know what the conditions are like there. So I really get uptight about that one.

M Yes I know but beside... everything is done, you are trying to wheel and deal a bit to get things done providing there has been nothing criminal done nothing done

T If nothing criminals done well...

M That is what I am talking about...

T Well there is no problem - yeah

M I don't mean going to you and saying look this fellow - I have given this fellow a grand and this fellow a rubber stamp and you... eyes to that. I don't mean anything stupid. What I am talking about is being unfairly dealt with. You see if I don't... I don't want to be able to start work on that bloody hard, I have a fairly good practice - is legal practice. This work can be fairly good and I don't want to lose the Chinese and do other sort of work for them.

T I know...

M I am telling you exactly what it is like, like I put in front of you today

T Look Mate if there is work for you to do there...

M All I want... look I know that case but all I did was give it a bit of priority. What's a lawyer for

T Mate - I don't necessarily see that as an illegal act. The main allegations that ever come up in relation to the Immigration Department

M You have told me in one sentence here today

T Is virtually if you want to get it, this is what it is going to cost you. I dare say there are a few people in the act take advantage of that and rip off their own countrymen. I dare say there are a few down there...

M Through the Chinese community I would say this the fee take it or leave it. You know

T Oh yes that's a legitimate exercise

M I wouldn't be saying if you can't pay this

T No, no

M Jesus some of our... I can tell you two QCs... you wanted to get business done this is what I want. You take it or leave it. You'll go down the shute if I don't handle it. Same thing - not quite as bad

T In a sense yes

M I can see now what your point is but that is the very thing where they have made the mistake down there.

T Yeah

M They seek the chance - more or less

T That's usually the allegation that is made. Or that has been the allegation in every case that I have ever had anything to do with and I dare say it is still happening. They don't seem to select their staff with a great deal of concern. A lot of these people are held in fear.... if they were doing their job or doing their job in a better fashion they should have more friends down there than bloody enemies.

M Yes - they have got a short small staff down there

T Yes - if it takes three years to... for a bloody application to go through

M There's a couple of bloody women down there that should be taken out and...

T Yeah but they are public servants

M I will be doing a little of it but not much lately but I wanted to be a bit armed but I can see your point now.

T I think you would have to be very circumspect in going into it on any large scale anyway. Apart from that that is the Immigration Department. I think McPhee will make a lot of difference to it. He is held in pretty high esteem by everybody down there. I don't know much about him but he is said to be a good Minister. I don't know what he did before

M He's a moderate. You got some battles. If you were a lawyer on that interview with McKellar... with a face just roaring. To me he was hardly wet between the ears and this was the first three months he was Minister. The real reason why I am asking... the danger is the... I know you have a name of these people - the danger with these people it wouldn't matter what you do, you got to be so terribly careful of what they will say. They'll lie, they'll exaggerate moneys that is... sometimes I feel sorry for the Immigration Department and that is the only tricky thing handling it.

T Well the old tea money is quite a well established practice from where they come from. Say one thing wink wink, nod nod...

M That's right

T I know I understand they'll have some problems with that. Oh I will go back to my gold bullion mate

M That will keep you busy - you'll get that won't you

T I wouldn't mind it

M Anyway, no offence

T No it is alright mate

M See you later

T Bye bye. No mate about 160,000 odd grand last night from TAA

M They couldn't possibly get away with that

T Of course they couldn't. They have more chance of getting away with that than anything. Ten minutes over the gas stove and we would never be able to identify it.

000009

M You are quite right

T Go up to Graces and given them half an ounce at a time and you are in business. Okay

M See you later

T Away you go - goodbye.

Futher recording which sounds like telephone conversations between a Mr Deed (D) and a policeman (P).

0000

D. Ah yep what happened.

P. Mm.

D. When what his named Cliff er.

P. Cliff Foster.

D. Was here I got him to show that photo to our head receptionist you see.

P. Mm.

D. She could tie it up with the guy see checked it they ckeck in hundreds.

P. Yep.

D. But she told me this evening when I came in that she saw another guy that looked very much like that photo.

P. Mm.

D. And I said oh well good thanks for saying I will ring up.

P. Mm.

D. Since then I have seen the guy at a distance and I don't think he's quite tall enough and I don't think it's him but

6 November 1985

the guy is a Frenchman called Marmorat. M for Mary, A, R, M for Mary, O, R for Roger, A, T for Tommy. He's connected with a firm that he says is K.C.C. France, his booking was made by a Mr SHERwin speld S.H.E.R.W.I.N. of [REDACTED] a company that.

P. [REDACTED]

D. [REDACTED]

P. [REDACTED] year.

D. Ah the name of the firm or something like it's two words something like, de Macidite then there is a stroke and it says J.J. Sherwin Pty Limited, [REDACTED]
[REDACTED] New I don't think he is that one in the photo but she thought it looked very much like like him.

P. We'll try.

D. I thought it wouldn't do any harm.

P. Oh no, no harm at all.

D. And he actually came in on the 22nd.

P. Mm.

D. and is leaving on the 30th and he was also here in July.

P. Mm mm.

D. he gives his name as a sales manager at this KCC France, his address is given at [REDACTED]

6 November 1985

000006

there is a number that says looks [REDACTED] then there is a continental [REDACTED] in brackets and there is [REDACTED] but I don't think it is he, you know, since then I've kept by eye open and I say this guy and I thought well that looks a bit like the fella so I asked the girls what key they gave him and it was room 660 and ah... ah... on these he pays by American Express and the name of the company appears to be on this American Express or the stamp that doesn't tell you very much PAPETER IES MAUDUIT (spells) which a bit ties in that Mauduit with that little bit I told you about St Ives, but its spelt differently but it could have been a girl that took it over the phone..

P. yeah sure.

D. but he's a similar sought of receding hair and a beard but I think his hair is too long at the back and he's not as tall but I thought I'd tell you anyway.

P. Oh no,.

D. I was going to tell, but then I've seen him since and I thaught I'll still tell you.

P. It's much appreciated.

D. But personally I don't think its he, but as I say this other guy I have not seen. Elsie who checked him in has not see, she can't really place him and oh as say he just got his key and never fronts.

P. Yeah a lot of them do that don't they.

D. Yeah.

0096B/

6 November 1985

4

00000

P. Makes it hard. Thanks very much for your concern Mr Deed
(?) that much appreciated..

D. OK.

P. Goodnight.

I could hear a record sound like telephone
conversation between a Mr Reed and (A) and
a policeman (B).

2. Tie up with what happened

1. Then

3. When a witness saw the cliff is

~~cliff~~

4. Cliff Fother

5. Was here I got him to show that photo to
our best friend and see

6. Then

7. She could tie it up with the guy see checked it
they check in hundred.

8. Yes

9. But she told me this evening when I
came in that she saw another guy that
looked very much like that photo

10. mm.

11. And I said Oh well good thanks for saying

070003

D Since then I have seen the guy from at a distance and I don't think he's quite tall enough and I don't think it's him. But the guy is a Frenchman called Marmontel. He's married with a wife Mary, A for Mr R. de la Roche, P for Marie, & R for Roger, A for Tommy. He is connected with a firm that he says is R. B. C.C. France, his booking was made by a Mr Sherwin, spelt S.H.S.R.W.I.N., of [redacted] at a company that

ρ

1

yeah.

D At the name of the something like
~~Shorwin Pty limited~~
and it says stroke JJ Shorwin
or something like
from its two words
de Maudite ~~and~~ J.S.
then there is a
Pty limited

or something like
from its two words
de Maudite ~~est~~ ^{est}
then there is a
pty limited

Now I don't think
he is that one in the photo but she
thought it looked very much like
him

? I think it wouldn't do any harm

1 on me, no harm at all

? and he actually came in on the 22nd

1 then

? and is leaving on the 30th and he ...
the date in July

1 then

? he gives his ~~own~~ name as a sales manager at
Société France. His address is given as

[REDACTED] is a number that says looks 4 ~~th~~ then there
is a continental 7, in brackets and there is
[REDACTED] but I don't think it is he,
you know, since then I've kept my
eye open and I saw this guy and
I thought well that looks a bit like the
fella so I asked the girls what key they
gave him and it was room 660 and ah...
ah... on these he pays by American Express
and the name of the company appears to be
as this American Express or the stamp
that doesn't tell you very much PAPET
IES MAUDUIT ~~which~~ (spells) which a bit
ties in that Mauduit with that little

I told you about St. Joe. But it's quite different.
but it could have been a girl that it
was the phone

000001

P Yeah more

D but he's a similar height at receding hair
and a beard but I think his hair is back
long at the back and he's not a tall but
I thought I'd tell you anyway

P Oh re.

D I was going to tell, but then I've seen
him since and I thought I'd ^{still you} tell you
anyway

P It's much appreciated

D But personally I don't think it's he, but as I
say this other guy I have not seen. Elsie
who ~~she~~ checked him in has not seen, she
can't really place him and oh as say he
just got his key and never phoned

P Yeah a lot of them do that don't they

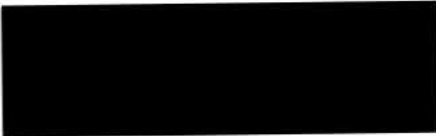
D Yeah

P Makes it hard. Thanks very much for
your concern Mr Deed(?) That's much
appreciated

OK!
night.

