

THE ALLEGATION

The Lewington Allegation Statement of Offence

It appears to us that even if everything set out in Lewington's record of interview (answer 28 page 9 of that document) could be authenticated, it could not be said to amount to a criminal offence. Taken at its highest, it appears that on a previous occasion, Ryan had asked the Judge to make inquiries about the police officers who were conducting the investigation into Ryan's possible criminal conduct. Lewington recalls a conversation whereby Ryan said something to the effect of "have you been able to find out about those two fellows who are doing the investigation; are they approachable?". The Judge indicates that he has made some enquiries and that the answer was definitely no, the two police officers were both very straight. It seems to us that a request that another person make enquiries as to whether someone is corruptible falls short of a conspiracy to corrupt, and certainly falls short of an attempted bribe. Rather, it seems to be a preparatory act leading up to the commission of an offence which is too distant from the actual commission of the offence to be criminal when considered in isolation. It follows therefore that the Lewington allegation will have to be considered upon the footing that it demonstrates "misbehaviour" in a broader sense than that which was accepted as lying at the heart of that concept by the Solicitor General in his memorandum of 1984.

It would be argued that for a Justice of the High Court to provide assistance to a person who was interested in finding out whether two police officers could be bribed (whatever that assistance might be - either answering the question in the affirmative, thereby facilitating the offer of a bribe, or answering the question in the negative, thereby enabling the would be offeror to avoid putting himself at risk) constitutes very serious and improper behaviour. It may amount to misfeasance in a public office - this will depend upon our analysis of the law relating to that tort-misdemeanour.

① attached

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|| Oliver

Material to be examined

Two records of interview conducted between Detective Superintendent A. Brown and Station Sergeant David James Lewington dated 22nd February 1984 and 23rd February 1984. In addition, one should examine the findings of the First Senate Enquiry into the Lewington allegation - paragraph 61 of the First Senate Report August 1984.

Attach copies of 2 records

Witnesses to be spoken to

- 1. Lewington ✓ ✓
- 2. Jones ✓
- 3. Lamb, - Detective Sergeant Carter, Detectives Harten, Harrison and Craig ✓
- 4. [REDACTED] ✓
- 5. Deputy Commissioner Farmer ✓
- 6. Charles Kilduff ✓

Interview Plus: Findings First Senate Enquiry into Lewington and Kelly paras 61. Report Aug 84

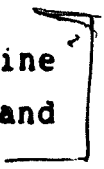
In addition to speaking to these witnesses, we should examine carefully:

- a. The Senate proceedings (first enquiry) and the Stewart Royal Commission investigation into this matter. It may be that if [REDACTED] is prepared to speak to us, he would be in a position to tell us who carried out the actual taping of the conversation.

examining attach

It must be recalled that shortly after this incident, Lewington and Lamb were approached by two other officers of the New South Wales Police Force who attempted to bribe them. Apparently the two officers who made those bribe offers were Detective

Sergeant Shaw and Detective Sergeant Lowe. We should examine the New South Wales Police files relating to this matter and the AFP files as well.



*Examine files
re Shaw or Lowe*

0004M

No 2.

EXTRACT - JOHANSON REPORT
- SYNOPSIS POLICE INTERVIEWS



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Allegations of Illegal Telephone Interceptions: Inquiries on Behalf of the Special Prosecutor

BACKGROUND

1. On 2 February 1984, 'The Age' newspaper reported that Mr Bob BOTTOM, journalist, had provided 'The Age' with copies of tapes, transcripts and summaries which, prima facie, appeared to be the product of telephone interceptions allegedly conducted by the New South Wales Police against certain crime figures (FLAG 1).
2. On 3 February 1984, Mr N. REABURN, Senior Assistant Secretary, Attorney-General's Department, reported to Detective Chief Superintendent B.C. BATES (AFP) that 'The Age' had given the material provided by BOTTOM to the Federal Attorney-General, Senator Gareth EVANS, QC. Mr BATES obtained from the Attorney-General what later proved to be copies of the subject tapes, transcripts and summaries. At the initial briefing the Attorney-General stressed that an AFP investigation of the material was required to (1) establish the illegality or otherwise of the alleged telephone interceptions and (2) provide a preliminary assessment of the contents of the material.
3. From the outset it was evident that 'The Age' allegations were substantially the same as those advanced by the 'National Times' in its 25.11.83 edition headed 'Big Shots Bugged'. It is understood that as a direct result of that article the New South Wales Police ordered an investigation into the allegations. In the event, Detective Superintendent R. SHEPHERD, Officer in Charge, Bureau of Crime Intelligence, investigated and reported to the New South Wales Government. His findings were inconclusive and no further action occurred (FLAG 2).
4. On 9 February 1984, Detective Superintendent A. BROWN and Detective Chief Inspector A.M. WHIDDETT submitted a situation report outlining their preliminary findings after having reviewed 'The Age' material (FLAG 3). Influencing the initial assessment was information provided by Detective Station Sergeant D.J. LEWINGTON. The situation report stated, inter alia, that the alleged interceptions were not authorised under the provisions of

- * interview of AFP personnel not categorised as of Phase I importance, or who could not be interviewed beforehand owing to circumstances;
- * search findings;
- * document analyses findings; and
- * interview of parties to alleged telephone conversations with Morgan John RYAN.

Synopsis of Interviews - Phase I

32. (i) Detective Sergeant P. WELLER, Special Projects Branch - 6.2.84: Analysis of 'The Age' material.

Comment: Material appears to have been tampered with (FLAG 15).

- (ii) Detective Station Sergeant D.J. LEWINGTON - 22, 23.2.84: Investigated Morgan John RYAN and others (Korean immigration enquiry).

Comment: In company with former Detective Senior Constable R.A. Jones, he listened to segments of sound tapes at 'B' Division, Sydney; this was arranged by Detective Inspector P.J. LAMB; considered that the tapes may have been of intercepted telephone conversations; presumed that such interceptions were legal; was not shown any written documentation in 'B' Division; identified a number of voices on the tapes (Morgan RYAN, James MASON, Keith BELL and tentatively Justice Lionel MURPHY) as he had subsequently spoken to all of them except Justice MURPHY; that LAMB told him that one of the parties to a conversation was Justice MURPHY; that the tapes could have been cassettes and reel to reel; that he did not know [REDACTED] or [REDACTED]; and he could not identify 'The Age' material as material he had listened to in 'B' Division (FLAG 16).

- (iii) Mr Bob BOTTOM, Investigative Journalist - 24.2.84, 10.4.84: Provider of material to 'The Age' and 'The National Times'.

Comment: Contacted by telephone to arrange interview; failed to re-establish contact; eventually responded to the written urgings of the Special Prosecutor and telephoned Deputy Commissioner JOHNSON on 10.4.84; disinclined to be interviewed by police until after he had given evidence before the Senate Select Committee; will then review his position.

- (iv) Mr CREIGHTON-BURNS, Editor 'The Age' - 24.2.84, 6.3.84, 3.4.84: 'The Age' receipt of material from Mr Bob BOTTOM.

Comment: At first agreed to be interviewed, however, resiled from this position on 6.3.84; approached again to provide 'original' material received from BOTTOM; 'original' material received on 26.3.84; approached further to aid police in clarifying apparent ambient sounds on the tapes given to the Attorney-General and an extra conversation in the original material which were excluded from the Attorney-General's copies; subsequently refused to assist; McPHEE, QC, for 'The Age' telephoned 5.4.84 to confirm CREIGHTON-BURNS' reluctance to co-operate with an inquiry in which he has no confidence (SEE FLAG 11).

- (v) Mr Brian TOOHEY, Editor of 'The National Times' - 2.3.84: Editor of the newspaper which first published details of the alleged telephone interceptions on 25.11.83.

Comment: Unco-operative in terms of identifying sources; implied that the material originated from Mr BOTTOM; implied a degree of knowledge of the telephone intercepts on the part of some senior officers of the AFP, including Sir Colin WOODS (FLAG 17).

- X (vi) Former Detective Senior Constable R.A. JONES - 5.3.84: The AFP member assisting Detective Station Sergeant D.J. LEWINGTON in the investigation of Morgan John RYAN and others.

Comment: Recalls listening to sound tapes in 'B' Division, but recollection is less detailed than LEWINGTON; that an unidentified member of 'B' Division identified RYAN's voice on a tape; believed the tapes could have been of intercepted telephone conversations; not shown any written documentation in 'B' Division; no knowledge of [REDACTED] or [REDACTED]; was unable to identify 'The Age' material as material he had listened to in 'B' Division (FLAG 18).

- (vii) Detective Superintendent P.J. LAMB - 8-9.3.84: The Officer in Charge, 'B' Division, Sydney, during the period in question.

Comment: Acknowledged receipt of sound tapes from [REDACTED], a serving member of the New South Wales Police; certain cash payments made to [REDACTED]; [REDACTED] registered as an AFP informant under the code name [REDACTED]; denies knowledge that the [REDACTED] tapes were of telephone interceptions; assisted LEWINGTON and JONES by facilitating their access to the [REDACTED] tapes; authorisation to receive tapes from, and pay monies to, [REDACTED] came from Deputy Commissioner R. FARMER; does not corroborate LEWINGTON's statements in respect of Justice MURPHY;

acknowledged making three page file note, the contents of which are identical to certain parts of 'The Age' material, but had no knowledge as to the accuracy or source of that material (FLAG 19).

- (viii) Deputy Commissioner R. FARMER - 13, 15.3.84: The Commanding Officer of the Crime Department during the period in question.

Comment: About 1980-81 LAMB contacted FARMER by telephone and told him that he (LAMB) had been offered access to audio tapes by a member of the NSW Police; told FARMER tapes related to Morgan John RYAN; FARMER referred the matter to Sir Colin WOODS; WOODS queried reasons tapes were being offered; because the origins of the tapes were unknown WOODS agreed to accept them; FARMER was aware that LAMB had a 'contact' in the NSW Police, believed to be [REDACTED]; LAMB told FARMER he believed the tapes were from a listening or bugging device; FARMER did not believe they were the result of a telephonic interception; did not believe that NSW Police were intercepting telephone conversations; approved payment of approximately \$200.00 to [REDACTED]; had no knowledge of money being used for upkeep of a facility (FLAG 20).

- X (ix) Detective Chief Superintendent V.A. ANDERSON - 16, 21.3.84: The Officer in Charge, 'B' Division, during the period in question.

Comment: Early 1981, LAMB told him that he was receiving information from a serving member of the NSW Police; knew that LAMB had been offered tapes and LAMB had approached FARMER who in turn had approached WOODS; believed WOODS had said LAMB should accept tapes because they contained intelligence; he believed that WOODS later became suspicious that tapes were of illegal telephonic interceptions; LAMB told ANDERSON that informant was [REDACTED]; ANDERSON did not listen to tapes; had no knowledge of NSW Police involvement in telephonic interceptions; reported the finding of 'Morgan John RYAN' file in ABCI (FLAG 21).

- X (x) Detective Superintendent D.J. MITCHELL - 20.3.84: Former Officer in Charge, Special Investigations Branch.

Comment: Has no knowledge of audio taped conversations being obtained by LAMB; does not know [REDACTED]; cannot recall informant [REDACTED]; no direct knowledge of illegal telephonic interceptions; only heard rumours of NSW Police BCI involvement since 1975-76 (FLAG 22).

- X (xi) [REDACTED] - 24.3.84, 18.4.84: Former Sergeant Second Class, New South Wales Police and member of the Radio Branch attached to the Crime Intelligence Unit (1976-1981) retired in 1981 due to ill-health.

Comment: Unprepared to co-operate with AFP inquiries; admitted assisting Inspector LAMB with 'setting up radio gear'; denies being involved in anything illegal; attended NSW Police interview 18.4.84 with solicitor and refused to answer any questions (FLAG 23).

Other Enquiries - Phase I

33. (i) Search of Special Investigations Branch (SIB)
Indices - 6.2.84

Comment: With the assistance of Chief Inspector K. MOLLER, Officer in Charge, SIB, conducted a search of SIB indices; took possession of two (2) file registers marked 'Master File List' and 'File Register' and index cards in the names of Morgan John RYAN, Abe SAFFRON and 'Mad Dog' MILLER (FLAG 24).

(ii) Search of SIB (UNIT) Eastern Region - 9.2.84

Comment: Arranged through Regional Commander, Assistant Commissioner R. McCABE, Chief Superintendent R. GILLESPIE conducted search; requested he take possession of any file in the name 'Morgan John RYAN' - file numbers provided; obtain 'Trident' file Number ND018 (FLAG 25).

(iii) Search of SIB (UNIT) Eastern Region - 15.2.84

Comment: Search conducted by Detective Chief Inspector WHIDDETT, assisted by Chief Inspector K. MOLLER; all indices, systems, computerised material, registers and other files searched for material relative to telephonic interception material; lists of operational targets and cross-referenced to names in 'The Age' material; no significant evidence obtained.

(iv) Search of SIB (UNIT) Eastern Region - 1.3.84

Comment: Deputy Commissioner JOHNSON directed Assistant Commissioner R. McCABE to conduct a search of Detective Inspector A. WELLS' personal 'B' Class container; McCABE and GILLESPIE conduct search; located several audio tapes - unrelated to this enquiry; also located three documents, two unrelated to this enquiry; one document - three (3) pages headed 'FILE NOTES' allegedly relating to a meeting with [REDACTED] (LAMB) at 7.30am Friday 11 July 1980 also obtained - an apparent synopsis of telephone conversations between Morgan John RYAN and others (FLAG 26).

(v) Location of 'Morgan John RYAN' Summary at ABCI - 28.2.84

Comment: Chief Superintendent V.A. ANDERSON forwarded file, reference 100316 which was located in ABCI records; file contained a 46 page document headed 'Summary of

information supplied by informant in relation to Sydney solicitor Morgan RYAN'; registered ABCI 29.9.81; prima facie, this document appears to be an earlier generation copy of the 'Morgan John RYAN' summary obtained by 'The Age' from BOTTOM (SEE FLAG 10).

Synopsis of Interviews - Phase II

X 34. (i) P.W. Constable C. HARTEN-QUADE - 20.3.84

Comment: Deployed in 'B' Division during period in question; has never heard of [REDACTED]; duties consisted of review and analysis of sound recordings; those duties always instructed by Inspector P. LAMB; LAMB never indicated that he knew what was contained on the tapes; no knowledge that recordings were subject of telephonic interceptions; no knowledge of 'The Age' material; format used in 'The Age' material not the same as that used in 'B' Division (FLAG 1 VOL. 2).

X (ii) Detective Inspector K. NEWELL - 22.3.84

Comment: Received intelligence from Inspector P. LAMB during period in question; intelligence irrelevant to NEWELL's inquiries into Chinese immigrants; received copies of 'Running Sheets' from Operation 'Zulu' and perused transcript of recorded conversation between former AFP member, Chief Inspector D. THOMAS and Morgan John RYAN which was not a telephone conversation; did not listen to tapes of telephone conversations; never provided with tapes from 'B' Division; never heard of [REDACTED]; no knowledge of illegal interception of telephone conversations (FLAG 2 VOL. 2).