2
DAVIS STATEMENT

STATEMENT OF: JOHN DONNELLY DAVIES¹⁵
Assistant Commissioner of Police
(Retired)

 Address known to Police

on 4 March 1936 as a Cadet. I became
I joined the New South Wales Police ~~in~~ 1945. In 1960 when I held
a Constable on 12 October, 1940 the rank of Detective Sergeant I ~~retired~~ *resigned* to join the then Commonwealth Police
at the rank of Inspector. I rose in the Commonwealth Police to the rank of
Assistant Commissioner *operation?* ~~(crime)~~ before commencing sick leave in October 1979.
I remained on sick leave until my sixtieth birthday, 12 October, 1980 when
I retired.

In 1942, I was a student at Sydney University studying economics
after receiving my secondary schooling at Fort Street High. At the time a
cousin of mine was studying in the science faculty. Through him I met Lionel
MURPHY a fellow science student. We became friends.

I ceased my studies in 1943 to volunteer for the R.A.A.F. and lost
touch with Lionel MURPHY.

I remember we met again in the early fifties. It may well have
been at a Court hearing as I was then a Detective in the New South Wales
Police.

In 1960 when I was offered a job as Inspector in Commonwealth Police
and I could see myself losing the sum of six hundred and thirty two pounds
paid into the NSW Police Superannuation Fund because there was no provision
for return of monies paid into such fund, unless a petition was delivered
to the Governor. This was in accordance with the Police Regulation Act, 1899.

Having decided to accept the position in the Commonwealth Police
I read Police Regulation Act and decided that the only way out was to utilise
a procedure never used before, i.e. petitioning the Governor.

I went to see Lionel MURPHY, he prepared a petition to the Governor which I served on the Governor's secretary.

On 16.1.61 I joined the Commonwealth Police, and on that date I received from the New South Wales Premier a note saying that the Governor on the advice of the executive council had rejected my petition. Six weeks thereafter the Police Regulation Act, 1899 was amended so that everybody who left thereafter was able to retrieve contributions paid in over the period of their employment, *even if dismissed.*

I was disturbed at this. I wrote to the Premier pointing out there had been a miscarriage of Justice in that the Government had changed the Act after my petition thereby excluding me from its benefits.

This became a cause celebre with me as in subsequent years there were many persons who also joined the Commonwealth Police being former New South Wales Police who had contributions refunded or transferred to the Commonwealth Superannuation Fund which reduced their contributions. My contributions at that time were almost eating up the extra pay I was receiving. This became an obsession, I felt it entirely wrong that any Government should retain monies paid over a 21 year period. The result was that over a period of 20 years I wrote frequent letters to Premiers demanding what in my view was simple justice.

My case had become ever stronger over the years when the Commonwealth Police accepted Colonial Police from Africa who received the superannuation benefits from their previous employment. And later we even took in army officers who after 20 years service joined us without superannuation penalties as had been the case with me.

In the intervening period I had had a casual meeting with Lionel MURPHY, who by this time was the Leader of the House in the Senate, spoken of my professional disappointment with the way in which the Commonwealth Police Force was heading particularly in relation to its guard duties.

I had suggested that as a professional Police Officer who having joined as a cadet at the age of 15, ~~that~~ there was a need for existing Commonwealth law enforcement agencies such as the Commonwealth Police, ACT Police, Northern Territory Police and the Narcotics Bureau to be amalgamated under the auspices of a Federal Police body including an Australian Bureau of Investigation.

[REDACTED]

Lionel MURPHY was very interested in this proposal and at the end of 1972 when Labour came to Government he informed me that this had become part of the ALP platform.



I want to say at this stage that I have not now, nor ^{have} ever had any political association whatsoever.

Lionel MURPHY eventually, as Attorney General, got underway the concept of the Australia Police which was in my view as a professional police officer a wonderful thing for Australian Policing in as much as it left the ACT Police, the Northern Territory Police and the Narcotics Bureau ^{each} under the control of a Commissioner together with creating an Australian Bureau of Investigation under a Deputy Chief Commissioner.

The whole organisation was to be controlled by a Chief Commissioner. This was far preferable to what the incoming Liberal Government opted for, that is, the Australian Federal Police.

I say all of this to explain why I believe Lionel MURPHY to be a gifted, if eccentric politician to begin with and also a breath of fresh air in the stuffy High Court of Australia.

In the early part of 1979 I again became incensed with the refusal of the New South Wales Government to return at least the monies I had paid to the New South Wales Police over the 21 years I had served. I rang the man who had been responsible for my initial approach on the matter, Lionel MURPHY, and asked him would he intercede with Neville WRAN so that common Justice could be done to me before my retirement. He said that Neville WRAN was a friend of his but it would be wrong for him as the author of my petition and now a High Court Judge to be approaching WRAN upon this subject. He suggested I should deal with a colleague Morgan RYAN who also had access to Neville WRAN. I accepted his advice and after some phone some calls and about three meetings with RYAN, during the course of which I provided him with copies of correspondence with me to earlier premiers (ASKIN included) and at his request a list of those New South Wales Police, British Colonial Police and Army Officers who had received superannuation benefits subsequently that were superior to mine.

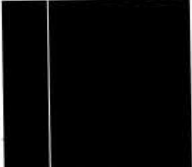



My recollection of RYAN's final assessment of my chances of succeeding in my aim were that he had spoken to WRAN and that my application would be favourably considered. In retrospect this proved to be completely wrong. I have not seen, spoken to or communicated with, either RYAN or MURPHY since December 1979 when for reasons to be stated later I lunched with them and then Chief Inspector Don THOMAS at a Korean Restaurant in Kings Cross.

It was left to me to make further approaches to Mr WRAN by way of correspondence in 1981. In other words RYAN's alleged close association with WRAN was a figment of his imagination. I subsequently received a letter from one of WRAN's Ministers denying my request about June 1981 signed on behalf of the Premier. I persevered and wrote another letter marked 'Personal and Confidential' which ultimately resulted in the receipt in 1981 of a letter from Mr WRAN a copy of which I still retain acknowledging that there were special circumstances which did not justify the State Government retaining my superannuation contribution. Accordingly, I was offered without prejudice the sum of \$1200 in payment for my six hundred and thirty two pounds provided I sign an indemnity. I did so. I received a cheque for \$1200 and thus the saga of my superannuation claim against the New South Wales Government was concluded without, I might add, any help from Morgan RYAN and Lionel MURPHY. In late 1979 in accordance with medical advice it became necessary for me to seek early retirement (10 months earlier) from the Australian Federal Police from which I was due to retire at sixty.

I had always held Chief Inspector Don THOMAS in high regard as an investigator and I had felt sorrow at the way in which he was being treated by police dignitaries of the time following what I still believe to have been a necessary and effective investigation of social security frauds being conducted by members of the Greek community of Sydney associated with relatives in Greece, which resulted in them receiving Commonwealth Disability Pensions after payment of money to corrupt medical practitioners. I personally read numerous written confessions by Greek persons to the effect they had paid money, I think the going fee was \$2,000, to a go between so that medical practitioners would certify them as fit for pensions.

I had been with THOMAS to see the Minister of the day, John MacLEAY (Liberal Government) to whom the ramifications of this colossal social



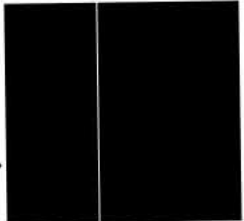

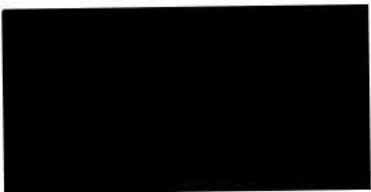
security fraud had been explained and had heard him give the go ahead for proposed police action. Additionally, I had conferred with THOMAS and with permanent heads of the Attorney General's Department, Social Security Department and Health Department to whom the same facts had been explained and from whom there had been no objection to our planned courses of action. Thereafter, I watched what in my view had been a most successful investigation which had saved the Commonwealth Government being defrauded of millions of dollars even to the extent where Greeks were coming to Australia, paying there \$2,000, getting their pensions and going back home to live in luxury, deteriorate^{due} to an attack by both political parties upon Commonwealth Police activity in that area in general, and Mr THOMAS's conduct of it in particular. This later extended even to a recommendation for prosecution of Mr THOMAS and his informant by a magistrate who was subsequently reprimad^y for discussion^{of} procedures in a case of conspiracy amongst a number of doctors which resulted in the committal for trial being aborted.

One of those doctors had been the recipient of \$2,000 in Commonwealth money from a Greek speaking ACT Police Officer through a go between and the full details of the doctor's advice to this Constable as to how to represent his symptoms to a confederate specialist had been^{tape} recorded by the police officer who had been acting under the instruction of Mr THOMAS.

All of this left me wondering what place there was for Mr THOMAS within the police sphere as he was either at that stage a lawyer or about to become one.

My medical advisers had told me that I should be pensioned due to hypertension so I knew I would be leaving my job in the near future. Accordingly about the end of November 1979 I rang Lionel MURPHY and told him what had happened to me and I related the circumstances surrounding Don THOMAS telling him that whilst THOMAS was not a friend of mine I did feel that he was being badly treated and would have no future as a police officer despite his academic qualifications. I asked Lionel whether he would be prepared to have lunch with THOMAS and me to discuss a possible future in the legal profession. I was being presumptuous because I had not even consulted with THOMAS on this score at that stage. I did so ^{immediately} ~~later~~ and he offered no objection to the meeting.