X (iii) Detective Senior Sergeant B.J. CARTER - 23.3.84

Comment: Deployed 'B' Division during the relevant time; he maintained Informants Register; know [REDACTED] was LAMB's informant; met [REDACTED] on two occasions; knew [REDACTED] was a serving member of the NSW Police; knew [REDACTED] gave LAMB sound tapes; knew that [REDACTED] received money from LAMB; no knowledge of telephonic interceptions conducted by NSW Police or 'B' Division (FLAG 3 VOL. 2).

X (iv) Former AFP Sergeant - Mr W.R. TAYLOR - 23.3.84

Comment: Deployed during relevant time as an intelligence officer in 'B' Division, Sydney; did not know [REDACTED]; heard [REDACTED] name mentioned in 'B' Division; did not introduce [REDACTED] to LAMB; knew [REDACTED] was LAMB's informant; knew that LAMB received two or three cassette tapes from [REDACTED]; listened to portion of one tape and heard conversations between two persons; identity not known; LAMB told him that one

of the persons was Morgan John RYAN; did not know conversations were subject of telephonic interceptions; believed tapes were on loan and after transcription were returned by LAMB to [REDACTED] (FLAG 4 VOL. 2).

X (v) Detective Senior Constable T.P. ROBINSON - 23.3.84

Comment: Deployed 'B' Division during relevant period; duties were to provide technical support to 'B' Division; never been involved in illegal telephonic intercepts; knew [REDACTED] and was introduced to him by LAMB in 1980; knew that [REDACTED] was a serving member of the NSW Police (scientific-technical area); told by LAMB that he (ROBINSON) had to meet [REDACTED] who would give him some tape recordings; received from [REDACTED] three or four tapes; listened to portion of a tape and recalls hearing unidentified male voices; did not know that conversations on tape were subject of telephonic interceptions; tapes were reel to reel type; later heard around the office that '[REDACTED] tapes' were telephone conversations involving Morgan John RYAN; cannot recall a specific person saying that conversations emanated from telephonic devices (FLAG 5 VOL. 2).

X (vi) P.W. Detective Senior Constable E.A. HARRISON - 27.3.84

Comment: Deployed 'B' Division at the relevant period; she heard of [REDACTED] but not the name [REDACTED]; did not know that [REDACTED] was LAMB's informant; did not know that [REDACTED] was a serving member of the NSW Police; did not know the nature of the material supplied by [REDACTED] to LAMB; she typed notes, information reports from information provided by LAMB; recalls typing information attributable to [REDACTED]; recalls several tapes from [REDACTED]; believed conversations on tapes were obtained by listening devices, body devices or from surveillance electronics; believes tapes were reel to reel type; tapes contained different conversations between unidentifiable persons; however, recalls conversations involving Morgan John RYAN and members of his family; recalls sound of telephone dialling and only hearing one side of a conversation; recalls discussing with LAMB portions of tapes relevant to LEWINGTON/JONES Korean enquiry; no knowledge of illegal telephonic devices being used (FLAG 6 VOL. 2).

X (vii) Detective Sergeant C. WILLS - 29.3.84

Comment: Deployed 'B' Division at relevant time; no knowledge of LAMB's association with [REDACTED] at relevant time; no knowledge of tapes received by LAMB from [REDACTED]; no knowledge of activities regarding the illegal use of telephonic interception devices (FLAG 7 VOL. 2).

X (viii) Detective Sergeant B.R. ONLEY - 29.3.84

Comment: Deployed 'B' Division at relevant period; no knowledge at relevant time that LAMB had informant named [REDACTED]; no knowledge of either [REDACTED] or serving member of NSW Police providing information to LAMB; no knowledge of material subject of illegal telephonic interceptions being provided to 'B' Division by NSW Police; no knowledge of payments to serving member of NSW Police (FLAG 8 VOL. 2).

X (ix) Ms B.A. JAMIESON - 29.3.84

Comment: Typist in 'B' Division since December 1979; heard of [REDACTED] around office; does not know [REDACTED]; cannot recall transcribing sound tapes; cannot recall typing notes or information reports for 'Trident' file; no knowledge of illegal telephonic interceptions; cannot recall payments to [REDACTED]; no recall of typing for LAMB regarding [REDACTED]; no knowledge of the receipt of sound tapes from [REDACTED] (FLAG 9 VOL. 2).

X (x) Detective Sergeant B. PROVOST - 29.3.84

Comment: Deployed 'B' Division at relevant time; no knowledge of any covert listening device used on Morgan John RYAN; has heard of [REDACTED] within the confines of 'B' Division; did not know [REDACTED] identity; did not know LAMB had an informant in NSW Police; did not know LAMB received sound tapes from informant 1980-81; no knowledge of illegal telephonic interceptions (FLAG 10 VOL. 2).

X (xi) Inspector F.H. ARTHUR - 6.4.84

Comment: Deployed Australian Bureau of Criminal Intelligence (ABCI) July 1981 to May 1983; shown ABCI File No. 100316 titled 'Morgan John RYAN'; during September 1981, subject document handed to ARTHUR by Mr F. SILVESTER, former Director, ABCI; SILVESTER did not tell ARTHUR the source of the document; file commenced after receipt of document and file retained by SILVESTER; file retained in SILVESTER's safe; in October 1982 SILVESTER produced file and submitted same into ABCI Registry (FLAG 11 VOL. 2).

X (xii) Detective Chief Inspector K.E. MOLLER - 10.4.84

Comment: Currently employed as Officer in Charge, SIB Canberra; following 'National Times' article (25 November 1983) 'Big Shots Bugged' he enquired for purpose of preparation of 'Possible Parliamentary Question' (PPQ); LEWINGTON told him that he had been shown some information by LAMB regarding Morgan John RYAN; MOLLER telephoned LAMB in USA; LAMB told him that some information had been supplied to himself concerning Morgan RYAN and others; this information had been conveyed to then Assistant Commissioner FARMER and to Sir Colin WOODS; he acknowledged the preparation of a file note on AFP File No. 82/3829, headed 'Morgan John RYAN, Solicitor'; file note at folio ten headed 'TELECON K.E.M./P.L.

29 November 1983'; said file note was his appreciation of his 'short enquiries'; his mention of 'facility run by other agency,' 'not known if authorised but doubtful' - meant that the intercept was not an AFP intercept; 'Intelligence offered to P.L. by different persons from other agency in respect of Commonwealth matters,' 'Williams R.C. matters were being investigated at the time' - this information allegedly from LAMB; 'With knowledge of C.W. and R.F. small amount of money was paid for upkeep of facility because of (Commonwealth) intelligence obtained' - said he could not recall who told him this; 'At times complete tapes were given to P.L. who allowed D.L. (Korean Enquiry) and K.N. (Chinese Enquiry) to listen to them ...' - he is uncertain where this information was obtained, possibly LAMB or LEWINGTON; 'From facility, intelligence obtained re J.D.D. and D.T. (then AFP members) was obtained' - information allegedly from LAMB; 'Believed facility was arranged by [REDACTED] (then I/C other agency electronics section) [REDACTED] recently retired medically unfit. It is known [REDACTED] bitter about lack of action on intelligence his section was continually obtaining. He could have axe to grind.' - uncertain where this information originated; 'Embarrassment may be caused to AFP if M.W. publishes details of intelligence obtained re J.D.D. and D.T.' - this was his own assessment; 'C.W. and R.F. have knowledge of this intelligence' - told by LAMB: believed LAMB told him intelligence was obtained in various forms, including tapes; believed payment of money for upkeep of facility to mean for payment of transcriptions, copies of transcriptions, tapes, etc; possibly influenced in his written assessment (file note) by press articles; believed other agency meant the NSW Police; heard of [REDACTED] during his enquiries and referred to as [REDACTED] (FLAG 12 VOL. 2).

X (xiii) Mr R.E. KENNEDY - 11.4.84

Deputy Commissioner during relevant period.

Comment: Stated that he was responsible for 'B' Division in theory but not in practice; voiced his concern (to Sir Colin WOODS) that he was not fully briefed on 'B' Division activities; unaware of informant [REDACTED]; unaware of [REDACTED]; unaware that 'B' Division was receiving sound tapes from [REDACTED]; unaware that [REDACTED] was paid monies and treated as an informer; directed LEWINGTON and JONES to both LAMB and NSW Police CIU on the basis that the two intelligence groups may have had information on Koreans; has no knowledge of the NSW Police illegally intercepting telephone conversations (FLAG 13 VOL. 2).

X (xiv) Mr F.A. SILVESTER - 16.4.84

Former Director, ABCI.

Comment: Unaware of illegal telephonic interceptions by NSW Police; received RYAN summary copy from BOTTOM; believed summary may have been of intercepted telephone conversations; knows [REDACTED]; did not know [REDACTED] was providing AFP with tapes (FLAG 14 VOL. 2).

Other Enquiries - Phase II

35. (i) Examination of Advance Accounts

Comment: The Advance Account known as the Roy FARMER Trust Account maintained in Canberra in respect to payments to informants has been examined; no direct references to payments to [REDACTED] or [REDACTED] have been detected; examination revealed that payments are recorded under operational names in lieu of personal names; the Advance Account record maintained at the Special Investigations Branch (SIB), Sydney, has been examined; no record was found therein relating to any payment to [REDACTED] or [REDACTED]; no payments were made to informants directly from that Branch during the relevant period; all payments made were again recorded under operational names in lieu of personal names; the possibility exists wherein the payments made to [REDACTED] or [REDACTED] may have legitimately been made as part of a larger sum recorded under a particular operational name.

(ii) Investigation into Technical Aspects of Tapes

Comment: All cassette tapes received by the AFP on 3 February 1984 and 26 March 1984 have been examined by Mr Don CRAIG of Louis A. CHALLIS and Associates Pty Ltd of Sydney; his examinations have identified some positive examples of editing of those tapes; each of those tapes has been copied from earlier versions by use of unsophisticated methods; certain electronic noises exist on one of the tapes; such noises may have been introduced post the recording to cover the editing of the conversations; CRAIG holds firm to his opinion that the original recordings may have been made on a 'reel to reel' tape recorder; earlier or original generations of those tapes would assist CRAIG's further enquiries; some conversations appear to lack logical continuity (SEE FLAG 12 VOL. 1).

(iii) Review of ABCI Records

Comment: Following the discovery of the Morgan RYAN summary within ABCI indices, the present Director, Mr V.A. ANDERSON, initiated an internal audit at our request in order to establish whether similar material was in evidence. The Director has advised that the audit failed to reveal additional material.

ANALYSES OF EVIDENCE

MATERIAL

36. The most problematical issue confronting the investigation team was, and remains, the validation or authentication of the tapes and copy transcripts and summaries provided to 'The Age'. Indeed, the position would not necessarily have been any clearer had

Inconsistencies

49. In an attempt to assimilate the material provided by a variety of witnesses with diverse roles, it was necessary to first identify pertinent categories of evidence and to evaluate the statements of witnesses against those categories (FLAG 16 VOL. 2). The objective in plotting this material was to identify the likely degree of 'knowledge' of each witness and to compare that 'knowledge' against the composite version in order to determine inconsistencies. Identified inconsistencies were then evaluated to establish whether it was reasonable to attribute them to faulty recall or ignorance.

50. We conclude that, for the most part, inconsistencies in the accounts and recollections of witnesses are attributable to both the passage of time and to the demarcation of duties which necessarily circumscribe knowledge. The totality of the evidence does, in our view, weigh against the underlying theme that no involved member of 'B' Division knew, or at any time suspected, that the material supplied by [REDACTED] originated from the interception of telephone conversations. Accordingly, we are bound to say that such a theme is implausible. On the other hand, there is, in our opinion, insufficient evidence to conclude that it is beyond reasonable doubt that any member of 'B' Division, including LAMB, knew that the material provided by [REDACTED] unquestionably originated from the interception of telephone conversations.

51. The chart (inconsistencies etc.) (SEE FLAG 16 VOL. 2) speaks for itself; nevertheless the most outstanding feature is that no witnesses have professed having read or listened to the material originating from 'The Age'.

Searches

52. Briefly, the searches demonstrated that [REDACTED] was registered as an informant of the AFP, code-named [REDACTED]; that information provided by [REDACTED] was recorded in a number of information reports prepared by 'B' Division; that Detective Inspector LAMB personally prepared a three page document of material allegedly acquired from [REDACTED]; that a file note prepared by Chief Inspector MOLLER and located in a file titled 'Morgan John RYAN' held by SIB, Canberra, contained an analysis of his brief inquiries into 'The National Times' article of 25.11.83; and that, collectively, the material contained items consistent with portions of 'The Age' transcripts and summaries.

53. While the payment of sums of money to [REDACTED] is not in doubt, it was not possible, by reference to witnesses and accounting records, to identify the payments. No suspicion attaches to this, in our opinion, as it is likely that the payments were part of significantly larger sums drawn for 'B' Division operations during the period and which were acquitted in full. At the relevant time procedures for such operational expenses were still evolving and therefore uniformity was lacking.

Witnesses Not Interviewed

54. I have already pointed out that certain key witnesses have refused to co-operate with the police enquiry and that it is conceivable that their refusal has had a bearing on the inconclusive outcome of the investigation.

55. As you will recall, you directed that both Sir Colin WOODS and Justice Lionel MURPHY not be interviewed by police at this stage. In addition, two matters identified in the transcripts relating to separate AFP investigations conducted by Detective Station Sergeants LEWINGTON and COOPER are to be resolved by Internal Investigations Division.

56. The results thus far of New South Wales Police inquiries have been made available to you, and you have no doubt concluded, as I have, that their inquiries have not as yet produced evidence proving or disproving the authenticity of 'The Age' material, or proving or disproving the central allegation, namely that a member or members of the New South Wales Police initiated the illegal interception of telephone conversations.

CONCLUSION

57. It is stressed that conclusions reached at this stage are qualified by the fact that the analyses of experts are incomplete and some witnesses have not been interviewed. Nevertheless, certain conclusions have been reached which are unlikely to be reversed. On the other hand, the possible effect of the evidence of unapproached or unwilling witnesses, cannot be measured.

58. The findings, on the evidence available, are that the AFP, through 'B' Division, received sound tapes, most probably of telephone conversations between Morgan John RYAN and other parties, from [REDACTED], then a serving member of the New South Wales Police attached to the Crime Intelligence Unit, and that [REDACTED] accepted payments of money from the AFP for his services. Further, that while witnesses gave rise to inconsistencies which are explainable, it is our view, taking into account the whole of the material developed during the course of the investigation, that it is implausible to suppose that no member of 'B' Division at any time knew or entertained the proposition or suspected that the material provided by [REDACTED] originated from the interception of telephone conversations.