About mid December Lionel MURPHY's associate rang me to say a



luncheon had been arranged between me and Mr Justice MURPHY and Chief Inspector THOMAS at the Korean Restaurant at Kings Cross. I then rang Mr THOMAS and arranged for him to pick me up at Town Hall Station and take me to the luncheon (I had stayed the previous evening with my daughter in Sydney)

Upon arrival we were met by Lionel MURPHY and Morgan RYAN. We had lunch. Lionel enquired about THOMAS's background and legal achievements in the academic world and from my recollection agreed that he would have a career available as a Lawyer should he ultimately feel so disposed. Furthermore he expressed the opinion that with his qualifications THOMAS would seem to have a good future within the Australian Federal Police. RYAN to my recollection had little or no input into the conversation.


As I recall it the setting for our luncheon was a sort of recessed eating area although part of the general restaurant.

I simply recall it as a pleasant luncheon, an informal discussion between Lionel MURPHY and Don THOMAS arranged at my request because of my apprehension that THOMAS had been or would be badly done by by the imported United Kingdom hierarchy. I left with THOMAS. He drove me to the station. I have not seen him, MURPHY or RYAN nor have I spoken to them or communicated with them in any way whatsoever, since.

I have not been to that restaurant before or since. I have no knowledge of or association with any Korean persons.

I was not aware that Morgan RYAN was to be present with Lionel MURPHY but as I have already mentioned I had met him ^{earlier} at Lionel MURPHY's suggestion in order to further my determined approaches to the State Government to recover the six hundred and thirty two pounds. As a matter of complete indifference to the current situation, I spent the \$1200 which I received through my own endeavours, no thanks to Lionel MURPHY, on buying an electric typewriter and video recorder that I still have as mementos of the triumph of an individual over bureaucratic injustice.

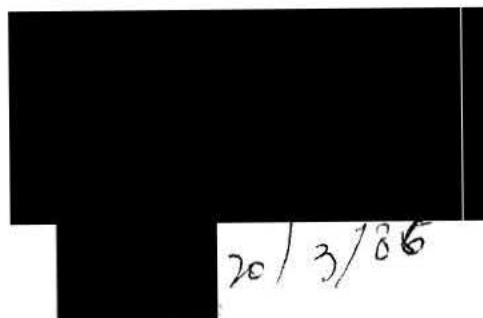
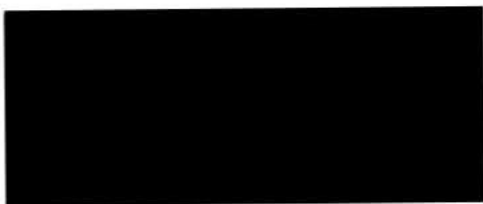
I have been asked if I was privy to all that was said at the luncheon. Whilst I was certainly present in a group of four people I am not able to say that I can give a complete account of what was said since the



anniversary is in its seventh year. As I was sitting in a group of four people at a table I feel I would have heard anything of major importance that was discussed. Once again the restraints of memory apply.

has been here.

THOMAS and I left MURPHY and RYAN at the front of the restaurant. On the way to dropping me off THOMAS expressed concern that solicitor Morgan RYAN was present. So did I.



20/3/86

concern?

DAVIS - NOTES OF
INTERVIEW.

INTERVIEW BETWEEN ANDREW PHELAN, PETER MYERS
AND MR J.V. DAVIES

OF [REDACTED]

Interview commenced at 9.09am on Friday 18th July 1986

During preliminary discussions Mr Davies refused to agree to have the interview tape recorded consequently Mr Phelan and I took hand written notes.

The interview commenced formally by Mr Davies being asked to give a general statement on his statement. Mr Davies gave Mr Phelan an amended copy of that statement, he then said that he first met Don Thomas when he came into the then Commonwealth Police Force as an Inspector in 1975-76. I was then Assistant Commissioner of Crime, Thomas was subsequently promoted to Chief Inspector and he then worked direct to me. Commissioner Davis was not then overwhelmed by Thomas, he considered him arrogant. Thomas pleaded with me not to have to come to Canberra because of his wife's ill health, so I approached Commissioner of the day and requested that Thomas be allowed to stay in Sydney, a vacant position second in charge was found and Thomas took up that position in 1977-78 as second in charge he acted as OIC when the Chief Inspector was absent.

I spoke to him on the phone daily as part of the normal course of duties. Thomas became involvement in the counterfeiting of rare coins, particularly South Australian gold one pound there was co-operation with a fellow in the Mint. Thomas went to London and saw the controller of the Mint there. During this investigation I became very impressed with Thomas, I was impressed by his investigators ability, so did Jack Davis, who eventually gave him an award of Merit for efforts in the Mint case.

In 1978 Thomas came to Canberra, he came and saw me and provided information on the conspiracy in the Greek community, where medical practitioners were enabling Greek people to obtain a pension. The Greek's would invest \$2,000. There were a number of doctors involved who could all speak Greek and one Australian who could speak Greek. The doctors acted as a go between. There are about six doctors altogether.

Mr Davies then went on describe in detail the method of the inquiry that was carried out and to the Greek conspiracy matter. Thomas had an informant who was supplying him with lots of information in relation to this investigation and he wanted protection for his informant. He asked for \$100,000.00. This informant was never introduced to the Commissioner or me, he was only known to Thomas. We met various heads of Departments, Attorney General, Health and Social Security and outlined details of the conspriacy. They then gave the go ahead, the green light for Thomas continue with his inquiries and obtain information from his informant. John Mclean, who was then Minister, also gave the green light for inquiries to continue. It was a Sydney based operation and a huge investigation.

Thomas went to Greece in 1978 as part of the inquiry soon after the DCS considered and direction that between 172 and 178 people be arrested. There were then questions in Parliment and attack against Police in relation to this inquiry. There was a very strong Greek lobby and as a result of this strong Greek lobby political support for the inquiry and the investigation waned.

At the end of 1979 I was one of the few who was still solidly behind Thomas in that respect. I considered him to be a protege of mine. He was passover by Commissioner Davis, maybe he did not apply for a particular job, maybe he did not apply for it. After Davis retired the new Commissioner Sir Colin Wood took up duties in August 1979, he arrived then, he was most interested in the Greek investigation.

I sang Thomas's praises loudly but Sir Colin did not take to him. Apparently Thomas had administered incorrect oath to Police when there was a change over from COMPOL to the Australian Federal Police and Sir Colin exploded when he heard this. I'd just like to point out that although I had a very high regard for Thomas's investigation ability he was not a friend of mine, I'd never been to his house nor had he been to mine. I felt an affiliation with him because of the Greek conspiracy case and the drumming that he was getting in Parliament. I did admire his tenacity (?) he left school at the Intermediate, he obtained a electrical contractors licence and he joined the Police Force at 28. He got a Diploma of Criminology and because he was too old there did not appear to be any future for him. He applied for Detective Senior Constable position and he subsequently obtained Inspectors job which he got with us. After he joined the Force he did a part time law degree at the University of New South Wales and he completed that at the end of 1979. I thought this was a great achievement. Once again I was very auditory (?) in my remarks but they fell on deaf ears.

In 1979 my doctor said that I was suffering from Hypertension and on the 17th October 1979 there was an amalgamation of the ACT and Commonwealth Police Forces. This is important because at that stage Sir Colin Woods was aware of my health problems, we had spoken, he called me in and he said that only had 12 months to go before I was due to retire why hang about? And the doctor had said, you know, that there was no point, so I did. I went before the Medical Board and the Board ruled that I was Medically unfit.

Late in November 1979 I went in the event that I'd had 45 years in the Police Force, joined at the age of 15, I considered myself to be a professional Police Officer. When I was about to retire, Thomas then came to mind, his future did not look bright and the AFP, for reasons that I've already stated, what could I do to help the man.

I thought of Lionel Murphy, Mr Justice Murphy or whatever his name is to me, Justice Murphy had been known to me since 1942. We were introduced by a cousin of mine, he was doing Science at the Sydney University, I was doing an Economics Degree, we became friendly as young people. Then I had no contact with him for several years. I went into the Air Force, after the War I struck him in court as a barrister, so I had little to do with him then. I'd met him on and off at court when I was in the New South Wales Police Force. He is a friendly acquaintance, I have other acquaintances who are not so friendly. He was and still is a friendly acquaintance. I have not seen or spoken to him since the famous luncheon nor had I seen Ryan or Thomas since. I saw Thomas next at the Murphy Trial.

I should that say now that at the end of 1960 when I was Detective Sergeant in the New South Wales Police Force I was offered the position of Chief Inspector in the Commonwealth Police. I decided to take the position, there was no trouble about transfer as a seniority, sick leave, and long service leave over the Police Regulations Act 1949, however under the Police Regulations Act 1949 there was no provision for return of money paid into the super fund. I'd been paying into that fund, that's the New South Wales Fund, for 21 years and a total of 632 pounds.

There was a provision in the act that's never been tested. I went to see Murphy, who then a barrister, he was the barrister I knew best, he's excentric(?) but he is brilliant. And the provision that hadn't been tested was to partition the Governor about the return of my contributions to the super fund. Murphy drafted up the partition, I signed it and went over and serviced it on the Governor's secretary.