59. We are also of the opinion that, conversely, there is insufficient evidence to substantiate beyond reasonable doubt that members of the AFP, including LAMB, knew that the material provided by [REDACTED] originated unquestionably from a telephone interception.

60. While there are similarities between what may be termed 'The Age' material and the [REDACTED] material, both drawn together by the three page file note prepared by LAMB, no witness has professed to have listened to or read 'The Age' material prior to reviewing it during this inquiry.

61. Finally, whether 'The Age' material was prepared by a police organisation or by police acting on their own initiative and without approval is a matter for conjecture. The material bears references and idiom which could be said to have a police flavour. On the other hand, it is arguable that the presentation of the material was contrived so that that very conclusion could be reached. The fact is that those identified as principal witnesses, persons who may possess knowledge capable of fundamentally reshaping or re-affirming the conclusions reached during this inquiry, have refused to co-operate. Accordingly, we are left with several sustainable possibilities.

62. In the final analysis, and in the absence of any material to the contrary, we are of the opinion that, on the balance of probabilities, a member or members of the New South Wales Police conducted unauthorised telephone interceptions, but that no judgement can be made as to whether such conduct was officially sanctioned by the NSW police administration.



(C. Johnson)
Acting Commissioner

LEWINGTON

RECORD OF INTERVIEW BETWEEN DETECTIVE SUPERINTENDENT A. BROWN AND STATION SERGEANT DAVID JAMES LEWINGTON CONDUCTED IN OFFICES OF THE INVESTIGATIONS DEPARTMENT, UNIT FIVE, BARTON, AUSTRALIAN CAPITAL TERRITORY, WEDNESDAY 22 FEBRUARY 1984

PRESENT: Detective Superintendent Arthur BROWN
Detective Chief Inspector A.M. WHIDDETT
Detective Station Sergeant David James LEWINGTON

TIME COMMENCED: 8.20AM

- Q. 1 As I have already explained to you Detective Chief Inspector A.M. WHIDDETT and I are investigating allegations of illegal telephonic interceptions reported in "The Age" newspaper on 2 February 1984. Circumstances are that Mr R. BOTTOM, investigative journalist, gave a quantity of tapes and transcripts to "The Age" and it has been alleged that they are a product of telephone interceptions, conducted by a member or members of the New South Wales Police. In view of what you have told us on 7 February 1984, we now intend asking you a series of questions about this matter in the form of a record of interview. I want you to clearly understand that you are not obliged to answer my questions unless you wish as anything you do say will be recorded and may be given in evidence. Do you understand this.
- A. Yes.
- Q. 2 Do you agree that prior to the commencement of this interview I told you that I intended asking you further questions about this matter in the form of a record of interview.
- A. Yes.
- Q. 3 Do you agree that I also told you that the questions I asked you together with any answers that you gave would be recorded in type as the interview took place.
- A. Yes.
- Q. 4 Do you agree that I also told you that at the conclusion of the interview you would be given the opportunity of reading the interview and signing it.
- A. Yes, but will I be supplied with a copy at its conclusion.
- Q. 5 You will be given a copy of the interview. Do you understand.
- A. Yes.
- Q. 6 For the purpose of this interview what is your full name, your date of birth, your rank and present position in the Australian Federal Police.
- A. David James LEWINGTON, 30.3.44, Detective Station Sergeant 675, Internal Investigation Division, Canberra.
- Q. 7 Do you agree that on 7 February 1984 you discussed this matter with Detective Chief Inspector WHIDDETT and I at the Investigations Department.
- A. Yes.

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PAGE TWO (2)..

Q. 8 Do you agree that, amongst other things, you told us that early in 1981 you made contact with then Detective Inspector LAMB of then 'B' DIVISION in Sydney.

A. Yes. I did so following a direction from yourself.

Q. 9 Do you agree that you told us that you made contact with Mr LAMB because of inquiries you were conducting with Detective Senior Constable R. JONES in alleged illegal activities of Koreans who were obtaining permanent residence in Australia.

A. That is broadly the case, but I would like to clarify two points. Firstly, contact was made with Inspector LAMB following the direction given by you, and secondly, my investigations were not solely into the activities of Koreans, but also into the activities of Morgan John RYAN a solicitor; Dib KHCURY, solicitor; James Alan Francis MASON, business proprietor; and David Young CHOI, company director, who at that time, by our investigation, were implicated in the gaining of permanent residence by unlawful means by South Korean nationals.

Q. 10. Do you agree that on 7 February 1984 I cautioned you, telling you that you were not obliged to answer my questions unless you wished to do so.

A. Yes, that occurred part way through our discussions.

Q. 11. Do you agree when we first spoke to you on 7 February 1984 it was in the context of your investigations into Koreans obtaining permanent residence in Australia, and your subsequent knowledge of Morgan John RYAN.

A. Yes.

Q. 12. Are you now prepared to reiterate, in detail, your knowledge of this matter.

A. Yes, but I may require reference to some of my former running sheets of that particular investigation.

Q. 13 Certainly. They are here and you may look at them whenever you wish to. Do you understand.

A. Yes, thank you.

Q. 14 Please begin.

A. Can I have reference to the sheets.

INTERVIEW SUSPENDED: 8.40AM RUNNING SHEETS OF KOREAN INQUIRY HANDED TO LEWINGTON.

LEWINGTON EXAMINES RUNNINGSHEETS.

INTERVIEW RESUMED: 8.45AM

A. 14 I am ready now. On 21 April 1980 Detective Senior Constable R.A. JONES and I, being a Detective Senior Constable myself at that time, commenced duty on attachment to the Department of Immigration and Ethnic Affairs for the purpose of investigating a Korean-Immigration racket in which it was alleged that South Korean nationals were obtaining permanent residence in Australia by means of false documentation and with the aid of certain solicitors in the Sydney Metropolitan area. I had been directed, by my commanding

PAGE THREE (3)..

A. 14 continued... officer to conduct this investigation following a request to the AFP from the Department of Immigration for the investigation to be carried out. This flowed from articles which had appeared in the Sydney Morning Herald and the Financial Review in late 1979 and early 1980, in relation to the Korean malpractices. From the commencement of the investigation we were made aware that two firms of Sydney solicitors appeared to be a common factor in the malpractice. These firms were named as Morgan Ryan and Brock, and Benjamin and Khoury.

Jones and I were confronted with some four and a half thousand Immigration files to sift through in an endeavour to gain some insight into what had occurred from 1974 to the current time in this Immigration racket. At that stage we had no knowledge of how the malpractice had been carried out, nor who the principals were in the action of it. It took approximately four months to examine each file of the four thousand five hundred and to compile a card index of Koreans, employers, both Australian and Korean, and other persons who became common factors in the investigation, either by numerous appearances or by provision of spurious documentation. In the vanguard of those persons was Morgan John RYAN, David Young CHOI, James Alan Francis MASON, and several other persons who I believed will not play a role in this particular investigation, but I can name them if you wish.

Having indexed the files, and made some initial inquiries by telephone, it became more clear that Morgan RYAN had played a personal role in obtaining false documentation for South Korean nationals from persons and businesses in Australia in order that the Koreans could obtain permanent residence in this country. It also became clear that he was assisted in this activity by one David Young CHOI, an ex-Korean national himself, now resident in Newcastle, New South Wales. This fact became apparent to us following documents being forwarded to us through then Detective Chief Inspector BROWN, who was at that time the Director of Special Reports Section, Department of Immigration. These documents were photocopies only of statements, photographs and Immigration and travel documents relating to South Korean nationals. It also included photocopies of letters on business letterhead paper indicating the employment of Korean nationals in specific trades at various companies. I was told that this documentation had been provided by Detective Inspector LAMB, OIC 'B' DIVISION, Sydney and had been gained through a surveillance exercise which had been carried out in March 1980 by that Division on Morgan John RYAN. I was not privy to the reason for the surveillance and when I asked the question of Mr BROWN I was informed that he did not know the purpose of the surveillance at that time.

The photographs that we received in that batch of documents clearly showed Morgan RYAN and David CHOI in Rockwell Crescent Potts Point, outside the Arirang House Restaurant. The statements indicated that they had been observed together in the street, that CHOI and other Koreans were seen to place cardboard boxes of what appeared to be papers into the boot of a red Falcon sedan, registered to CHOI, and that RYAN and CHOI had then left Rockwell Crescent together in the vehicle and had been followed to a block of units situated at 19-21 Billyard Avenue, Elizabeth Bay, where the vehicle drove into a basement parking area. A short time later they were observed through the window of a penthouse window - later found to be unit 35 - sorting documents. They remained there for some two and a half hours. On leaving the premises the surveilling police immediately entered the

PAGE FOUR (4)..

A 14 continued... basement area and conducted a search wherein in a garbage bin near the lift shaft they found documents, both whole and torn, in a crumbled condition which related to South Korean nationals and letters on various business letterheads. Those are the documents I referred to earlier as having ^{been} received ~~via~~ from Inspector LAMB via then Chief Inspector BROWN.

Considering the fact that those documents were received by us somewhere in mid-1980, I can't give an exact date, but I believe it was the June or July period. I had by that time become reasonably familiar with the handwriting of Morgan RYAN from having seen it on numerous documents contained within the file. That being so I was able to recognise, with a great deal of certainty, handwriting that appeared on a document recovered from the basement of the unit in Elizabeth Bay. That document was on the letterhead of a car firm in Neutral Bay and it was a draft of a letter to the Immigration Department stating that a Korean was employed there as an automechanic. On the bottom of the handwritten document was the notation that the same wording should be used for a letter for another Korean, only his employment should be shown as an autoelectrician. This document was of great significance, evidentiary-wise, in the investigation, and subsequently carried great weight in committal and trial proceedings. Having received those documents I was of the firm view that we were investigating a matter of conspiracy and knowingly concerned in forgery of documents, if not actual forgery of documents, by Morgan John RYAN.

It was not until 19 January 1981 that our investigations commenced in Sydney on a fullscale basis. Our purpose in conducting investigations in Sydney and New South Wales country areas was to establish the authenticity or otherwise of a large number of letters which had been received by the Department of Immigration from various businesses and companies which purportedly employed Koreans in varying trades. These inquiries were carried out both by telephone and by personally calling on the businesses and companies. It was also, at that time, 19 January 1981, that we had been instructed to liaise with Inspector LAMB regarding further information that he might be able to supply to us. My first contact with Inspector LAMB was on 20 January 1981, by telephone, when I advised him of the purpose of our investigation and our reasons for being in Sydney. It was arranged to meet LAMB ~~and~~ at his office at 9.30AM 22 January 1981. That meeting did not take place as we were advised by Chief Inspector BROWN that Inspector LAMB would not be available at the appointed time due to other matters. To the best of my knowledge it was not until the 27 January 1981 that LAMB and I met in Sydney. At that time our investigations were discussed with him and it was indicated by LAMB that some information of relevance to our investigation could be supplied by his unit from time to time. It was agreed that instead of calling at his office on each occasion we would keep in contact by telephone, and when necessary we would visit his office to receive whatever information may be available. I was not told how the information was being obtained, or had been obtained, nor the reason for B DIVISIONS interest in Morgan RYAN. About this time JONES and I were also advised to liaise with New South Wales Criminal Intelligence Unit, regarding information that they might hold relevant to our inquiries. To that end, arrangements were made through then Deputy Commissioner R. B. KENNEDY with Superintendent Rob BLISSLET, the then C/C of the New South Wales Police CIU, for us to call at their office in Sydney.

PAGE FIVE (5)..

A 14 cont... The arrangement to see Superintendent BLISSETT was first discussed with Chief Inspector BROWN on 27 January 1981. The first occasion I went to the New South Wales Police CIU and spoke to Superintendent BLISSETT and Sergeant Paul EGGE was on 29 January 1981. Detective JONES was with me at the time and we were advised that the NSW Police had information relating to Morgan RYAN which had been collected over a long period of time and that we were quite welcome to view a file which they held. I recall that an archfile was produced by Sergeant EGGE and that I viewed the file which contained intelligence reports, newspaper clippings and photographs, but in the main seem to pertain to matters of horseracing. Having looked at the file it was the opinion of both JONES and I that there was nothing contained therein which was pertinent to our investigation or useful to us, evidentiary-wise, or as an investigative tool.

It was following our meeting with Inspector LAMB that we kept regular contact with him, usually by telephone, and sometimes by calling into his office. On some occasions he contacted us by telephone to give us an update on information that he had received, I presume, from B DIVISION. The type of information we received was that Ryan had spoken to various people who were involved in our investigation, and people who we were interested in interviewing or had interviewed concerning spurious documents. It was evident that some of the information could only have been obtained by listening in to telephone conversations. I did on one occasion, the date I can not recall, ask Inspector LAMB how the information was being obtained, and the reason for his interest in Morgan RYAN. He was not prepared to tell me the answer to either of those questions and in view of my understanding of the role of B DIVISION, I pressed the matter no further. As far as I was concerned my investigations were into matters in which offences of conspiracy and forgery under the Crimes Act 1914 were clearly indicated. These offences are punishable by three years and 10 years imprisonment respectively. With that knowledge and being aware of the requirements of the Telephone (Interception) Act 1979 I was not concerned with the receipt of information from Inspector LAMB. The reasons for my lack of concern were: Firstly, I had been directed to liaise with Inspector LAMB by Chief Inspector BROWN who appeared to be aware that information was available from LAMB which was pertinent to our investigations; secondly, the then Deputy Commissioner, Mr KENNEDY, seemed fully aware of Inspector LAMB's activities and by saying Inspector LAMB I mean B DIVISION, Sydney, and it is my understanding it was originally from Mr KENNEDY that the direction came via Chief Inspector BROWN. On that basis, if telephone intercepts had been made I believed that it could only have been done legally. That being the case then there is provision within the legislation for information, relating to offences carrying three or more years imprisonment, to be passed to another police officer investigating those matters.

Q. 15 This would be an appropriate time for us to take a break, for me to read your statement so far and for us to have a cup of coffee. Are you agreeable.

A. Yes.

INTERVIEW SUSPENDED: 9.57AM

PAGE SIX (6)..

INTERVIEW RESUMED: 10.07AM

Q. 16 Sergeant, would you like to continue.

A. The situation was that we had provided Inspector LAMB with a list of the names of persons who featured in our investigation and who to us appeared to be implicated with spurious documents and/or association with Morgan RYAN, either directly or through third parties. It was on that basis that we were given information by Inspector LAMB as to contact between RYAN and those parties in whom we had an interest.

Q. 17 Would you attempt, please, to detail to us each of the occasions you either met with or spoke to Inspector LAMB, and tell us what occurred on those occasions.

A. To be ^{as far} accurate as I can be it will take me some time as I will need to extract those occasions from the running sheets we prepared at the time in respect of the investigation. As you appreciate, we are talking of a period three years ago and since that time I have been involved in numerous other complex and lengthy investigations which dim my memory of the events in the RYAN investigation.

Q. 18 I take the point. Mr WHIDDETT and I can have the benefit of your running sheets when required, so for the moment I will continue with several specific questions I would like to put to you. However, before doing so is there anything else you would like to raise.