On the 16th January 1971, Premier Heffran, as he was then, sent a letter to the Governor advising that the Executive Council had considered and rejected my partition.

In March 1961, the act was changed, thereafter any Police Officer could get his super back, even if he had been sacked. And if I'd got my super it would have made a big difference starting to pay into the Commonwealth Super Fund, weighted against a man of 40 years. I felt I'd suffered unfairly because of the Act, my partition was prepared by Lionel Murphy, I repeat that there was no benefit of it. Remained as a cancer, and it ate into me, I wrote to every Premier asking for a gratuitous(?) payment. I did not go back to Murphy, I wrote letters myself, kept getting knock backs.

In mid 1979 the late Jack Davis, he is dead now, said to me if I didn't get before I retire at 60 that would be the end of it. I wouldn't have any chance of getting it back. I rang Lionel Murphy and reminded him about the partition he had drafted up for me. I knew, he knew Neville Wran, and perhaps he could seek to find out if Neville Wran would entertain application for an ex-grata (?) payment. Murphy said to me that as I knew he'd helped me in the first place, prepare the partition, now it wouldn't seem right as a High Court Judge that I should become involved. I'll refer to Hue Ryan, he is a colleague, who is known in Police circles and I know that he did not have best reputation. You understand then I'd have dealt with the devil, I was determined to get my 632 pounds back. As I described earlier Police were getting their pension rights back yet I'd been unjustly done by. I saw Ryan on three or four occasions, I gave him all the documents that I had, copies of the letters and I'd met Ryan once previously in 1978 he came into the office. He asked to see the Commissioner Jack Davis who wasn't there and was referred to me. He came about the return of a passport of a fellow named Sala, I took notes, and as it was not in my Jurisdiction I in a normal course report the facts to Davis. I did that and Mr Davis wrote to Ryan saying no way Commonwealth Police would return Sala's passport. As I recall the passport was eventually returned to him, that was a matter for Murphy as Attorney General. I think he got advice from his own Department, it was nothing to do with me.

I provided Ryan with copies of all the statements and list of people who I'd dealt with. He told me he was going to speak to Neville Wran, he said he had spoken to Neville Wran later on at a luncheon and he said everything would be all right. But in the event things weren't alright even as late as 1980. I got a note from Wran's Minister, he was a minister then saying application had been refused. No help from Ryan or Murphy. So I wrote, nothing resulted from Ryan or Murphy's interference. I wrote again and got another knock back in mid 1981. Ryan couldn't tell the truth even if he tried. Fact if he made any approach to Wran, in fact even if he made any approach to Wran, they hadn't succeeded. In 1981 I wrote a private person to person letter, confidential letter to Wran and November 1981 I got a reply from Wran. He said he'd read the application felt there was a special circumstance in my case, he was concerned about, they were concerned about establishing a precedent that if I was prepared to sign an indemnity they were prepared to pay me \$1200. So I wrote in November, wrote back and accepted. In November 1981 I had succeeded but it was no thanks to Ryan or Murphy.

In November 1979 I was boardered out unfit. I'd been an associate of Murphy and I'd met him in the 1970's when I was Deputy Commissioner of Operations, my job as Deputy Commissione, as part of that job I had to deal with demonstrations that were going on over the Vietnam War. Vietnam War was a harrowing time and a dirty business. At the start we'd carry them off, carrying them away from different buildings, but then one of our officers had a heart attack so after that we would pull them along the floor.

And these days Murphy was the leader in the Senate. There was a problem down on the campus down in Melbourne University where students had, where four draught dodgers were holding up, with them there was students had taken charge of the University building and they were broadcasting out on 3DR and this was shutting out 3AW so there hell to play.

I was sent down to Melbourne, in the DCS office, I met this Major General who was the registrar of the University. I asked for the keys to get in and he refused. So we said we would have to break in. At 9.57 there was an interruption at the door a man called Steve came to see about a problem with plumbing in drainage area at Mr Davies house.

Interview resumed at 10am. I explained to the Bridadier or whatever he was, that we would have to stop the broadcasts because it was interfering, it involved breach of Commonwealth Law and we would have to arrest draught resisters. He gave no assistance, so we had to break in, about ninty Police were involved and there were about three hundred students. We arrived at dawn, we found the water man and we cut off the water. Mr Davies then went on the describe in detail the events of that particular incident. Later on he said they did an accounting and they reckoned we had done \$15,000 worth of damage and there was a hell a a runckas in Parliment, they went mad. So Lionel Murphy rang and said all hell was breaking loose and wanted to know what the facts were. I told him exactly what I've just told you, now if thats the case he said I'll quieten may side down. Now I'm no politican buy I really appreciate the man from then on.

In 1972 I again met Murphy and he said how are you going in the Commonwealth Police, you remember, I said, its mostly made up of Police and I was just doing guard duty, it was most demoralizing. There were 500 Detectives there, 700 uniform jobs whats needed is an amalgamation of Commonwealth Law Inforcement Officers together and the Narcotics Bureau and I told him this. He came to see me and I went and seen him, I discussed Jack Davis. I discussed it first with Jack Davis, told him that Murphy wanted to see me and he sent me off with his blessing. I outlined my ideas to Murphy and he said that was excellent then 12 months went by, he rang up and he said I just thought you would like to know, Corcus have agreed to form or to have formed an Australian Police if we win the Election.

I said thank goodness I hope you get into power. As a professional Policeman I'd like to see you faze out the guards and I can tell you that year I voted Labor. I regard Murphy as a man of his word, an honourable man. I don't defend his association with Ryan, he is a strange bed fellow, that is the sort of association I have with the man.

The Liberal Government wouldn't accept the Australian Police because it was a Labor idea. So they set up the Federal Police Force Australian Bureau of Intelligence Investigation something like that.

In November when I was medically unfit I thought about Thomas and I rang Murphy. A fellow named Don Thomas in Sydney who is getting a rough deal and I told him about this fellow named Don Thomas in Sydney who is getting a rough deal, he is getting his guts kicked out of him over this Greek case. He is a qualified lawyer LLB, I said to Murphy I wonder if you would have lunch with him and tell him his prespects as a legal officer, Murphy said I'll get in touch with you. Some days later a woman called me up and advised the place and time of the lunch, it was a Kung Foo Restaurnt something like that up in Kings Cross. I rang Thomas, I didn't discuss that what I done, I just told him that I had rung Murphy and he agreed to have lunch on a day to be fixed. He said someone rang him up I don't recall what the details were but anyhow I rang Thomas and asked him if he would pick me up at the Town Hall Station because I was staying with my daughter then a Chester Hill. I'd gone there on our way up to Avoca we have got a family home up there. I phoned him I didn't met him. He picked me up at the station then I read in the National Times Thomas statement where he said that I stated second eighth of May 1986 (sounds like) where Temby rejects the advice there was discussion about that.

Thomas recollection of the meeting was not forthcoming in the statement a tribute to him in the National Times refers there to a fourth man a University friend of the Judge, didn't like that.

It's incorrect inferences. I saw Thomas on the 28th April 1986 at the Lionel Murphy Trial, we were giving evidence, he gave evidence then after he'd given his evidence I'd been told hadn't been required. I wonder how the knowledge of this luncheon came to pass, came to the advice of the Prosecution. I asked him this, would it come from illegal phone taps, he said no I gave evidence to the Stewart Royal Commission and I tape recorded later. I tape recorded later a conversation with Ryan where he offered me a bribe, someone then interrupted us, we left and he said I'll see you later.

I'm not an enemy of Thomas, I don't dislike the man and I still have a respect for his ability. I think he is badly done by through the Greek Conspiracy case. He didn't mention the conversation he allegedly had with Murphy at the time. First I knew about this allegation was when I read it in the National Times. It was a conversation which indirectly I did not hear. Thomas said in his interview with the National Times that most of the time I was talking to Ryan, that's not fact. The less I talk to that man the better. I was insensed by the suggesstion inpunative (?), and the inpunative notion in the National Times the fourth man about the fourth man.

I was so concerned I saw my son who has got a LLB in he is not a practising solicitor he's in the Public Service, he said why don't I ring Thomas, a woman answered the phone, the press were there and he was luxuriating in the glamour of being the man of the day. He came on I said, I read the National Times I'm furious, he said ok mate keep your blood pressure down. I read the fourth paragraph and said you know that is not correct, you know you picked me up at Town Hall Station, at my request, he paused and he thought about it for a while, then he said yes, yes now come to think of it your right. Sure, sure because I'm going to write to the National Times and complain about the publication about material such as this. He said something like oh please yourself I can't be sure exactly.

My son said just ignore it. I point to this a lapse of memory on Thomas's part, a serious one. A sinister one if nothing about the nature of the National Times, when the National Times imputes what had occurred.

Now we get onto the luncheon. Murphy was there, Ryan was in the background. He introduced Ryan, he was not part of the luncheon invitation. So far as I recall the lunch lasted about an hour maybe a bit longer, might have had two bottles of wine, sitting around a table a bit smaller than this one, six by four. Can't remember who was sitting where I heard what was being said during the whole of the lunch. On one hand I don't claim to remember what was said at all but the purpose was to discuss Thomas's future. He went through his background, Murphy said he thought he would have a good career in the legal fraternity with his legal qualifications, his sheer brilliance would overcome any adversity. I can't remember the exact words that were mentioned. No notes, I made some notes here they are about the conversation I made, handed over copy of these notes, I want to draw your attention to inaccuracies. Murphy's no fool, he was an Australian Federal Politician how could he be talking in a way to promote the promising of promotion as an Assistant Commissioner Sir Colin Woods would have been the least likely person to do that.