A. There is one further matter, which was discussed in our meeting of 7 February this year. It concerned the transfer of contacts from Inspector LAMB's DIVISION to the New South Wales CIU, in particular Sergeant EGGE of the CIU. To the best of my recollection this occurred about mid-February 1984. For reasons I do not know I was informed by Inspector LAMB that in future we should contact New South Wales CIU for further information on RYAN. I can only surmise that this may have been brought about following discussions that JONES and I had with Deputy Commissioner KENNEDY, concerning problems ^{of} that confidentiality of information received by us. At

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its seriousness with Deputy Commissioner KENNEDY, and it was also mentioned to Chief Inspector BROWN when the problem first began to raise its head. However, Chief Inspector BROWN had been transferred to another area prior to our discussions with Deputy Commissioner KENNEDY. I believe that our raising of the matter with Mr KENNEDY may have had some influence on the transfer of contacts, but of that fact I am not sure and can only surmise.

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- Q. 19. At the time you first made contact with Inspector LAMB, what did you believe was the purpose in you meeting with him.
- A. As the instruction to me indicated, I believed the purpose of the meeting with Inspector LAMB was that his DIVISION may have further information that was relevant to the investigation which JONES and I were conducting. This was reinforced by the documentation which had previously been supplied by LAMB from a surveillance exercise.
- Q. 20. At the time you first met with Inspector LAMB were you aware that his area, commonly known as 'B' DIVISION was an intelligence unit of the AFP.
- A. I do not agree with the statement, 'Intelligence arm', as I was aware that the purpose of B DIVISION was an undercover investigation unit into ^{what you} ~~was~~ is commonly termed organised crime of all types. My understanding was that their operation covered the parameters of drugs, corruption, and organised fraud, and the movement of known criminals who were actively engaged in crimes against the Commonwealth, and authorities under the Commonwealth. As an offshoot of those activities, it was my understanding that much intelligence of a criminal flavour was gained by that Division, but I did not believe intelligence to be the main function of their operations.
- Q. 21. At the time you first met with Inspector LAMB did you believe that you could be the recipient of any information which was obtained illegally.
- A. Most definitely not. In fact when I first met Inspector LAMB I had no knowledge whatever of any information or the type of information that may be available to me.
- Q. 22. Were you ever in a position to know that information given to you from Inspector LAMB was illegally obtained.
- A. No, I was never in that position. Again, one must realise that at that time I was holding the rank of Senior Constable and I was following directions given by the Deputy Commissioner, a Detective Chief Inspector and was liaising with a Detective Inspector, and therefore had no reason at any time to question the legality of information which was given to me.
- Q. 23. Did any of the Officers mentioned ever tell you that information you were obtaining from Inspector LAMB had been obtained illegally.
- A. No, I was never told that specifically, nor was it inferred, or could it be ^{be} construed from anything said to me by any of those persons.
- Q. 24. On the occasions you visited B DIVISION in Sydney did you always meet with Inspector LAMB.
- A. Not on every occasion, as there were times when he was not present.
- Q. 25. Can you recall who else you dealt with when you visited B DIVISION.
- A. No, I can not accurately recall at this stage who else we dealt with at B DIVISION. I have been there on numerous occasions for unrelated reasons over the last three years and have spoken to many of the members in that Division.
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PAGE EIGHT (8)..

A. 25 continued.. That is why I cannot give you an accurate account of who else I dealt with in that Division regarding the RYAN investigation.

Q. 26 Can you recall Inspector LAMB, or anyone else in B DIVISION, producing in your presence any documents, including tapes, transcripts or reports.

A. There was certainly never any documents or transcripts produced to me or JONES whilst at B DIVISION. With regard to tapes, they were not produced as such by Inspector LAMB, with any comment as to what they contained or how they were obtained. There were occasions when JONES and I were taken to a room where a taperecorder was set up and a portion of a tape was played to us; the tapes contained conversations between Morgan RYAN and other persons. On those occasions we were not told how the conversations had been taped and it was only portions which had been preselected which we listened to. Those portions were pertinent to our investigations.

Q. 27 Can you be more specific, Sergeant, as to the number of occasions, circumstances, and details of what you heard on the tapes.

A. Not very specific at this stage. The occasions were very few. I would estimate maybe three times. The content I cannot be accurate about at this stage, but in general terms there was a conversation between Morgan RYAN and James MASON. MASON was eventually charged as a co-conspirator with RYAN. There was a conversation between Morgan RYAN and a person in Parkes, New South Wales, known as 'Banjo' BELL - his correct name is Keith BELL - which related to the obtaining of documents from businesses in that township and BELL contacting people who had provided the documents, telling them not to talk to the Commonwealth Police. There was one other conversation I recall by RYAN to an unknown person making inquiries about JONES and myself and the import of that conversation was whether we could be bought off or got at.

Q. 28 When you listened to these tapes did you identify any of the voices on the tapes.

A. At the time of listening to those tapes I did not know the voices of Morgan RYAN, James MASON, or Keith BELL. However, later that same year, I had telephone contact with all three persons and personal contact in face to face discussions with both RYAN and MASON. At the time of listening to the tapes there was reference to the persons speaking to one another on first name terms, particularly between BELL and RYAN, where BELL referred to RYAN as 'Mr RYAN', and RYAN referred to BELL as 'Banjo'. It was known to me, at that time from my investigations, that 'Banjo' was 'Banjo' BELL of PARKES, NSW, and the context of the conversation revealed further that they were talking about documents from traders in PARKES for Koreans which Morgan RYAN had represented in dealings with the Department of Immigration. In the case of MASON, the people in the conversation referred to one another, as I recall it, as Jim and Morgan. My recollection of the conversation revolved around documents which had been supplied by Adaptable Plant Hire Service, which were totally false and in fact forgeries. My investigations at that time had led me to the premises listed as the premises of that firm on the letterhead and I had contacted one John APTED at that address. APTED had told me that Adaptable

RECORD OF INTERVIEW BETWEEN DETECTIVE SUPERINTENDENT A. BROWN AND DETECTIVE
STATION SERGEANT D. J. LEWINGTON, CONTINUED...

PAGE NINE (9)..

A. 28 continued... Plant Hire Service was a business that had been operated by James MASON, and he gave me a phone number where MASON could be contacted. It was the same telephone number as that of the James MASON that I was investigating as a co-conspirator with Morgan RYAN. In each of those cases when I later had telephone contact with MASON, RYAN and BELL, I was able to identify their voices as the voices I had heard on portions of tape which had been played to me. In the case of the person whom RYAN spoke to, querying if JONES and I were able to be got at, no names were used as I recall; however, without being absolutely certain, the voice of the person that RYAN was speaking to sounded similar in most respects to the voice of Mr Justice MURPHY whom I have heard speak on both television and radio on previous occasions. As I have stated, I can not positively identify that voice as being the voice of Justice MURPHY; my belief was, however, that that was who the person was. I cannot recall specific conversation, I only recall the general terms of it. The question was raised by Morgan RYAN along the lines of "have you been able to find out about those two fellows who are doing the investigation; are they approachable". The other party indicated that he had made some inquiries and that the answer was definitely no, they were both very straight. I can't recall what conversation took place, but it was inferred, and certainly both JONES and I were left in no doubt, that they were talking about our investigations into the Korean matter, and us as the investigators. The impression that I received and in my discussions with JONES about the matter he was of the same impression, was that RYAN was considering an approach to offer a bribe to buy us off, or for us to divert the thrust of our investigations away from him and his associates. This impression that I had at that time was borne out as far as I am concerned during August 1981 when, through two members of the New South Wales Police, an offer was made to me in the terms of it would be made worth my while to drop the charges or make the charges less severe against Morgan RYAN. This approach was immediately reported by me to my then supervising Sergeant, my Inspector and the Deputy Commissioner, then Mr J.C. JOHNSON. The following day it was made the subject of a report which went to the Commissioner, Sir Colin WOODS, and resulted in an investigation by Internal Affairs Bureau, New South Wales Police. The complaint was sustained: one member being fined one hundred dollars and sentence being deferred on the other member for a period of twelve months. So it was with hindsight that my initial impressions of the conversation I heard was reinforced to a point of almost certainty.

Q. 29 At the time Inspector LAMB allowed you to hear the tapes, did he comment to you about any aspect of the tapes.

A. Other than general comment, such as was the information of use to me, the only comment I can recall, apart from general conversation, was regarding the conversation between RYAN and the person I believed to be Justice Lionel MURPHY, when Inspector LAMB stated words to the effect: that the other party was Justice MURPHY. This was said after I had already formed my own impression. How Inspector LAMB arrived at his conclusion, I have no knowledge.

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PAGE TEN (10)..

Q. 30 Were the recordings that you heard in cassette or open reel form.

A. I cannot say with certainty at this time what type of machine was used; I have the impression in my mind of a large machine of the reel to reel type, but I also ^{have} some recollection of an occasion where a cassette was used. My recollections are really not clear enough for me to state with certainty what form the tapes were in.

Q. 31 After listening to the tapes did you form an impression as to how they were recorded.

A. It was not possible to form an accurate opinion on that point. My reasons for saying this are that the conversations were clear, but devoid of any great background noise which indicated to me that both parties in each of the conversations were in a quite room somewhere. It is a possibility that they may have been talking by telephone, or that they were in a room somewhere where a recorder was used to eavesdrop on the conversation. It seemed more probable in the case of the conversation with BELL, who I knew lived in PARKES, that the conversation had been recorded from a telephone conversation; but on this point there was no specific indication that I heard, such as dial tones, receiver replacements, or that type of noise characteristic of a telephone conversation.

Q. 32 Did you form an impression about the authenticity of the contents of the tapes following your listening to them.

A. Yes, I did form impressions as to the authenticity of the contents of the tapes, both at the time and at later times. The reason I believe the tapes to be authentic in their content was, as I have previously spoken about, in the case of BELL, the conversation was about documents and approaching persons in PARKES, New South Wales, who were related to those documents and I at that time had the documents in my possession and had spoken to some of the people in question regarding the authenticity of the documents. The same applies with the conversation with MASON. I had Adaptable Plant Hire documents in my possession. I regard to the conversation with the person I believed to be Justice MURPHY, the authenticity of that conversation was impressed upon me in August 1981, following the offer from RYAN via the two New South Wales police officers. I had no doubt, and still have no doubt, that what I heard on the portions of the tapes that I was permitted to hear, was authentic. Over and above that I can think of no logical reason or explanation as to why those tapes would have been manufactured by Inspector LAMB or any other person with a view to playing them to me.

Q. 33 This is an appropriate time to break for lunch. Are you agreeable, Sergeant.

A. Yes.

INTERVIEW SUSPENDED: 12.10PM FOR THE PURPOSES OF A MEAL BREAK

INTERVIEW RESUMED: 12.45PM

- Q. 34 Further, about your impressions of the tapes that you listened to, did you consider the possibility that the tapes were fabricated as a result of composite accounts of available information subsequently arranged in tape form?
- A. No, I never considered that to be the case and after speaking to RYAN, MASON and BELL by telephone and in person I had no doubt that they were the persons I heard on the tapes.
- Q. 35 On each occasion when you visited B DIVISION, Sydney, were you accompanied by then Detective Senior Constable Bob JONES.
- A. I was.
- Q. 36 Leaving the tapes aside for the moment, can you detail for me any other material you may have looked at when you were at B DIVISION.
- A. There was no other material that I looked at in B DIVISION, apart from taking possession of the original documents which Inspector LAMB had earlier provided photocopies of through you relating to the surveillance of Morgan RYAN in March 1980.
- Q. 37 Were you ever shown transcripts of any conversations.
- A. Never at any time was Senior Constable JONES or I shown transcripts or other documents pertaining to conversations of third parties.
- Q. 38 Are you familiar with the document used in the AFP called an Intelligence Report.
- A. I am, but I was never shown any of those by Inspector ^{or} LAMB or other members of B DIVISION, Sydney.
- Q. 39 Did Inspector LAMB or any other member of B DIVISION ever discuss with you the source of the material they were providing to you.
- A. No, it was never discussed.
- Q. 40 Did Inspector LAMB or any other member of B DIVISION ever discuss with you a possible involvement of the New South Wales Criminal Intelligence Unit in the context of Morgan John RYAN.
- A. No.
- Q. 41 Did you ever raise with Inspector LAMB the fact that you were liaising with the NSW Police CIU.
- A. Yes. At one stage that matter was raised after our situation became untenable and was discussed with Deputy Commissioner KENNEDY.
- Q. 42 When Inspector LAMB gave you information verbally, did you form an impression as to where that information was coming from.
- A. Not specifically. Information of a verbal nature was brief and given in generalities regarding persons Morgan RYAN had spoken to who were involved in our investigation. Sometimes with brief details of the subject discussed.

PAGE TWELVE (12)..

- Q. 43 Did Inspector LAMB ever mention to you that he was obtaining information from an Informant.
- A. Not that I can recall, but I do not rule out the possibility.
- Q. 44 Have you ever heard of an Informant code-named [REDACTED]
- A. No, I have not, and my experience has been in dealing with members of B DIVISION and Drug Units that if they wish to refer to an informant they refer to the informant as just that or by a number.
- Q. 45 Regarding your involvement with the New South Wales Crime Intelligence Unit, could you now detail as much as possible your attending their premises or your discussions with members.
- A. To the best of my recollection we attended the CIU office on only two or three occasions. There was the initial attendance when we conferred with Superintendent BLISSETT and Paul EGGE, and I can only recall one or two other visits after that to their office. One occasion was when we delivered photocopies of some entries in Morgan RYAN's diaries that I had seized under search warrant. I believe there was one other occasion when we visited the office to make ourselves known to the person who was replacing Sergeant Paul EGGE in that Unit. Other than that, our contact with the CIU was by telephone in both directions. The person who took over Paul EGGE's duties was a Detective whose first name was Warren but I cannot recall his surname.
- Q. 46 Was there ever anything in your dealings with the New South Wales Police which caused you to believe that they were involved in illegal telephone interceptions.
- A. No, there was nothing.
- Q. 47 Of the material that you read, in the CIU, did you see anything which suggested that information was being obtained by means of a listening device.
- A. No, there was not.
- Q. 48 Are you confident that you saw all of the material the CIU had on Morgan John RYAN/
- A. No, I'm not, as at that time I was totally unknown to those police as they were unknown to me and it was still a case of being suspected of being a 'plastic' policeman in their eyes.
- Q. 49 Referring back to what you told Mr WHIDDETT and I on 7 February this year, there are a few matters I would now like to cover with you. Firstly, you indicated to us that the inference formed in your mind was that B DIVISION had initiated the interception of Morgan RYAN's telephone conversations. Can you clarify what you meant by that.
- A. As I indicated earlier in this interview, some of the information that we received gave the impression that it had been gained as a result of eavesdropping on a telephone conversation. For example, if the conversation was between a person who we knew to be in Sydney and one who we knew to be in Wollongong or Parkes, then that was the only inference to be drawn. However, it was my belief,

A. 49 continued... that the information had been obtained legally and my first impressions were that it was being obtained by the Australian Federal Police. I gained that impression because of the direction given by Chief Inspector BROWN and Mr KENNEDY, and the fact that I was liaising with Inspector LAMB, all members of the AFP. However, that impression was waived aside later when our contact point changed from B DIVISION to the New South Wales CIU.