I know of some guys that are mates, new men make political appointments, the whole thing does not make any sense. If we assume Murphy did say what Thomas said that was just as much an offence in December 1979 as it was in April 1985 when Thomas decided to go public. Just as much evidence then as there is now. You'll have to ask Thomas. Also when Thomas drove me back after the lunch to the Town Hall Station, he made no mention of Murphy conversation as reported in the National Times. I would have expected as close as I had been to him that he would have thought it appropriate to mention it to me.

Andrew asked about details of what Thomas had said at the Stewart Commission, Don Davies said he expressed concern that Morgan Ryan was present, I was angry at Ryan that Murphy offer. I deny that Thomas ascertainment completely and utterly. I asked how long the drive took back to the station he said 7 to 8 minutes, probably less. You could have knocked me down with a feather, he didn't say anything about this to me before. Thomas is great one for tape recording. Thomas was in Crime Intelligence he got all these bits of technical knowledge there. He did not record it, he did not mention anything to me about it, I wonder did he tell his own Commissioner at the time or make a diary note, any record, any report. I've got no idea why he dreamed it up, I can't come up with any solid reason, unless perhaps strain over the Greek Conspiracy case. Where Magistrate Bruce Brown and he and his informant subsequently charged with Perverting the course of justice. He had a nervous breakdown and was medically unfit.

If anyone has a right to be bitter against the establishment it's Don Thomas. I feel sorry for him, I still do, I don't want to be on opposite sides to him, I wonder whether he still has not got some problems. Some deeply entrenched bitterness, I don't know, he is at the bar now, he told me he is doing pretty well. He might be skitting (?) I don't know. He doesn't show his emotions. Do you know when he rang me once he was sobbing, he didn't want to come to Canberra, and as for Grimes and Murphy mentioned in the National Times article as a mate of his Grimes is thorn to Thomas. Grimes would be ingrained in his brain he would hate and detest the man.

Question: Who paid for the lunch?

I did not pay for the lunch, Thomas did not, it might have been Murphy, I don't know. All this secrecy over a period of seven years.

Question: Ryan's diary has a phone number [REDACTED] dose that mean anything?

Not mine, never has been mine.

Andrew then said: The entry is on the date the 4th December 1979.

After some thought Mr Davies said: That's my daughter's phone number. I could have given it to him, if he had some news about my pension, my refund of super. I don't recall any phone call from Ryan about this period, not about lunch. He wasn't supposed to be there, the date of the luncheon, I was out of the Police by then, December '79. I'd rung Ryan sometime to tell him that I was finished and if he wanted me I'd be with my daughter. And I gave him her phone number. My aim was to get my 600 pounds back. At that stage he was my main hope.

Andrew said: There is cryptic reference in diaries put up to Stewart with a note telephone number at Teralgan(?) in Victoria.

No connects at all I don't even know where it is.

Do you know Lewington and Jones?

Never met them.

They are A.C.T. Police, you nothing what ever to do with them? Charles Kildar, do you know him? He used to be the Chief Magistrate here.

I can tell you straight on Lewington and Jones I don't know them, no way I would know them either, if I saw them. I read about them in the paper. Charles Kildar, he used to be the Chief Magistrate here, he is a friend of Murphy's. I had no dealings with him.

Now on a separate matter of the Morosi break-in.

Harper was Acting Commissioner then and Davis, Jack Davis was away, he's dead too. He got a request from Murphy to send me to Sydney to oversight an inquiry. From information Murphy had received, there was going to be an attempt to break into, break and enter Miss Juni Morosi's flat at Gladsville and to steal Commonwealth documents that she was supposed to have had in her possession, as private secretary to Cairns. He'd had information that on or about a particular day, there was no time specified that the break in would occur. I went to Sydney and I arranged for a team of people to observe the street in Gladsville to see if information was correct. I went down the day before. The fellow appeared in a panel van that had false plates, I can't remember exactly but he was arrested and charged. I think he pleaded guilty. I think he was a member of the committee of the Liberal Party. Murphy had had the habit of asking for me to go and take charge of things if he wanted something done efficiently. For example when cyclone Tracey was on, he rang me and Davis and he asked me to take charge of the Police up there. I went for about three weeks.

Question: Were the New South Wales Police informed of this information and the break in?

No. The matter effected Commonwealth Police, Commonwealth property, Commonwealth interests.

When were you contacted?

The night before.

How were you contacted?

I spoke on the phone to Murphy.

Was [REDACTED] mentioned?

No. He never identified the informant. No. Murphy provided the information as to what might happen I sent an inspector out with two cars and it did come to pass that the information was accurate. And an arrest was made.

Question: Where was the arrest made?

On the spot and later at Brisbane Street Headquarters.

Question: Where did you receive your directions?

On the spot in Brisbane Street. I was instructed to do what we had to do. I can't recall what information was used to prepare the report, what documents we used.

Was Murphy in Sydney then?

No. Murphy was not in Sydney then.

Question: The last sentence of your statement can you explain that a bit for us please?

He said that involves a section of the Commonwealth Police Act a which says that matter relating to the Commonwealth that wasn't covered by Commonwealth Law and it is appropriate to State Law. Can't quite remember section 30 I think. The property stolen was Commonwealth property, a brief case and documents relating to the property of the Commonwealth. DCS did the prosecution. I got a letter from Murphy's solicitor's by special messenger at 7am yesterday. He dose not want the interview shown to Andrew Phelan.

Shortly after the interview concluded at 11.16 am.

0132M

11/13
STATEMENT OF: JOHN DONNELLEY DAVIES
Assistant Commissioner of Police
(Retired)

Handed to AP by 100
18/1/86
ans.



I joined the New South Wales Police ^{as a Cadet 1936} in 1945. In 1960 when I held the rank of Detective Sergeant I ^{resigned} retired to join the then Commonwealth Police ^{and Australian Federal Police} at the rank of Inspector. I rose in the Commonwealth Police to the rank of Assistant Commissioner (Crime) before commencing sick leave in October 1979. I remained on sick leave until my sixtieth birthday, 12 October, 1980 when I retired. I hold the Queen's Police Medal for distinguished service, and I am a Justice of the Peace for the A.C.T.

In 1942, I was a student at Sydney University studying economics after receiving my secondary schooling at Fort Street High. At the time a cousin of mine was studying in the science faculty. Through him I met Lionel MURPHY a fellow science student. We became friends.

I ceased my studies in 1943 to volunteer for the R.A.A.F. and lost touch with Lionel MURPHY.

I remember we met again in the early fifties. It may well have been at a Court hearing as I was then a Detective in the New South Wales Police.

In 1960 when I was offered a job as Inspector in Commonwealth Police and I could see myself losing the sum of six hundred and thirty two pounds paid into the NSW Police Superannuation Fund because there was no provision for return of monies paid into such fund, unless a petition was delivered to the Governor. This was in accordance with the Police Regulation Act, 1899.

Having decided to accept the position in the Commonwealth Police I read Police Regulation Act and decided that the only way out was to utilise a procedure ^{provided for in the Act but} never used before, i.e. petitioning the Governor.

I went to see Lionel MURPHY, ^{and} he prepared a petition to the Governor which I served on the Governor's secretary.

On 16.1.61 I joined the Commonwealth Police, and on that date I received from the New South Wales Premier a note saying that the Governor or the advice of the executive council had rejected my petition. Six weeks thereafter the Police Regulation Act, 1899 was amended so that everybody who left thereafter ^{even if dismissed} was able to retrieve contributions paid in over the period of their employment.

I was disturbed at this. I wrote to the Premier pointing out there had been a miscarriage of Justice in that the Government had changed the Act after my petition thereby excluding me from its benefits.

PC 27
This became a "cause célèbre" with me as in subsequent years there were many persons who also joined the Commonwealth Police being former New South Wales Police who had contributions refunded or transferred to the Commonwealth Superannuation Fund which reduced their contributions. My contributions at that time were almost eating up the extra pay I was receiving. This became an obsession, I felt it entirely wrong that any Government should retain monies paid over a 21 year period. The result was that over a period of 20 years I wrote frequent letters to Premiers demanding what in my view was simple justice.

My case had become even stronger over the years when the Commonwealth Police accepted Colonial Police from Africa who received the superannuation benefits from their previous employment. And later we even took in army officers who after 20 years service joined us without superannuation penalties as had been the case with me.

In the intervening period I had had a casual meeting with Lionel MURPHY, who by this time was the Leader of the House in the Senate, spoke of my professional disappointment with the way in which the Commonwealth Police Force was heading, particularly in relation to its guard duties.

I ~~had~~ suggested that as a professional Police Officer ~~who~~ having joined as a cadet at the age of 15, ~~that~~ there was a need for existing Commonwealth law enforcement agencies such as the Commonwealth Police, ACT Police, Northern Territory Police and the Narcotics Bureau to be amalgamated under the auspices of a Federal Police body including an Australian Bureau of Investigation.

Lionel MURPHY was very interested in this proposal and at the end of 1972 when Labour came to Government he informed me that this had become part of the ALP platform.