Q. 50 Do you agree that you were directed to liaise with Mr LAMB and you were never directed to liaise for the purpose of obtaining information which was obtained through illegal telephone interceptions.

A. I agree with that, in fact I was only ever told that LAMB's Division may have information that was useful to me. I had no idea as to what that information was or the source of the information. I presumed, initially, that the information had been gleaned as a result of some interest that B DIVISION had in the activities of RYAN. This impression was prompted by the fact that of earlier surveillance of RYAN by that same group.

Q. 51 You also told Mr WHIDDETT and I on 7 February this year that Inspector LAMB had told you that Justice MURPHY had been implicated with young girls in Fiji. Can you enlarge on that, please.

A. Not really. I can recall being told that whilst at the offices of B DIVISION on an occasion. On reflection I cannot say for sure that it was Inspector LAMB who told me, and I do not recall how it came up in conversation. I have a feeling that it may have been after I had seized diaries belonging to Morgan RYAN in which there were several entries relating to Lionel MURPHY. I am unaware as to how the officer in B DIVISION came by that information, or whether or not it is true, however, from the report in 'The Age' newspaper it appears that there is some reference made to a holiday overseas by a Judge. Not that that has any conclusive bearing one way or the other.

Q. 52 As a result of your visits to B DIVISION, did you report your findings to any member of the AFP.

A. Yes, at various times we spoke to yourself, Deputy Commissioner KENNEDY and Sir Colin WOODS concerning the information that we had gained through Inspector LAMB. Not so much the direct content in first person form, but in generality as to what reaction the other side were having to the investigation. Our belief was that if the information was being obtained by intercept then it was most certainly a legal interception, and bearing that in mind we had a duty to report our progress to our commanding officers, but without breaching the required confidentiality under the Telephone (Interception) Act. That was why generalities only were used. You will also note, by looking at our running sheets, that they do not reveal any of the information that we received.

Q. 53 No doubt you are familiar with articles which have appeared in the National Times on 25 November 1983 and subsequent articles which have appeared in that paper and The Age on the 2nd and 3rd of this month regarding the subject we are talking about today. In the case of The Age it appears that Mr Bob BOTTOM supplied tapes and transcripts to the newspaper. Can you offer any theory as to the means by which Mr BOTTOM obtained his material.

PAGE FOURTEEN (14).

A. 53 I really have no theory as to how or why Mr BOTTOM obtained or released the material that I can put on any factual basis. I can surmise that he obtained it either legally or illegally from the New South Wales Police. I base that on the fact that our dealings in the latter part of the investigation were transferred from B DIVISION to the NSW CIU, which indicates to me that NSW Police had the information. As to why it was released, I can only surmise that Mr BOTTOM's infatuation with organised crime in Australia, and what appears to me to be a super ego on his part to be recognised as the foremost authority on that subject, instigated his release of the material he alleges to have obtained from the NSW Police. I add that I do not know Mr BOTTOM nor have I ever spoken with him and my impressions of him are gained through the media coverage and the reputation he has acquired as an investigative journalist and adviser to governments.

Q. 54 ^{Q.} ~~Is-t~~ At a later date, probably tomorrow, I want you to have the benefit of listening to tapes and reading transcripts we have in our possession before we ask you to comment on the contents of that material. Are you agreeable to that.

A. Yes, I'm quite prepared to do that. As I have indicated before, my aim is to assist your investigations in whatever way I can. However, I should point out that by doing so I could technically be rendering myself liable to prosecution under the Telephone (Interception) Act by listening to the tapes and reading transcripts. No doubt you have also given that matter some consideration.

Q. 55 Is there anything else you wish to say about this matter.

A. Yes. I would like to make it perfectly clear that at all times my belief was that the information I received had been legally obtained. Further, I hope that in the long-term this investigation does not end in seeking a scalp for whatever action was taken in obtaining the initial material, but that it goes further and thoroughly investigates the contents of the tapes as to the allegations against persons named therein. It is obvious from media releases that all is not well within political and judicial fields within New South Wales and the Federal sphere. My hope is that both objectives can be fairly found in the long-term.

Q. 56 Are you now prepared to read each page of this record of interview.

A. Yes, and I am prepared to sign each page and initial any typing errors which appear therein.

~~Q. 57~~ INTERVIEW SUSPENDED: 2.11PM
INTERVIEW CONSISTING OF FOURTEEN PAGES HANDED TO LEWINGTON TO READ.
INTERVIEW RESUMED: 2.58PM AFTER LEWINGTON HAS READ INTERVIEW.

PAGE FIFTEEN (15)

- Q. 57 Have you read this record of our interview.
A. Yes.
- Q. 58 Do you agree that it is a true record of our conversation.
A. Yes.
- Q. 59 Were the answers recorded in this record of interview made of your own free will.
A. Yes.
- Q. 60 Was any threat, promise of inducement held out to you to give the answers recorded in this record of interview.
A. No.
- Q. 61 Will you sign each page of this record of interview.
A. Yes.
- Q. 62 Will you also initial any typing errors appearing in this record of interview.
A. Yes.

INTERVIEW CONCLUDED: 3.01PM

WITNESSES:

Detective Superintendent A. BROWN

Detective Chief Inspector A. M. WHIDDETT

RECEIVED FROM DETECTIVE SUPERINTENDENT BROWN A COPY OF THIS RECORD OF INTERVIEW.

RECORD OF INTERVIEW BETWEEN DETECTIVE SUPERINTENDENT A. BROWN AND DETECTIVE
STATION SERGEANT DAVID JAMES LEWINGTON CONDUCTED AT OFFICES OF THE
INVESTIGATIONS DEPARTMENT, UNIT 5 BARTON, AUSTRALIAN CAPITAL TERRITORY,
THURSDAY 23 FEBRUARY 1984

PRESENT: Detective Superintendent Arthur BROWN
Detective Chief Inspector A.M. WHIDDETT
Detective Station Sergeant David James LEWINGTON

TIME COMMENCED: 8.42AM

Q. 1 Sergeant LEWINGTON, further to our record of interview yesterday, 22 February 1984, this morning Mr WHIDDETT and I will be producing to you for reading and reviewing a number of documents, namely: four (4) tape cassettes TDK D90 - the first marked "COPY RYAN - FARQUHAR, CHRISTIE, McHUGH"; the second marked "COPY 2 SIDE B M-McHUGH, M - PRAKASH, M - MILES"; the third marked "COPY 1 SIDE A"; and the fourth marked "COPY *"; and three sets of photostat pages - the first marked "MORGAN JOHN RYAN" and "SUMMARY OF INFORMATION SUPPLIED BY INFORMANT IN RELATION TO SYDNEY SOLICITOR MORGAN RYAN", consisting of 44 pages; the second purporting to be a transcript of telephone conversations headed "MAD DOG", consisting of 106 pages; the third purporting to be a transcript of telephone conversations headed "RABID" and consisting of 97 pages. The documents all being photostats. After you have listened to the tapes and read the copy transcripts, I will be inviting you to comment on the contents of the material. Do you understand. (PRODUCED)

A. Yes.

Q. 2 Do you agree that prior to the commencement of this interview I told you that I intended to ask you further questions about this matter in the form of a record of interview.

A. Yes.

Q. 3 Do you agree that I also told you that the questions I ask you together with any answers that you gave would be recorded in type as the interview took place.

A. Yes.

Q. 4 Do you agree that I also told you that at the conclusion of the interview you would be given the opportunity of reading the interview and signing it.

A. Yes.

Q. 5 I now intend to suspend the interview, Sergeant, until you have read the transcripts and ~~read~~ listened to the tapes. Do you understand.

A. Yes.

Q. 6 Are you agreeable to this procedure.

A. Yes, but with the reservation I mentioned yesterday that I would like a copy of the interview at its conclusion and the possibility I could be rendered liable to prosecution under the Telephone (Interceptions) Act.

Q. 7 You will be provided with a copy of this record of interview.

INTERVIEW SUSPENDED: 9.00AM TO PERMIT DETECTIVE STATION SERGEANT LEWINGTON THE TIME TO EXAMINE THE TRANSCRIPTS AND LISTEN TO THE TAPES (PRODUCED)

RECORD OF INTERVIEW BETWEEN DETECTIVE SUPERINTENDENT A. BROWN AND DETECTIVE STATION SERGEANT LEWINGTON, CONTINUED...

PAGE TWO (2)..

INTERVIEW RESUMED; 2.37PM

Q. 8 Sergeant LEWINGTON, do you agree that you have now completed reading the transcripts and listening to the tapes which I described to you earlier this morning in this record of interview.

A. Yes.

Q. 9 Although it was not recorded, do you agree that we suspended for a short lunch break today.

A. Yes, about 12.30PM.

Q.10 Sergeant, before you comment any further, I want you to understand that the caution I gave you yesterday in the record of interview, that is that you need not answer any of my questions unless you wish to do so, still applies in this interview. Do you clearly understand.

A. Yes.

Q.11 Would you now please comment on your observations from reading the transcripts and listening to the tapes today.

A. I have at no time before today seen any of the transcripts or other documents, such as the summary, or heard any of the conversations on the tapes. From reading the transcripts there are names of people who are familiar to me through my investigations into the Morgan RYAN/Korean matter and some incidents described in those transcripts are also within my knowledge from my investigations from sources other than Inspector LAMB or 'B' DIVISION, or the NSW Police CIU. I can identify the names that I have referred to and the incidents if you wish, where they appear in the transcripts. As regards the tapes, I can identify the voices on those tapes in some instances by reason of the fact that I have spoken to the people in question, both in person and on the telephone, on past occasions during my investigation of the RYAN/Korean matter and subsequent court proceedings. If you wish me to I can identify those persons whose voices I recognised and give you the indicator number between which they appear on the various tapes.

Q.12 Please identify the material you have selected in the transcripts and in the tapes.

A. In the transcript marked MAD DOG to 11AM 11.4.79, about .7 of the page there is reference to a place called the Aquatic Club and an Appeal relating to the Club. From investigations I made, and information which came to me from general conversation, in talking with staff of that club on various visits to Sydney, I am aware that during 1979 and 1980 court proceedings were underway respecting the reduction of trading hours of the Aquatic Club following complaints of excessive noise to the Sydney City Council. I was also told that Morgan RYAN was representing the Club in his efforts to retain the trading hours. In MAD DOG transcript to 2PM 10.4.79 there is reference of a male talking to Morgan about a meeting and a person 'A. HARRIS' is mentioned. Again, through my investigations in the Korean matter a person Arthur HARRIS is known to me as a close associate of RYAN and one who supplied a letter of employment to the Department of Immigration on behalf of a Korean. The same

.3/.

RECORD OF INTERVIEW BETWEEN DETECTIVE SUPERINTENDENT BROWN AND DETECTIVE
STATION SERGEANT LEWINGTON, CONTINUED,.

PAGE THREE (3)..

A. 12 continued... document mentions again the Aquatic Club matter and also records the name Billy LEE who is known to me as a solicitor of asian origin, practising in Sydney, who was investigated by Detective Sergeant Ken NEWELL, AFP, Sydney regarding chinese and Immigration malpractice. On the same page is mentioned John YUEN who is also known to me as a restaurant owner and one who was involved in the same investigation by NEWELL and was charged and convicted. His name also came up in the Korean investigation conducted by me. In the page marked MAD DOG 10.4.79 to 10AM the name Brian BOYD is mentioned. This name is known to me as the licensee of a public house in Sydney and he is known by me to be the brother of Gary BOYD, who was a Class 6 Public Servant in the Department of Immigration and Ethnic Affairs, Sydney office. Gary BOYD being strongly suspected by me of corrupt practices regarding the Korean investigation, in terms of granting permanent residence, but evidence sufficient to prefer charges was not forthcoming. On the page marked MAD DOG 9.4.79 till 8.30PM the name Peter RYAN appears; that person is known to me as the son of Morgan RYAN and from information I received from various people other than B DIVISION or the NSW CIU, I had reason to believe that he was a drug addict and was of great concern to Morgan RYAN for that reason and for poor business acumen.

On a page marked page 3,7.4.79 there is the notation of a Mr BELL regarding a fire in his house. That person and the event are known to me from inquiries I made in the Parkes region of NSW during the Korean investigation. His proper name is Keith BELL and he is known by the nickname of 'Banjo'. He is a ex-Jockey and has associations with the BEGG Stable.

BELL is again mentioned on the page headed MAD DOG till 1.30PM 4.4.79.

On a page headed MAD DOG 24.3.79 is reference against number 156 of that page as in from Lance with a Cootamundra address given. From personal conversations I have had with Morgan RYAN I am aware that in Cootamundra he has a cousin called Lance HOLME who is or was a bookmaker. HOLME was spoken to by me during the Korean inquiry regarding a letter which was received at Immigration stating that he was employing a Korean at a place called the Harley Butchery, Cootamundra; the letter bore HOLME's signature. However, my investigation showed that although HOLME owned the building in which this shop was situated he had nothing whatever to do with the ownership or operation of the butchery's business. These facts are recorded in my running sheets of the investigation, and I will comment further that RYAN, on the date that I searched his house, which from memory was the 16th of April 1981, pleaded with me to leave his cousin Lance out of the matter as he had already had one massive heart attack and RYAN did not want the death of his cousin on his conscience.

In a page which has no identification at its head but at the part numbered 1547, there is reference to an outgoing 'phone call to number 4493626, followed by the words 'Morgan to Male'. I recognise that telephone number as the home number of James Alan Francis MASON who I charged as a co-conspirator with RYAN in the Korean matter. I recognise that number by the fact that I have rung it on several occasions, the last time being late last year when I contacted MASON on that number after he had failed to appear at the District Court in Sydney for sentence.

...4/.

PAGE FOUR (4)..

A.12 continued... The address of that number is [REDACTED] St Ives and those details are included in my running sheets. MASON is an ex-NSW Policeman who was dismissed in 1958 after being convicted of offences of larceny.

In the documents titled 'MORGAN, JOHN RYAN SUMMARY', at page four, is reference to the name HARDY Hardy VSSNER. That name is misspelt and should be spelt USSNER, who is a builder and decorator living in the Mosman area of Sydney. I came across this person during my investigation into the Korean matter as four letters on his letterhead appeared on Korean files with the Department of Immigration, stating that he employed Koreans or would employ them as cabinetmakers. When interviewed USSNER claimed the letters were genuine but I was able to show that in at least two instances the Koreans named were working elsewhere in the relevant periods. My inquiries also revealed that USSNER did work on occasions for Morgan RYAN on his various properties.