I want to say at this stage that I have not now, nor ever had any political ~~association~~ *affiliation* whatsoever.

Lionel MURPHY eventually, as Attorney General, got underway the concept of the Australia Police, which was in my view as a professional police officer a wonderful thing for Australian Policing in ~~as~~ *each* much as it left the ACT Police, the Northern Territory Police and the Narcotics Bureau under the control of a Commissioner together with creating an Australian Bureau of Investigation under a Deputy Chief Commissioner.

The whole organisation was to be controlled by a Chief Commissioner. This was far preferable to what the incoming Liberal Government opted for, that is, the Australian Federal Police.

I say all of this to explain why I believe Lionel MURPHY to be a gifted, if eccentric politician to begin with, and also a breath of fresh air in the stuffy High Court of Australia.

In the early part of 1979 I again became incensed with the refusal of the New South Wales Government to return at least the monies I had paid to the New South Wales Police over the 21 years I had served. I rang the man who had been responsible for my initial approach on the matter, Lionel MURPHY, and asked him would he intercede with Neville WRAN so that common Justice could be done to me before my retirement. He said that Neville WRAN was a friend of his but it would be wrong for him as the author of my petition now a High Court Judge to be approaching WRAN upon this subject. He suggested I should deal with a colleague Morgan RYAN who also had access to Neville WRAN. I accepted his advice and after some phone some calls and about three meetings with RYAN, during the course of which I provided him with copies of correspondence with me to earlier premiers (ASKIN included) and at his request a list of those New South Wales Police, British Colonial Police and Army Officers who had received superannuation benefits subsequently that were superior to mine.

My recollection of RYAN's final assessment of my chances of succeeding in my aim were that he had spoken to WRAN and that my application would be favourably considered. In retrospect this proved to be completely wrong. I have not seen, spoken to or communicated with, either RYAN or MURPHY since December 1979 when for reasons to be stated later I lunched with them and then Chief Inspector Don THOMAS at a Korean Restaurant in Kings Cross.

It was left to me to make further approaches to Mr WRAN by way of correspondence in 1981. In other words RYAN's alleged close association with WRAN was a figment of his imagination. I subsequently received a letter from one of WRAN's Ministers denying my request about June 1981 signed ~~by a Minister~~ on behalf of the Premier. I persevered and wrote another letter marked 'Personal and Confidential' which ultimately resulted in the receipt in 1981 of a letter from Mr WRAN, a copy of which I still retain, acknowledging that there were special circumstances which did ~~not~~ justify the State Government retaining my superannuation contribution. Accordingly, I was offered without prejudice the sum of \$1200 in payment for my six hundred and thirty two pounds provided I sign ^{an} indemnity. I did so. I received a cheque for \$1200 and thus the saga of my superannuation claim against the New South Wales Government was concluded without, I might add, any help from Morgan RYAN and Lionel MURPHY. In late 1979 in accordance with medical advice it became necessary for me to seek early retirement (10 months earlier) from the Australian Federal Police from which I was due to retire at sixty.

I had always held Chief Inspector Don THOMAS in high regard as an investigator ^{he was virtually my protégé} and I had felt sorrow at the way in which he was being treated by police dignitaries of the time following what I still believe to have been a necessary and effective investigation of social security frauds being conducted by members of the Greek community of Sydney associated with relatives in Greece which resulted in them receiving Commonwealth Disability Pensions after payment of money to corrupt medical practitioners. I personally read numerous written confessions by Greek persons to the effect they had paid money. I think the going fee was \$2,000, to a go between so that medical practitioners would certify them as fit for pensions.

I had been with THOMAS to see the Minister of the day, John MacLEAY (Liberal Government) to whom the ramifications of this colossal social

security fraud had been explained and had heard him give the go ahead for proposed police action. Additionally, I had conferred with THOMAS and with permanent heads of the Attorney General's Department, Social Security Department and Health Department to whom the same facts had been explained and from whom there had been no objection to our planned courses of action. Thereafter, I watched what in my view had been a most successful investigation which had saved the Commonwealth Government being defrauded of millions of dollars even to the extent where Greeks were coming to Australia, paying there \$2,000, getting their pensions and going back home to live in luxury, deteriorate^{due} to an attack by both political parties upon Commonwealth Police activity in that area in general and Mr THOMAS's conduct of it in particular. This later extended even to a recommendation for prosecution of Mr THOMAS and his informant by a magistrate^{Mr Bruce Brown} who was subsequently reprimanded^{with the Crown} for discussing procedures in a case of conspiracy amongst a number of doctors which resulted in the committal for trial being aborted.

One of those doctors had been the recipient of \$2,000 in Commonwealth money from a Greek speaking ACT Police Officer through a go-between and the full details of the doctor's advice to this Constable as to how to represent his symptoms to a confederate specialist had been^{tape} recorded by the police officer who had been acting under the instruction of Mr THOMAS.

All of this left me wondering what place there was for Mr THOMAS within the police sphere, as he was either at that stage a lawyer or about to become one. *(He was then qualified)*

My medical advisers had told me that I should be pensioned due to hypertension so I knew I would be leaving my job in the near future. Accordingly about the end of November 1979 I rang Lionel MURPHY, and told him what had happened to me and I related the circumstances surrounding Don THOMAS, telling him that whilst THOMAS was not a friend of mine^{I had a great respect for his ability, and} I did feel that he was being badly treated, and would have no future as a police officer despite his academic qualifications. *(Lib. Dip. Crim.)* I asked Lionel whether he would be prepared to have lunch with THOMAS and me to discuss a possible future in the legal profession. I was being presumptuous because I had not even consulted with THOMAS on this score.

About mid December Lionel MURPHY's associate rang me to say a

luncheon had been arranged between me and Mr Justice MURPHY and Chief Inspector THOMAS at the Korean Restaurant at Kings Cross. I then rang Mr THOMAS and arranged for him to pick me up at Town Hall Station and take me to the luncheon (I had stayed the previous evening with my daughter in Sydney)

Upon arrival we were met by Lionel MURPHY and ^{then} Morgan RYAN. We had lunch. Lionel enquired about THOMAS's background and legal achievements in the academic world and from my recollection agreed that he would have a ^{good} career available as a Lawyer should he ultimately feel so disposed. Furthermore he expressed the opinion that with his qualifications THOMAS would seem to have a good future within the Australian Federal Police. RYAN to my recollection had little or no input into the conversation.

As I recall it the setting for our luncheon was a sort of recessed eating area although part of the general restaurant.

I simply recall it as a pleasant luncheon, an informal discussion between Lionel MURPHY and Don THOMAS, arranged at my request because of my apprehension that THOMAS had been or would be badly done by ^{by the imported} United Kingdom hierarchy. ^(Sir Colin Woods) I left with THOMAS. He drove me to ^{Town Hall} station. I have not seen him, MURPHY or RYAN nor have I spoken to them or communicated with them in any way whatsoever, since.

I have not been to that restaurant before or since. I have no knowledge of or association with any Korean persons.

I was not aware that Morgan RYAN was to be present with Lionel MURPHY but as I have already mentioned I had met him at Lionel MURPHY's suggestion in order to further my determined approaches to the State Government to recover the six hundred and thirty two pounds. As a matter of complete indifference to the current situation, I spent the \$1200 which I received through my own endeavours no thanks to ^{Ryan or} Lionel MURPHY, on buying an electric typewriter and video recorder that I still have as mementos of the triumph of an individual over bureaucratic injustice.

I have been asked if I was privy to all that was said at the luncheon. Whilst I was certainly present in a group of four people I am not able to say that I can give a complete account of what was said since the

anniversary is in its seventh year. As I was sitting in a group of four people at a table I feel I would have heard anything of major importance that was discussed. Once again the ^{Con}~~re~~straints of memory apply.

THOMAS and I left MURPHY and RYAN at the front of the restaurant. On the way to dropping me off THOMAS expressed ^{surprise}~~concern~~ that solicitor Morgan RYAN was present. So did I.

SOME NOTES RE LUNCHEON.

Handed to HP by J.D.D.
18/7/86. *Ans*

1. Not organized by Murphy but by me.
2. Reason... I was on the eve of retirement on medical grounds... had a great respect for Thomas' investigatory ability and academic achievements... He was not a "friend" but a "protege"... had been associated with him at the commencement of the "Greek conspiracy case", had watched political retreat from this prosecution and Thomas' increasing problems... was also aware he was poorly regarded by the A.F.P. hierarchy ("arrogant") and thus appeared to have poor future... therefore about November, 1979, rang Murphy (whom I met at Sydney University in 1942 and with whom I had always maintained a "friendly acquaintance")... I asked him whether he would be prepared to lunch with Thomas and me to discuss a possible future for the ~~former~~ within the legal profession for which he had then qualified... Murphy agreed and would get in touch... .. did later through Associate... I rang Thomas who thanked me for introduction and arranged to pick me up at Town Hall Railway Station on appointed day to drive me to the luncheon... Thomas did so and later returned me there.