On a page dated 9.3.80 in the Summary, tape 69, is reference to a conversation between RYAN and CHOI. The CHOI mentioned is David Young CHOI who was charged with RYAN as a co-conspirator in the Korean matter. He is a Korean national himself and is a half owner of the Arirang Restaurant in Rockwell Crescent, Potts Point, with Dorothy RYAN, the wife of Morgan. And there is a document evidencing that which was tendered as an exhibit in RYAN's trial. That document is now held at the Crown Solicitor's office in Sydney pending an Appeal by Ryan against his conviction. In the same purported conversation there is mention of the Reverend KIM. The Reverend KIM is known to me through my investigations as KIM, given names SANG WOO; he is a Korean and I had reason to believe that he was heavily involved in sheltering Korean prohibited immigrants over a long period of time. It is also known to me that in the presence of CHOI and in conjunction with CHOI he instructed Koreans, in whom I was interested in talking with, not to speak to the Federal Police or Immigration officials if approached. These instructions were given in the church at Sunday Services.

At the page marked 14 of the Summaries there is mention of Morgan receiving a call from Bob ENGLAND. The person Bob ENGLAND is known to me through investigations that I carried out not only into the Korean matter but also into his activities and the activities of one Leslie GREEN. GREEN and ENGLAND were both Immigration officers in the Sydney office and were suspected of receiving overseas trips free of charge from foreign airline companies in return for favourable consideration of change of status by foreign airline personnel from that of temporary resident to permanent resident in this country. ENGLAND was not charged over this matter because of lack of proof from overseas hotels and other financial institutions regarding mode of payment for trips. However, I did seize bank records pertaining to ENGLAND's account at the Bank of NSW, Wentworth branch, and they show deposits of about \$76,000.00 over and above salary in a period of some four to five years. ENGLAND was also known to me by the nickname 'Trifecta Bob' and, I cannot recall how that nickname came to pass.

At page 22 of the Summaries, against the date 27.3.80, tape 91, is shown Morgan rings Martin HOGG. That name in fact should be Martin HOBBS who is known to me through my investigations into Korean matters. He was the proprietor of a business called the Bogue Car Company which operated in Neutral Bay, and he resides

RECORD OF INTERVIEW BETWEEN SUPERINTENDENT BROWN AND STATION SERGEANT
LEWINGTON, CONTINUED..

PAGE FIVE (5)..

A. 12 continued... at [REDACTED] NSW. As I mentioned yesterday, documents that were recovered from the basement of Units at 19-21 Billyard Avenue, Elizabeth Bay contained Vogue Car Company letterhead on which sample letters had been written by Morgan RYAN in respect of the employment of two Koreans as an automechanic and autoelectrician respectively. My investigations led me to have personal contact with HOBBS and to question his association with Morgan RYAN. My inquiries revealed that HOBBS had dealt with RYAN over matters of conveyancing and car deals, including the purchase of a Rolls Royce, since 1978. It was also shown that one of the Koreans stated to be employed by HOBBS was in fact working permanent 12 hour nightshifts at Daltons Plastics during the relevant period. HOBBS is further mentioned on page 37 of the Summaries against tape 140 where it is listed as a call from Martin 'MOBBS'; in which the conversation shows that HOBBS complained to RYAN about the bad phrasing in one of the letters making HOBBS to appear ignorant, and that he had been contacted by the Department of Immigration. It was in fact me who contacted HOBBS by telephone and questioned him concerning that particular letter and pointed out to him the poor phraseology in the letter, whereby I did not believe it had been written by him. That contact with HOBBS by 'phone is recorded in my running sheets of the investigation.

Q. 13 Thank you, Sergeant, would you now comment on your observations regarding the tapes.

A. On the first tape that I listened to, marked e- 'COPY 1 SIDE A', from counter numbers 000 to 116, the conversation that is held I recognise the voices of the participants as that of Morgan John RYAN, solicitor, and Christopher MURPHY, solicitor, both of whom I have spoken to personally and on the telephone at different periods from late 1980 up until the end of 1981. I have had contact with RYAN up until the end of 1983 at various court appearances at which times I have spoken with him.

On the same tape from counters 116 to 383 I recognise only the voice of Morgan John RYAN.

On the same tape from counters 383 to 403 I recognise the voices of Morgan John RYAN and Christopher MURPHY. Also on the same tape from counters 438 to 497 I recognise the voices of Morgan RYAN and Christopher MURPHY. On the same tape from counters 499 to 533 I recognise the voice of Morgan RYAN only.

On the second tape that I listened to marked 'McHUGH, PRAKASH, MILES, from counters 000 to 211 I recognise the voice of Morgan RYAN only in the two conversations within those counter numbers. On the same tape from counters 211 to 317 I recognise the voices of Morgan RYAN and Bruce MILES, solicitor. I am aware of the voice of Bruce MILES having had telephone conversations with him regarding the RYAN matter and by listening to him over periods of numerous days during committal and trial proceedings of RYAN in which he appeared as the Defence solicitor.

On the third tape that I listened to marked "COPY*" from counters 600 to 084 I can positively identify the voice of Morgan John RYAN and the voice of the person to whom he is speaking I believe to be, but without certainty, the voice of Justice Lionel MURPHY, Judge of the High Court of Australia.

[REDACTED]...6/.

PAGE SIX (6)..

A. 13 continued... On the fourth tape that I listened to, in each of the conversations on that tape, the only voice that I can identify is that of Morgan John RYAN.

Q. 14 Now that you have heard the tapes and read certain transcripts, are you prepared to give me your opinion regarding, firstly, the authenticity of the material; and, secondly, the authenticity of information contained in the material.

A. In respect of the transcripts I cannot say that they^{are} authentic documents throughout. However, I can say that some of the information and described incidents contained therein is, to my knowledge, true. I refer particularly to the matter of Keith BELL and the burning down of his house; ~~the~~^{the} matter of the Reverend KIM and the situation of Martin HOBBS. In the case of HOBBS it leaves me with the opinion that, in that particular part of the document, the probability rating of the document being authentic must be very high. I base that on the fact that I was the person who telephoned HOBBS and queried the phraseology in the letter he purported to have written. At that time the only three people to my knowledge who would have been aware of the situation of me speaking to HOBBS about the phraseology of the letters would have been HOBBS, Detective Bob JONES and I.

As to the tapes, again I cannot say precisely anything as to the authenticity of the tapes that I have heard, however, my opinion is that they are tapes of conversations had by and with Morgan John RYAN, Christopher MURPHY and Bruce MILES and a person I believe to be Justice Lionel MURPHY. I positively identify the voice of RYAN, the voice of Christopher MURPHY, and the voice of Bruce MILES on those tapes. As to the contents, I have never heard the contents before, nor do I know if the subjects of discussion are accurate or not. However, I am aware that RYAN represented CESSNA and MILNER in a matter relating to the possession of Buddha sticks and in fact when I searched RYAN's home in April 1981 I found a file bearing the name CESSNA and MILNER in his study. That file contained typewritten documents of relevance to my inquiry.

Q. 15 In regards to our interrogatories of yesterday there are a few questions we would like to put to you to assist in the clarification of some matters. Firstly, did Inspector LAMB give any explanation why you were to change contacts, that is that in future you would be dealing with the NSW CIU rather than he, LAMB.

A. There was no explanation forthcoming and at that time Inspector LAMB already knew we were liaising with NSW CIU.

Q. 16 You have told us that you listened to a portions of a recordings in 'B' DIVISION. Can you assist us with the dates when this occurred.

A. I cannot remember the dates of hearing preselected portions of tapes and at this time I cannot say if I heard the recordings on one day or more than one day. I cannot say what dates the portions of tapes that I heard were made on, or the conversation purported to have taken place on. I never saw the tapes or the markings thereon.

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RECORD OF INTERVIEW BETWEEN SUPERINTENDENT BROWN AND STATION SERGEANT LEWINGTON, CONTINUED..

PAGE SEVEN (7)..

- Q. 17 Do you know a New South Wales policeman, or former New South Wales policeman, known as [REDACTED].
- A. No, I do not know that person, however, I have heard his name and did know that he was a NSW policeman. From where I first heard his name I cannot be precise, but I think it was from other New South Wales or AFP police.
- Q. 18 Was Detective Bob JONES present in the room with you when Inspector LAMB played the tapes to you.
- A. Firstly, to clear one point, I cannot be totally certain that it was Inspector LAMB who played the tapes to us on each occasion, but certainly Bob JONES was with me on each occasion.
- Q. 19. Having considered your answer to question 52 of yesterday's record of interview regarding you reporting your progress to any member of the AFP concerning the Korean inquiry, it seems that clarification is required. Accordingly, did you tell any senior officer, including myself, Deputy Commissioner KENNEDY or Sir Colin WOODS, that you had listened to tapes played at B DIVISION which purportedly were of telephone conversations between Morgan John RYAN ^{Q1} ~~ex-ct~~ and other parties.
- A. No. At no time was the listening to tape recordings mentioned to any of the officers named, nor were specific details of what I had heard on those recordings given to the Officers. It was not a case of me not wishing to keep my superiors informed of all matters, but it was the case that being aware of the Telecommunications (Interception) Act I could not impart knowledge I had gained from listening to what I believed were legal interceptions. Nor did I, because of my knowledge of the Act, pass on the information to any other person and that, I believe, is supported by the fact that even though JONES and I had sole possession of our running sheets we did not record the information received in those for we well knew that at a future date those running sheets would be forwarded to our own Bureau of Criminal Intelligence for them to use whatever intelligence was of value in those sheets.
- Q. 20 As a result of any conversations you had with any senior officer or other member of the Australian Federal Police, was it ever your opinion or impression that you were being sent to B DIVISION to obtain any information which had been illegally obtained.
- A. No. Not at any time did I gain that impression, had I have done so I would not have been party to it in any shape or form.
- Q. 21 In answer to question 51 of yesterday's interview you mentioned the seizing of diaries, belonging to Morgan RYAN, which contained entries referring to Lionel MURPHY. Can you recall the context of those entries.
- A. ^{Q1} There were a number of entries under various dates in different diaries which stated such things as 'Lionel MURPHY rang' or 'ring Lionel MURPHY' or 'ring Lionel'. To the best of my memory it also showed a telephonenumber. There were four diaries in all of the desk type for the years 1976, 1979, 1980 and 1981. The diaries were produced as an exhibit in the committal proceedings against RYAN and at the end of those proceedings, with the permission of the Magistrate Mr Kevin JONES SM, they were returned to the defence. The

RECORD OF INTERVIEW BETWEEN SUPERINTENDENT BROWN AND STATION SERGEANT
LEWINGTON, CONTINUED..

PAGE EIGHT (8)..

A. 21 continued... diaries have not been seen since that time, the exhibit sheet is clearly marked 'returned to the defence' but even though at the trial they were called for on subpoena from the Defence, they were not produced and it was claimed that they could not be found. However, I had photocopied each page of each diary on a previous occasion and these photocopies were and still are to the best of my knowledge available. I also mention that at the time I seized the diaries in April 1981 from Morgan RYAN's home I immediately examined them cursorily and noted that pages and part pages had been torn from them. Later, during the search, I found, in the middle one of three garbage bins on the eastern side of the house, numbers of documents in crumpled condition under fresh household waste. Amongst these documents were some of the missing pages from the diaries and two teledex pages in torn condition. To best of my memory some of the pages from the diaries bore reference, as previously described to telephone contact with Lionel MURPHY J. Also one of the teledex pages related to the initial M; on that page appeared the name MURPHY, Lionel and a telephone number. RYAN's explanation for those documents being in the garbage was that he knew an investigation was going on and he did not want some of his friends embarrassed. Further, that what he had been doing was 'updating' his telephone list.

Q.22 In your preparation and subsequent prosecution of Morgan John RYAN, was any of the information you obtained through B DIVISION or the NSW CIU used in the prosecution of Morgan RYAN.

A. No. At no time was any of the information I had received used in the prosecution of RYAN and I would add that the information I did receive was minimal compared to what I had seen was available in transcripts I have read today. The only documents that were used in evidence against RYAN were the documents that had been seized by police from the basement of Units in Elizabeth Bay in March 1980, prior to the commencement of my inquiries, and which were received by me in original form some time during early 1981.

Q.23 Is there anything else you wish to say about these matters.

A. The impression I have formed today, having seen certain transcripts, is that they were not prepared by the Australian Federal Police. I say that drawing from my 21 years experience as a police officer and my recently acquired knowledge of the activities of Eastern Region and B DIVISION interest in such persons as Gary BOYD and Robert Charles ENGLAND. I noted in one part of the transcripts that I read today it was shown as a conversation between RYAN and Gary BOYD, but the only notation was discussion about Immigration matters. To my knowledge, members of the AFP were interested in BOYD and Immigration matters at that time and had it been AFP transcribing tapes I feel sure that that conversation would have rated sufficient importance to be transcribed in full. I would like to make it clearly known to you as investigating officers, who have known me personally in excess of ten years, that I have always carried out my duties honestly and as ethically as I possibly could. I state now and will always maintain that had I had the slightest belief that the information to which I was made privy by members of B DIVISION and the NSW CIU was illegally obtained I would have had no part in receiving any further information from the time I formed that belief. It has always been my practice to make known

RECORD OF INTERVIEW BETWEEN SUPERINTENDENT BROWN AND STATION SERGEANT LEWINGTON, CONTINUED..

PAGE NINE (9)..

A. 23 continued... to senior officers any malpractice that I have come across. I do not believe that my integrity as a police officer has ever been in doubt or challenged.

Q. 24 Are you now ^{set} prepared to read each page of this record of interview.

A. Yes.

Q. INTERVIEW SUSPENDED: 5.39PM INTERVIEW CONSISTING OF NINE PAGES HANDED TO LEWINGTON TO READ

INTERVIEW RESUMED: 6.08PM AFTER LEWINGTON HAS READ RECORD OF INTERVIEW

Q. 25 Have you read this record of our interview.

A. Yes.

Q. 26 Do you agree it is a true record of our conversation.

A. Yes.

Q. 27 Were the answers recorded ^Q in this record of interview made of your own free will.

A. Yes.

Q. 28 Was any threat, promise or inducement held out to you to take part in this record of interview.

A. No.

Q. 29. Will you now please sign each page of this record of interview.


A. Yes.


Q. 30. Will you also initial any typing errors in this interview.

A. Yes.

INTERVIEW CONCLUDED: 6.11PM

WITNESSES:


Arthur BROWN
Detective Superintendent


A.M. WHIDDETT
Detective Chief Inspector

RECEIVED A COPY OF THIS RECORD OF INTERVIEW.




28 May 1984

Mr David James LEWINGTON, Detective Acting Inspector, Australian Federal Police, PO Box 401, Canberra City, Australian Capital Territory, was sworn and examined.

CHAIRMAN - Detective Acting Inspector Lewington, thank you very much for your attendance at this meeting of the Select Committee into the Conduct of a Judge. Could you tell us your present position?