3. As to excerpts from Thomas' statement and mine to the D.P.P. appearing in National Times 2/8 May, 1986, the following inaccuracies are revealed:

- (a) I did not "appear at Thomas' office" as claimed... When telephoned by me at his home on the night of 2 May and referred to this inaccuracy Thomas thought for some seconds and then acknowledged this was incorrect, and that he had picked me up at Town Hall Station as had been requested by me.
- (b) According to Thomas "Morgan Ryan and Davies spoke among themselves throughout this exchange with Murphy"... I did speak with Ryan, and with Murphy and Thomas, but it is inconceivable, sitting as close together as we were, that I would not have heard Murphy make such startling and improper comments and promises to Thomas as he has alleged.

Furthermore, after the luncheon while driving me to Town Hall Station, Thomas made no mention of the conversation to me... possibly Thomas immediately reported the conversation to his superior officer, or made a note of the details in his official diary, but it first came to my notice when I read about it in the National Times expose of 2 May, 1986.

- (c) According to Thomas "Murphy talked about plans for the Australian Federal Police which was then about to be established"... The luncheon took place in mid December, 1979, while the A.F.P., as was widely publicised and must have been known to Murphy, had formally come into existence on 17 October, 1979.
- (d) According to Thomas, Murphy said to him "We can arrange for you to be an Assistant Commissioner when it (the A.F.P.) is formed. We have friends on both sides"... The fact was that the A.F.P. was already formed... furthermore, as should have been known to Murphy, Assistant Commissioners can only be promoted within the Force by the Commissioner... The Commissioner in question, Sir Colin Woods (as Murphy should also have known) had been appointed by a Liberal Government on a three year contract which had almost full time to run... To my knowledge, unimpressed as he was with Thomas, Sir Colin would have been most unlikely to have agreed to such a promotion.

L/27

Read sheet

Rough Notes of A. Phelan 18/7/86
Interview with J. D. DAVIES. Also
present, Peter Myers.

Just met Thomas then came in
as an inspect. JDD and



subseq. from to Det Chief Insp.
then right
came to the desk in London

Thomas 1977
pleaded as an agent → Davis not tenby
happy.

Thomas pleaded with Davis pleaded
in tears about wife health — not to
go to London.
As result

Now in post and loc. vacant. in
Sydney. Filled it (2 ic).

Not close contact — except spoke
daily.

Under took investigation in counterfeiting
of gold coins. Had to go to London
Went on for months. Davis clearly that
+ became impressed with Thomas' invest.
abilities. So did Davis → gave him an

and of merit.

1978 Thoms came to Carb. +
saw Lamm then Davis, coming
info he had that there was a
conspiracy in Cuba coming to get
prison on part of \$2000.

Thoms wanted prot. for informant. Asked
for \$100,000. Informant was intro'd to Lamm.

↓
Davis went with Thoms to meet with
heads of AL-Health-DSS. + outlined camp.
+ given to green light. Also saw John McLeary
who gave green light

Assigned groups of men to Thoms in Syria.
Lamm + given. Thoms sent to base. Went on
oppose until 1978. With DCS backing, went
ahead + arrested 100 odd people.

Large criticisms in Puff. by Davis.
Whistle-blowing. — Thoms in particular.
"The Aunt Sally".

Went on for months + months.

In first place bullfight defended. But as
months went by, political situation
with noies. (paraphrase). By end of 1979,
Davis was one of few people solidly behind
Thoms (a protégé) He had been passed

for a ~~Lyons~~ Superintendent job
(possibly already applied) - New course
(Woods) (Aug. 1979). Woods met with
in bank. Davis says 'Thom's' poems. 'Thom's'
didn't appear to Davis? Lunch time. Then
then Thom's administrative interest other to
new AFP

↓ - down for
(as 2IC - down for
Corporal AFP).

Davis had high regard for Thom's
inv. capability. Not a friend (not his
bag / nor he to read) but felt an
affiliation. - doubly. Admiral left school
at intermediate level. (Dunrothy 1971).
Re. elect. content. Treated New Pol at
28. Got D/S/L. As so old, (senior
person). Applied as D/S/C for crop job
- got it (with Crystal). Lunched for day
at New. Completed that mid 1979
(thought a great achievement (characteristics
analysis)).

In 1978 Davis used about hypertension.
Had existed.

Analogue of ACT / Corporal 17 Oct 1979.

Said 'that date scarcely correct'

Down into AFP by Woods. Told only

got 12 months to go - 'Shuts the
point of being about'. Went bef.
med. bel. + home at late 1979.
Went on sick leave. then to etc.
(had 2 1/2 yr).

After headed out. Thomas came to
work. mid. His father didn't seem right
at all. What can I do to help the
man bef I finish.

Ellen has been known to me since
1942. In which year he was
introduced by a cousin of mine. She with the
dog 'Bibi'. 'That's how long I have
known Myles. Truly as you people.
Lost touch when she left in 2005.

Starch at court as dy. Would meet
at it. I am acquainted of mine. a
friendly acquaintance. 'Was + still is
a friendly acquaintance. As completely
other fact not spoke to him since
the famous incident. Now spoken to Ryan
mine. Met Thomas only once at Myles
trial.

By 1960. He offered Chief Laps in Congress.
No trouble buying over sides. But they are
1899 - no pressure for etc. of my acts
paid into Ryan fund. \$12 a year
etc. (goes on about says) ~~never to do~~
'pe like Goven'. Went to Ellen for advice

In the past.

16.1.68 got letter from the firm - Gov. with
exco. consid. picture + examine it.

March 1961. act changed: therefore again
She left. got contributions for my book.

Thank for your this matter. 'Most useful'
Had to Murphy's pet but already
concerned. justice. - (changed act) But
and not give benefit.

So wrote to my pen. (I did not
go to Murphy. - just wrote self.) In
mid 1979. I wrote to Davis. (late) about
Lyon. He seemed to think that if got no
action by the 60, get number. So my
Lyon - remember picture? Yes. How
about if you get in touch with whom
to see if picture appears when.

I do know the name. In
first place says pet. In second place
I don't think I should make approach
but I'll cf. you tried to a colleague
Morgan Ryan.

How. Ryan said not have good work.
reputation. But I would have dealt
with the detail. So no result see Ryan
on 3 or 4 occasions. Give him details.

met in 1976 ^{one of the} ^{Ref to me.} ^{Commission.} ^{He}

(see to see Lou. about et of
passport to Cuba. Took some notes.
Not if my guess. I could report to
Don Lou + would know him for his
later. wrote to Ryan saying my
longest could et. passport).

Passport was et. - but really to
do with longest or me

Also give list of people who
had been

Told me he could speak to Sam.
- Later told me he had spoken +
myth could be all right.

Last time spoke to Ryan. was at
lunch. Held at meeting early all
night (Months after big bbl)

late 1980 got note - refused. So
wrote again - to him. Another answer
back. 1981. - (mid).

Ryan couldn't tell the truth if he did.
If he had made any approaches to Sam
the hadn't worked.

So wrote again to him. Nov 1981 - got
a reply - read application. There were special
circumstances. If prep to sign an indemnity.

could get away. Took \$1200. Nov.
1981. So succeeded but no thanks to
Ry + CUM

Nov 1979. Then 'banned' info.

Assoc with Murphy

In 1970's - in those days Deps. Com
(opponents). My job to deal with Vietnam
demonstrations. Had to dev. methods of
getting people out of bldgs. Would pull
them out. M. leader of Senate at that
time. He fiddle about that Congress day.
- in partic. Melb. This exercise: a draft
resister had lodged self in bldg under
prot. of students. Handwritten BDR (B
bldg and M). Sent to Melb. to
inter - Register. Explained he had to spot
stop radio + had to go in + stop resister
but like he to be present + provide help.
Didn't intend to assist. Told him he
had to look in - 90 police (200 hands
inside). at dawn. Police had off water.
(fire hoses). They chas down. They. They
were come down. on - . Back into van
offers. Did \$15,000 damage. (rec. to go up).

Centred on future.

So CUM may. All hell broken loose here.
What are the facts. 1 You a pointer

I shouldn't tell you. But I trust you.
+ told him. He said 'O well, it
quite damn + he said. I have
had a lot of respect.
No pol abbit.

1972? Met at fery. M: 'how are
you going in Congress?' D: 'Mostly
peace offers - democracy...' suggested
an amalgamation.

Discussed with Jack Davis.
Myth said 'excellent idea' come in
see me!

So did so + sent to M's office
+ give bfy. (M said excellent.)

Just bef 1972 elect when Davis
+ said 'I have put it to Congress +
they have accepted in A.P. House.
You get into power' (Nearly voted phase
out of game.)

↓
'Regard him as honorable man. +
man of his word. Don't defend his
assoc. with Ryan 'Strange bedfellows'!
That's the sort of assoc. this side
the man. Lib. board would accept AP. (Sec.
AP (idea) But after - State opba
for next best thing. APD.

Nov 1979 wed. yr

Thanked Thom. Bright idea I
am a person of impulse.

Phoned Mm

Tell me more. Don Thom in Lyr
city a rough deal - not much chance
of prom. Betty gets locked out
in both cases. But great. as law
- got L.B. When would you have
lunch together + see how you discuss
his prospects from in legal prof.

Betty. Don. Will be

Later (approx). When phoned her
with her date.

Rang Thom. + told him that
had saying M+ agreed to have lunch
+ date fixed. 'No collection of Thom
saying someone else had phoned.
Asked Thom would collect me.
at Town Hall still (by with double
in law) Not day of lunch.

See Nat Tis
My 2-8 1986.

From collection of this meeting.
was not see fathering in the sheet
attrib. to him in Mat Times May 2-8
1986.