Det. Acting Insp. Lewington - At the present time I am Detective Acting Inspector. I am second in charge of the Overseas Liaison Branch, Australian Federal Police, Canberra.

CHAIRMAN - Thank you. Was there a record of interview taken between yourself and certain members of the task force under the direction of the Special Prosecutor, Mr Ian Temby?

Det. Acting Insp. Lewington - Yes, there was.

CHAIRMAN - What was the date of the record of interview?

Det. Acting Insp. Lewington - The date was 22 February 1984.

Senator LEWIS - There were two: 22 February and 23 February 1984.

CHAIRMAN - Do you recall those records of interview?

Det. Acting Insp. Lewington - I do, yes.

CHAIRMAN - The Committee would like to pursue some questions arising out of that record of interview. In particular, the relevant section seems to be around question 26 and your response onwards in that record of interview. It appears that an opportunity was provided for you and Detective Jones, I believe, to hear some tapes.

Det. Acting Insp. Lewington - Yes, that is correct.

CHAIRMAN - You were taken by some person into a room where a tape recorder was set up and portions of a tape were played to you?

Det. Acting Insp. Lewington - That is correct.

CHAIRMAN - The tapes contained certain conversations. At that time, did you have any knowledge whom those conversations involved, or who were the parties to those conversations?

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Det. Acting Insp. Lewington - No, not directly, at that particular time, other than being aware that Morgan John Ryan was one of the persons involved in the conversation. Another person was identified as Jim Mason and another party was identified as a person known as Keith Bell, who was referred to as Banjo, which is his nickname.

CHAIRMAN - But how did you know that they were the persons or parties to the conversations on the tapes you were listening to? I had understood that you had not heard their voices prior to this occasion.

Det. Acting Insp. Lewington - I had not heard their voices prior to that occasion. Certainly, the situation was that I was informed that the party that I would be listening to was Morgan John Ryan. The person who was named as Banjo was known to me as a person named Keith Bell, known as Banjo Bell from Parkes. I did not recognise the voices, or could not identify the voices at that time, but I could put together the fact that the persons who were named, such as the person Jim - Jim Mason - and the person who was referred to as Banjo, were those two people.

CHAIRMAN - There were three conversations that you heard?

Det. Acting Insp. Lewington - It was a presumption on my part that they were the people, but the presumption was based very strongly on a high probability rating.

CHAIRMAN - But you heard three conversations: One between somebody you were told was Ryan and somebody you were told was Jim Mason----

Det. Acting Insp. Lewington - The person was referred to as Jim and the subject matter that they spoke about was the matter of the adaptable plant hire service of which Mason was the proprietor.

CHAIRMAN - Then the second conversation was between Ryan and Banjo?

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Det. Acting Insp. Lewington - Yes.

CHAIRMAN - Bell?

Det. Acting Insp. Lewington - Bell.

CHAIRMAN - Identified as such to you?

Det. Acting Insp. Lewington - Yes.

CHAIRMAN - And the third was between Ryan and some unknown person?

Det. Acting Insp. Lewington - Yes, Ryan and some unknown person but the voice was----

CHAIRMAN - Prior to your hearing the tape, had the third conversation been described to you as a conversation between Ryan and Mr Justice Murphy?

Det. Acting Insp. Lewington - No, it had not.

CHAIRMAN - That is the only point I wanted to hear.

Senator LEWIS - Do you recall why you were asked to listen to these tapes?

Det. Acting Insp. Lewington - It was not a case of being asked to listen to them - it was a case of an opportunity being granted to me, as an investigator, to be afforded certain information which was, I presume, believed relevant by the person who afforded that opportunity.

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Senator LEWIS - But you did not get the opportunity to listen to a lot of tapes. You were given information but only infrequently given the opportunity to listen to tapes.

Det. Acting Insp. Lewington - Yes, that is correct.

Senator LEWIS - Now, this tape was of more than just information. This tape was about getting at you, was it not?

Det. Acting Insp. Lewington - That was the inference.

CHAIRMAN - Without referring to the conversation between somebody you now identify as Morgan Ryan and an unidentified voice at that time.

Det. Acting Insp. Lewington - Yes, that is correct.

CHAIRMAN - Therefore, we have to ask the question, have you identified that voice to your own satisfaction? Did you form a view as to whom that unknown voice belonged?

Det. Acting Insp. Lewington - Yes, I did form a view at the time.

Senator LEWIS - Could you tell us whose voice you thought it was?

Det. Acting Insp. Lewington - I believed it to be the voice of Justice Murphy.

Senator LEWIS - We may, from time to time, use the word 'conversation' but it is understood you believed it to be the voice of Mr Justice Murphy?

Det. Acting Insp. Lewington - That is right.

Senator LEWIS - That is right. Now, you heard this conversation and what I am saying to you is that, in the course of this conversation as I understand it, the conversation was about getting at you and your mate.

Det. Acting Insp. Lewington - Yes, the conversation was along the lines as to whether we were amenable to an approach.

Senator LEWIS - 'Amenable to an approach'; I put it to you that that was the reason that you were invited to listen to the conversation?

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Det. Acting Insp. Lewington - I would presume so.

Senator LEWIS - Yes.

Senator CHIPP - Do you mean by his superiors?

Senator LEWIS - With respect, I do not think they were your superiors, were they? I mean, they were in a different department, were they not? They might have been senior in rank to you but they----

Det. Acting Insp. Lewington - They were senior in rank and they were, as such, my superior officers simply because we were all part of the same organisation at that stage.

Senator LEWIS - I see. Yes, I had misunderstood that. Now, do you recall whether it was Ryan who said 'Are they amenable?' or whether it was the judge who----

Det. Acting Insp. Lewington - I pointed out in my record of interview with Detective Superintendent Brown that this took place three years ago. Now, I cannot remember the conversation verbatim but my recollection is that Ryan asked the question about whether he had made the inquiries concerning the two men involved in the investigation and if they were amenable.

Senator LEWIS - Had the judge made the inquiries?

Det. Acting Insp. Lewington - Yes. That was the thrust of it.

Senator LEWIS - Right.

Det. Acting Insp. Lewington - And the reply was that some inquiries had been made and we were not approachable, but that we were very straight. That was the gist of the conversation. I cannot say that that is word perfect because my memory is not that accurate after this period of time.

CHAIRMAN - Can I go to the substance of the conversation? I want to come back to your actual identifying of the voice a little later, but in your record of interview you say that a question was raised by Morgan Ryan along the lines - we appreciate it is not verbatim: 'Have you been able to find out

about those two fellows who were doing the investigation? Are they approachable?' The other party said he had made inquiries and came to the conclusion they were both very straight. You say: 'I cannot recall what conversation took place but it was inferred, and certainly both Jones and I were left in no doubt, that they were talking about our investigations into the Korean matter and us as the investigators'. I take it from that that the Korean matter itself was not mentioned, just 'an investigation' and that you and Jones were not mentioned by name but as 'two officers' or 'two people'?

Det. Acting Insp. Lewington - Yes, to the best of my memory, that is correct.

CHAIRMAN - So there is nothing in the conversation in express words which referred to you and Sergeant Jones or to the Korean matter?

Det. Acting Insp. Lewington - That is true.

CHAIRMAN - Now, you also tell us at the beginning of this series of questions that: 'We were not told how the conversations had been taped and it was only portions which had been preselected which we listened to'.

Det. Acting Insp. Lewington - Yes.

CHAIRMAN - So that, if the conversation you recall between Morgan Ryan and a male whom you identify as Mr Justice Murphy, had not been in a sequence or played to you in the context of the Korean investigations and conversations with Bell and Mason, there was nothing in the actual extract portion played to you which would link or colour the matters as having to do with the Korean investigations?

Det. Acting Insp. Lewington - Not that I can specifically recall at this stage. Certainly the impression that I gained from listening to that was that Jones and I were the subject of that particular conversation. Ours was, as far as I am aware, the only investigation involving two people from Canberra who

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were looking at the activities of Ryan and others at that time. Our presence was certainly being made known around the area of Sydney in that we were approaching a great number of people who were known to us to be associates of Ryan and we were asking some rather embarrassing questions and awkward questions of those people.

CHAIRMAN - There are two ways of looking at this. You say, in answer 28: 'I cannot recall the specific conversation', and we all agree that you cannot expect to give a verbatim recall.

Det. Acting Insp. Lewington - Yes.

CHAIRMAN - That is one thing, but you go on a few lines later and say: 'I cannot recall what conversation took place, but it was inferred'. In other words, it is not merely that you cannot recall explicit, express verbatim words concerning 'a Korean investigation' and two officers of your rank, perhaps, and name. They were actually not mentioned?

Det. Acting Insp. Lewington - No.

CHAIRMAN - I come back to the point that the three conversations you heard were clearly or evidently to you just portions which had been preselected and each coloured the other, I suppose?

Det. Acting Insp. Lewington - That is how they appeared to be, yes. They were not all heard at one stage. They were heard at varying times, so it was not a case of listening to one part of a conversation and then immediately going on to another one and another one. It was over a period of time that they were heard, those particular conversations.

CHAIRMAN - If you had heard the conversation between Ryan and, as you believed, Mr Justice Murphy, quite independently of the other two conversations and without regard to the fact that you did hear them all together, there was nothing in that conversation to link it to the Korean investigations?

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Det. Acting Insp. Lewington - My recollection is - from what I can remember of it now, I cannot say there was anything specific within that conversation. The impression that I was left with, having heard that which I remember quite clearly, was that we were the officers referred to in that conversation. It gave me a great deal of concern.

Senator LEWIS - Your investigation was about the Korean matter?

Det. Acting Insp. Lewington - My investigation was about the Korean matter and Morgan Ryan was certainly the prime target in that whole investigation.

Senator CHIPP - Where are the tapes now?

Det. Acting Insp. Lewington - I have no idea where they are.

Senator CHIPP - Were they destroyed?

Det. Acting Insp. Lewington - I do not know. I have no idea. I have never had possession of those tapes.

Senator DURACK - Who had possession of the tapes when you were listening to them?

Det. Acting Insp. Lewington - The tapes at that time were in the premises of what is known as B Division of the Australian Federal Police in Sydney. It is in the Plaza Building in Goulburn Street. As to who had actual physical possession of them, I do not know.

Senator DURACK - You were not playing them yourself. Presumably someone else was operating them for you.

Det. Acting Insp. Lewington - Yes, there were other officers there. As to exactly which officer, I do not know. I cannot recall at this stage who was there.

Senator CHIPP - Who was in charge of the section which would have had control of the tapes?

Det. Acting Insp. Lewington - The person in charge of the section at that time was Detective Inspector Peter Lamb.

Senator CHIPP - Have you ever asked him what happened to the tapes?

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Det. Acting Insp. Lewington - No, I have not.

Senator CHIPP - Have you ever expressed a view to hear them over again to check your own memory?

Det. Acting Insp. Lewington - No, I have not.

Senator LEWIS - Can I ask in regard to that particular conversation, on looking at this answer to question 28, you said that you gained the impression from the conversation that Ryan was considering an approach, that an approach would be made - making an approach to you.

Det. Acting Insp. Lewington - Yes.

Senator LEWIS - And that during August 1981, in fact, an approach was made by officers of the New South Wales Police Force and subsequently one or more - I am not sure - was charged with some sort of offence in relation to that approach.

Det. Acting Insp. Lewington - Yes, that is correct.

Senator LEWIS - Was it one or more? I am sorry, it is very difficult to read.

CHAIRMAN - One member was fined \$100.

Det. Acting Insp. Lewington - There were two involved.

Senator LEWIS - The Chairman has just hit the point that I was about to raise. One member was fined \$100.

Det. Acting Insp. Lewington - Correct.

Senator LEWIS - Was that fine before the Police disciplinary board?

Det. Acting Insp. Lewington - As I understand it, yes.

Senator LEWIS - Do you think that was a substantial penalty for a policeman in this sort of circumstance? I do not know. It may be that it goes down as a black mark in his book in any event. It is not only a \$100 fine but it is probable that he will not get promotion and all sorts of things. Do you think that was a substantial penalty?

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Det. Acting Insp. Lewington - No, certainly not. Having just completed over two years in our internal investigation division of the AFP, I would consider that penalty as a very minor penalty indeed for the act that had been committed.

Senator LEWIS - What about the other penalty? What was that?

Det. Acting Insp. Lewington - The sentence was deferred for 12 months which, in effect, meant there was no promotion for a period of 12 months.

Senator LEWIS - What do you mean by 'the sentence'? Was he sentenced to a term of imprisonment? No penalty is applied.

Det. Acting Insp. Lewington - No. It is a police disciplinary tribunal, as I understand it. I am only acting on information that was given to me - and that came from the Internal Affairs Bureau of the New South Wales Police - that the sentence had been deferred for 12 months. My understanding of the ramification of that is that there is no promotion for a period of 12 months and no sentence will be imposed other than that if there are no further infringements by the officer within that period.

CHAIRMAN - I do not think there is any question of the seriousness of that. We have to try to link it to your recollected conversation on a tape. Did you, at the time of hearing this tape, convey your concern, misgivings or worry that an approach was about to be made or had been talked about or was in the air, to any superior officer?

Det. Acting Insp. Lewington - Yes. There was concern and it was mentioned in general terms - not in specific terms or as to where the information had come from or anything else - but I certainly did make mention of that fact to Superintendent Brown at a later time.

CHAIRMAN - Did you, in making that concern known, mention a conversation between Morgan Ryan and a person whom you believed to be Mr Justice Murphy?

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Det. Acting Insp. Lewington - No, I do not believe I did. As I can recall at this stage, the mention of it was one that it was quite likely that an approach would be made and that we had received information to that effect.

CHAIRMAN - When the actual approach was made in August 1981, did you make a link between that approach and the conversation you had heard?

Det. Acting Insp. Lewington - Most definitely. The conversation I had heard sprang to mind because----

CHAIRMAN - At that stage, did you mention to a superior officer - I see it got right up to Sir Colin Woods - that there had been a conversation which, to your mind, preceded this actual approach or was linked in the events leading up to this actual approach between Mr Morgan Ryan and the person whom you believed to be Mr Justice Murphy?

Det. Acting Insp. Lewington - No, I did not mention it at that stage. It was not a matter which could be used as evidence simply on the basis that, although I believed the voice on the tape to be that of Mr Justice Murphy, there was no way that I could prove that the voice on the tape was that of Mr Justice Murphy. I am still in that position. I believe that that is the case.

Senator CHIPP - That puzzles me. You seem to speak with a great deal of definite conviction that it was Morgan Ryan's voice on the tape. You have no doubts about that?

Det. Acting Insp. Lewington - None at all.

Senator CHIPP - But you have severe doubts as to whether it was Murphy's.

Senator DURACK - He did not say that.

Det. Acting Insp. Lewington - I do not have severe doubts.

Senator DURACK - He did not say that.