(4th man. ————) ———— hand fist of
judge.

of the } 28/9/86. at that time
on Thomas } (after evidence).
Told history.

I said to him
I would be looking of
the book can to prove
in the case. Whether it
have been from one of the
other types.

No I can even to
start at R.C. about matter +
about a type cc. I made
later of Ryn off by me a
book.

In tonight. Over up in
——— attrib. we up + see me.

Not an easy of Thomas. Don't discuss
the man the correct for ability. Does

doe by

He didn't mention anywhere he had
with M at this time.

But I hear of alleged conversation
was then and Nat Tunes article.

Wasn't the conversation which I
didn't hear. (Thomson said I spoke
to Ryan - which was not the fact)

I was caused by suggestion that
my sister a sister note to me.
- the 4th man per!

So I saw my son (an LTB in
PS.) He said 'Why don't you say
Thomson + challenge him.' Woman said
a so I did to his her. Woman
said 'Dess we have truly photos'.
He came on.

Don't say more, keep blood pen
down Read 4th pr

'You hear that is not
correct. You hear you produce
up at TH State at my request!
Thought for for several.

'Now that you say. That's her
it did happen! I want you

to be quite one of that bec I
will ~~like~~ to not + explain about
public such as this.

He said 'That's alright. / or
please yourself'.

Sam advised not to write —
just ignore it. So I didn't write.

Point to this as indic^{and} of lapse
of memory.

at lunch:

M asked Ryan. (in back)

↓
last part of lunch
invitation.

No idea of why he was
there.

Lunch. lasted an hr.
Cups of bottles. (Then dinner).

Just and table was (6 x 4 people)
Carl enters she was sitting there

if he could have been able
to have conv.

But don't claim to remember
somewhat specif. + he did that.

He stated Pysox to discuss
cases + he did that

M said would have good future
in legal prof. + with his qualifications
he could secure any employment.

Can't tell what words used. Spoken
loosely.

Notes

Class
He M did say this: - that was
just as much in office as
there in 1979 as 1986.

Then then does back to Tom Hall
the narrative substance of M's conversation.
as app. in N.T.s. I would be
expected, as close as I had been
to him, that he would have thought
it appropriate that he note it to me

Read Transcript to Street. about
confront. Denied absolutely!

7/8 ms

By Charles Thomas tell me
about com. with M? Told me
about typing Rg-.

↓
at it in April 1986.

Thomas a gent. ac. for type comm.
in Live Intelligence area.

Did not mention to me about right
Shut at once.

Did he tell his own Commission?
Note of this?

No idea By Thomas would down
the up?

Got to remember under section after
after beetle copying case. Brown.

Nerves broken down. Went out on long
medically unfit.

If you has right to be better subject
established it so Don Thomas.

Wonder if still has some problems. Perry
entered letter.

Bries: 'M is supposed to get
that bres is a mate.'

↓
Bries is anathema to
Thomas.

↓
engrained in his brain. would
hate + detest bries.

Could not even be the price for
lunch. Thomas didn't + Thomas
didn't.

Ryan did not speak to Dan
about lunch.

Was to tell about it.
Had phoned Ryan so he to tell
him had finished. + would be with
daughter. So could be.

(Ryan don

do correct Tanalga.

Now we begin + Terms.
ready to do.

Charles Wilduff.

not to my
knowledge a friend
of Murphy's.

Not we. Suggest that
soon M. will
see to assist the
strayed. Not me.

Marion beach. in.

About that time.

Harper acting Commissioner.
(now dead).

Request from M to send
D to Lyon to oversight on
investigation of info M had received
to effect there was guy to be an
attempts to break into Marion's
flat at Blacksburg. Idea to
steal some birth documents she
had in in her possession - as
private rec. to Com.

Went to Lyon office

had info
that on
a partic. day
(no time).

arranged for team of
people to take observation
at Blacksburg.

He went from apartment
in pool van. False no
plates front + rear.

Arrested + charged.

Member of Cttee of Lib Reg NSW.

Murphy had a habit of asking for me to take charge of things. He counted to be things done efficiently. (eg Cyclee Tray - M asked Davis to send Duns to Duns. - Went up to Rm.)

NSW police not advised

Little report involved. Related to Cuthbert's interests.

Night before M told him to go to Sydn. Spoke to M on phone. Name [redacted] not mentioned.

M did not 1/d informant.



amte.

Inspect with 2 cars.

One fellow in van.

Report to AG given on spot in Sydn office.
Had been there:

Set of Counsel Act: She is 30? matter, clear to Cuthbert appears to use stab law.

See prep was prep of LTH.



using handles by
DCS.

Back of 6 August.

Got Travel.

Spoke to Marcelos.

- did not recall name
- told him about in notes

Marcelos, dated letter 16 Aug 1986.
16 / 7/86

also 7-8 about gathering.

Unsub

RYAN MATERIAL
(TRANS. NIA 25X125-11122)

Does that mean that you deny it ever took place or are you saying that, well, it may have taken place and I have forgotten it?---No, I have already - I am not going to deny that straight out because I have already said to you that I spoke to Mr Morris but I know I just cannot recollect that conversation that you are putting to me.

All right. Do you know a person called John Donnelly Davis? He is also known as Don Davis?

THE COMMISSIONER: Don Davies, D-a-v-i-e-s.

MR HAMPSON: I am sorry; John Donnelly Davies.

THE COMMISSIONER: Otherwise known as Don Davies?

MR HAMPSON: He was in the Commonwealth Police Force?
---Oh, in the Commonwealth Police Force, yes, I know him.

And would you have had telephone conversations with him at times?---May have; no, I am going to go further than that. I think I have spoken with him on the phone, yes.

Do you remember what about, Mr Ryan?---Yes.

What?---I think it was, I am not too sure about this but I think it was about his superannuation.

He was acting, or he was really in the role of a client, is that what you are suggesting?--Yes, he could not get his super from the New South Wales Police Force.

Do you know a person called Frank Hakim?---I would not, I think I met him once in the office.

In your solicitors office?---Yes.

Was he a client?---A client of one of the partners.

Would you ever have spoken to him on the telephone?
---I do not think so.

You do not think so. Did you have any business dealings at all with him, any sort of - - -?---He used to ring up for the tip there a couple of times I think. That is all I know of him.

Did you ever know him as being an important person in the Lebanese community?---No.

atel 19.12.85
t11 4 fh

3958 M.J. RYAN
Transcript-in-Confidence

DECEMBER 1979

TUESDAY

WEEK 49 . 333 27

Reading No.

D. Davies



not sure
has been

thoughts place.
could be given it
about 1000

it really
conceals
the fact

Mr Justice Murphy's
UNCOMMON SENSE AND TACT

(The accused made the following unsworn statement.)

ACCUSED: Ladies and gentlemen, the law gives the right to everyone accused of an offence the right to speak directly to the jury without examination or cross-examination and I've chosen to do this, and to speak to you directly as my judges.

I've known Morgan Ryan for over thirty years; in the fifties and the sixties as a barrister, I handled cases for his firm. Some of these came through Morgan Ryan but most of them came through others in his firm.

I became friendly with both the partners. I was never indebted to Morgan Ryan for anything.

After I went into the Senate in '62, the relationship between us diminished. I saw less of him, but I saw him from time to time.

In 1972 I started to live in Canberra. The relationship revived when the Sankey case commenced in late 1975. He was acting as the solicitor for Dr.Cairns and he spoke to me from time to time on behalf of Dr.Cairns.

The contacts varied with the activity in the case. There was a lot of activity in 1976 and again in 1979.

When the charges were dismissed in 1979 there was quite a bit of contact between us over the recovery of costs from Mr.Sankey and about whether Mr.Whitlam, Dr.Cairns and I should sue Sankey for malicious prosecution, and how the suit should be paid for.

It was during this period that the lunch Mr.Thomas spoke of occurred. I don't recall the remark that Mr.Thomas attributed to me, that I tried to have lunch with Morgan Ryan whenever I'm

in Sydney. I do not recall any other lunch than that, although it's possible there were, but there's some suggestion that every time I used a Commonwealth car, or in any event in the periods I was in Sydney, that I had lunch with Ryan. That is absolutely incorrect.

I used to lunch with my staff when the court was at Darlinghurst up until May 1980. We would go across to the places in Oxford Street opposite, there are a number of restaurants in the area, and have lunch there, and there was only one lunch that I can recall with him although I would say it's possible that there were others.

Now the man has never in thirty years had a meal in my home, not only this home but any home I have had, he has never had a meal at my home. I was on quite friendly terms with him but we were not close friends. He moved in different circles from me and my impression was that all of his close friends were race-goers. I no longer have any association with him and as of now I have not spoken to him for several years.

I met Mr. Briese first at Ryan's place on 10 May 1979. He came with Mr. Farquhar. They were the incoming and outgoing magistrates and they seemed to me to be friends.

I next met Mr. Briese at the Magistrates' 1979 Christmas party. He came over and spoke to me and we chatted for a while.

When he rang me in January 1980 I was quite happy to accept his invitation to lunch to Cassims to talk about independence for the Magistrates and at the end of it I told him if I had any further ideas I'd get in touch with him.

Now, next there was a change in my life. The High Court up till May 1980 had been sitting in each of the State capitals. Each year it went to each of the State capitals and there was a