Senator CHIPP - He has doubts that it was Murphy.

Senator LEWIS - No, he did not say that.

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Senator CHIPP - Well, are you quite certain it was Murphy?

Senator DURACK - The witness must be given the facts properly.

CHAIRMAN - The witness will rebut any colouring of the----

Senator DURACK - With respect, the witness is entitled to some protection.

Senator CHIPP - I do not mind being interrupted by my colleagues but if they would interrupt me on a basis of fact it would make my job and the Committee's job a lot easier. In this record of interview it has Detective Lewington as saying: 'I cannot possibly identify that voice as being the voice of Mr Justice Murphy'.

Senator DURACK - That is not what you put to him.

Senator CHIPP - If that is not having doubts - I do not mind being interrupted but I do not like being interrupted facetiously.

Senator DURACK - I am not interrupting facetiously.

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CHAIRMAN - I will let the witness characterise his doubt, if any, as he wishes in response to Senator Chipp.

Senator CHIPP - These are your words 'I cannot possibly identify that voice as being the voice of Mr Justice Murphy'.

Det. Acting Insp. Lewington - No, they are not my words. It is 'positively' not 'possibly'.

Senator CHIPP - I am sorry. 'I cannot positively identify the voice as being the voice of Mr Justice Murphy'.

Det. Acting Insp. Lewington - That is correct.

Senator CHIPP - Does that mean you had doubts about whether it was Mr Justice Murphy's voice?

Det. Acting Insp. Lewington - Personally, I have no doubt. On an evidentiary basis I cannot say positively that it was his voice, simply because my knowledge of Mr Justice Murphy's voice is only that of occasional hearings on radio and TV.

Senator CHIPP - What I was about to put to you before I was interrupted was that if you can positively identify Mr Morgan Ryan and not positively identify Mr Justice Murphy, I ask you, is it not a fact that Mr Justice Murphy's voice is far more unique and identifiable than Mr Ryan's?

Det. Acting Insp. Lewington - That would depend upon the number of times you have heard the person speak, the recentness of it, for me to be able to say, positively, that that was the person's voice. I have no doubt, on a personal basis, that it was his voice.

Senator CHIPP - Having heard both voices on tape, would you not agree that Mr Ryan's voice is a very ordinary sort of voice you hear hundreds of times; Mr Murphy's voice is quite unique in its resonance, its intonations and its expression?

Det. Acting Insp. Lewington - Yes, it certainly has a uniqueness about it and that is why my belief is that it was his voice. As to Mr Ryan, I have had many conversations with Mr Ryan; I have heard him speak on numerous occasions and he has

certain idiosyncracies in the way that he speaks and those are quite clearly picked up once you know the way that man speaks, plus the fact that the sound and tone of his voice became very well known to me.

Senator CHIPP - Leaving aside the rules of evidence that apply in a court of law, can you say to this Committee, on oath, that it is your view, and has been your view, your unshakeable view, that it was the voice of Mr Justice Murphy?

Det. Acting Insp. Lewington - That is my personal belief.

Senator CHIPP - Have you ever been heaved by any superior police officer to soften your statement, soften your evidence?

Det. Acting Insp. Lewington - No, I have not.

Senator CHIPP - No suggestion of any heavying?

Det. Acting Insp. Lewington - No, I am not amenable to that type of approach.

Senator CHIPP - I know you are not and for that you have our unbounded respect. But I am asking you have any approaches been made, or any inferences by actions of superior officers, that it would be better not to proceed with the statement that you believed it was Murphy's voice?

Det. Acting Insp. Lewington - No.

Senator LEWIS - It may be your belief; you may even have detailed knowledge of it, that in fact Sir Colin Woods or Mr Johnson were acquainted with your beliefs in regard to this conversation with Mr Justice Murphy?

Det. Acting Insp. Lewington - No, they were not acquainted with it because I did not make those particular gentlemen aware of that conversation. Perhaps I should briefly explain what concerned me. My concern, on hearing that conversation, was not the fact that I may be approached or that some bribe may be offered to me to water down the investigation or divert the course of my investigation. That did not concern me because that is a professional hazard that we do face from time to time and we

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deal with it. What did concern me was the fact that if my belief was right, there was impropriety on the basis of a solicitor of the Sydney Bar and a judge in the High Court - what showed impropriety. At that stage there was no specific evidence of a wrongdoing of a criminal act, but what concerned me was that if that was the case, then it showed perhaps a corruption within a judicial system. If that was so, then who could I trust and who could I go to, in the event of there being further instances or hard core evidence coming to hand which could be used to really show that fact. I was not concerned about any approaches that would be made to me.

Senator LEWIS - What did you then do about it?

Det. Acting Insp. Lewington - I did notify my superior officer, who was Chief Inspector Brown at the time, that there had been information come to us that we would be approached. The fact----

Senator CHIPP - In writing?

Det. Acting Insp. Lewington - No, it was a verbal statement. The fact that I had heard that conversation was not tantamount to evidence on my part, because I could only say that I believed it to be the voice. I still believe it to be the voice of Justice Murphy that I heard, but I could not positively identify it. I certainly did not have possession of the tape. The person who did have possession of the tape, or the office that had possession of the tape, was occupied by a detective inspector. Obviously, if he had that particular information there, he had a duty to do something about it, so on that basis it should have been carried out by the person who had control of the information. I had been made privy to it and I did in fact report it to a senior officer.

CHAIRMAN - I can understand your not pursuing the matter for want of evidence up to the point of the actual approach, but when there was an actual approach, it must have been clear that the

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policemen were just minor pawns. They had been set up to do it, bribed, or themselves corrupted, to make some sort of approach, clearly. Would it not then occur to a policeman that there were people behind pushing these policemen to make this approach and the only link or clue that you had was back to a remembered conversation. What I do not understand is why that remembered conversation, which may have provided a link, was not put to the senior officers, up to Sir Colin Woods.

Det. Acting Insp. Lewington - Because it really had no connection other than the fact that it bore out the fact that there had been some inquiry made. In my mind that is what proved to me that some inquiry had been made as to whether we were amenable or not. Even though the answer had gone back that we were not amenable, obviously Ryan had decided to make an approach.

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But there was nothing really which linked it because the two New South Wales policemen, to my knowledge, would not have any connection with Mr Justice Murphy and I was told by the policeman who made the offer that it was Ryan who had approached a third person - Ryan has many contacts within the New South Wales police - who had contacted Detective Sergeant Lowe, who in turn had contacted Detective Shaw whom I had known personally over a period of five years. I knew his family and regarded him as a friend.

CHAIRMAN - So there was no actual link, to your knowledge, between the actual approach and the conversation that you----

Det. Acting Insp. Lewington - No positive link at all.

Senator LEWIS - Mr Lewington, did it not then strike you as strange that a High Court judge would know that you were straight?

Det. Acting Insp. Lewington - No, not particularly.

Senator CHIPP - And had bothered to inquire?

Senator LEWIS - Or had bothered to inquire, or had some avenue of ascertaining that?

Det. Acting Insp. Lewington - His avenue would be - to me it was quite apparent that an avenue that he would have had was through the ex-Chief Stipendiary Magistrate of Canberra, Mr Charlie Kilduff, who is now a barrister in New South Wales. Mr Kilduff would certainly know both Jones and I over a long period of time through court appearances before him.

Senator LEWIS - Do you think it would be reasonable for a judge of the High Court to approach Mr Kilduff and say: 'Listen, would Sergeant Lewington be bribable'?

Det. Acting Insp. Lewington - In the events that have happened since then, I would think it quite possible considering that Mr Kilduff appeared on behalf of Morgan Ryan at his trial as an instructing barrister.

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CHAIRMAN - Do I understand you to be saying there is some association between Kilduff and Murphy which enables them to carry on reasonably----

Det. Acting Insp. Lewington - My understanding is that that is so. Mr Kilduff was appointed Chief Stipendiary Magistrate in Canberra at the time that Mr Murphy was Federal Attorney-General and, as I understand it, that appointment was in fact made by Mr Justice Murphy. It was rather surprising considering that magistrates on the Bench in Canberra had been serving for a considerable number of years on that Bench and yet were passed over virtually for an unknown person to come and take over the CSM position.

CHAIRMAN - What leads you to make an allegation, as I understand it, that Murphy and Kilduff were both involved in making inquiries to see whether you could be approached by police officers?

Det. Acting Insp. Lewington - That is something which I saw as a line of inquiry that could be used by Mr Justice Murphy.

CHAIRMAN - But you have no evidence that that was the case?

Det. Acting Insp. Lewington - The information that I have received from various people is that there is quite a friendship between Mr Justice Murphy and Mr Charlie Kilduff and there has been for some time.

Senator CHIPP - Could I just follow Senator Lewis's question and that of the Chairman. You hear a tape in which you believe a High Court judge and a solicitor are discussing how you might be got at; you do the right thing about it but do not report it to the highest level. Subsequently an event happens which is totally in line with you being got at, namely, you are approached. If we are talking about links, you were at the time investigating an immigration racket, investigating Morgan Ryan, you now tell us you know that the bribe offered to you did come via Morgan Ryan, and you heard Morgan Ryan, allegedly, on tape

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discussing whether you were bribable. Would you not have thought it was significant at that stage to report to a senior officer, in writing, what you believed to have been on the tape, namely, a High Court judge and a solicitor discussing whether you were bribable or not?

Det. Acting Insp. Lewington - If there was something more than presumption, yes, I agree.

Senator CHIPP - But it was not presumption; you say you believe it was Lionel Murphy on the phone.

Det. Acting Insp. Lewington - I say I believe that, but I am not in a position to be able to prove it.

Senator CHIPP - But you report to your superior officers things going on which you are not able to prove. It is the duty of an honest, efficient policeman, which you are, to do that, and you have done that thousands of times in your career.

Det. Acting Insp. Lewington - I certainly collect information and I then have to put a probability rating on the reliability of that information which is fed into our intelligence units. That information is not going to my superiors; that is part of my role as a police officer. If I report to my superiors, my reports are based on fact, and they are factual reports because I cannot put something which is a presumption as a matter of fact to a senior officer. I would be misleading them.

Senator CHIPP - I respect that view that you have just put, but what you are doing now, and just have done, is to put to a Senate Select Committee of the Parliament of Australia, on oath, a presumption that a High Court judge asked the Chief Stipendiary Magistrate of Canberra to find out about you. Now that is presumption surely. You have got no proof of that.

Det. Acting Insp. Lewington - No, I did not put that as a fact. I said that that was the line of inquiry which occurred to me could be used by that particular judge.

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Senator CHIPP - But you are reporting or giving information to a Senate Committee on a presumption, and that I could respect, but if you say that you would not give to a senior officer in the Australian Federal Police information simply because you had no evidence, I put it to you that those two attitudes are irreconcilable.

Det. Acting Insp. Lewington - I do not agree with that at all.

Senator CHIPP - Do you think a Senate Select Committee is a lesser body than a senior officer of the police force?

Det. Acting Insp. Lewington - No, I do not. I was asked a specific question and I gave my answer to that question.

Senator CHIPP - But you gave a presumption, not evidence?

Det. Acting Insp. Lewington - I was not asked the question by senior officers. I reported a factual situation to my senior officers where I had been approached over the telephone with an offer. That offer had come from a New South Wales policeman.

Senator LEWIS - Could I just interrupt and say: You believed that it was in no way related to the judge. Is that what you are saying? It was related to Ryan but you did not think it was in any way related to the judge?

Det. Acting Insp. Lewington - It was related to Ryan, but I could see no way in which the judge had played a role in that particular area.

Senator LEWIS - And are you saying that if you had been able to see some way - if, for example, the approach had come from Mr Dickerson - was that his name - the Chief Stipendiary Magistrate?

Det. Acting Insp. Lewington - No, Kilduff.

Senator LEWIS - Sorry; I have got the name wrong. That is how well I know him. If the approach had come to you from Mr Kilduff, you would have guessed to yourself that the line was Ryan, Murphy, Kilduff to Lewington. Is that what you are saying?

Det. Acting Insp. Lewington - I could well have understood at that stage that Mr Murphy may have had some part in it.

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CHAIRMAN - I think we have probably exhausted that. Could I just go back to your statement that you were presented with three conversations which were evidently preselected for your hearing and certain portions were played to you. Do you recall anything in the hearing of those tapes which led you to wonder whether they were continuous conversations? When you say you heard portions - one of our difficulties, for example, is to know whether the actual tapes we have, and transcripts certainly that we have, do in fact properly record continuous conversations or whether they may have been doctored. What was your impression on listening to the conversation between Ryan and the male you identified as Mr Justice Murphy?

Det. Acting Insp. Lewington - The impression that I had on listening to that tape was that it was uninterrupted, free flowing conversation of short duration.

Senator LEWIS - I may have to leave. I must go at 12 o'clock. I do not know about others but there is another matter which is of great concern to me and I will be very quick about it. In your second interview, you refer to a diary kept by Morgan Ryan.

Det. Acting Insp. Lewington - Four diaries, in fact.

Senator LEWIS - Which had been kept by Morgan Ryan and which were in fact returned to the defence by Mr Kevin Jones, SM, and those diaries have not been seen since.

Det. Acting Insp. Lewington - That is correct.

Senator LEWIS - But you did say that you have photocopied each page of each diary on a previous occasion and that those photocopies were and still are, to the best of your knowledge, available?

Det. Acting Insp. Lewington - Yes.

Senator LEWIS - Could you make your photocopies available to this Committee?

IN CAMERA

SENATE SELECT CTEE ON THE CONDUCT OF A JUDGE

28 May 1984

Det. Acting Insp. Lewington - Yes, I could. They are with the Deputy Crown Solicitor's office in Sydney at the present time. They are held in the exhibit room under lock and key.

CHAIRMAN - I think that is something for the Committee to discuss, whether we pursue it.

Senator LEWIS - We know where they are.

Senator CHIPP - I would like to say that despite my aggressive questioning, I want you to understand that you are a police officer for whom I have an ultimate respect and regard.

Senator LEWIS - Hear, hear, Mr Lewington.

CHAIRMAN - I do not think you are being bipartisan; I think it is understood.

Senator CROWLEY - It is irrelevant, but for my own interest can you tell me your country of birth?

Det. Acting Insp. Lewington - Yes. I was born in the United Kingdom.

Senator CROWLEY - I did not know that, but you said a few words that made me suspect you were not Australian-born. Thank you.

Det. Acting Insp. Lewington - I will be Australian on Tuesday.

CHAIRMAN - That has put us all in a good frame of mind to read the transcript of your evidence and we thank you very much for coming before the Committee this morning.

Unrecorded

LEWINGTON

CONFERENCE - SINGAPORE

at approx. 10.00 on 8 July 1986
with Dave Lewington, Andrew Phelan and David Durack

Q David you might tell us what your present position is and how long you have been in that position, your rank and so on and so forth.

A I am a Detective Inspector in the Australian Federal Police currently being a Police Liaison Officer posted at the Australian High Commission Singapore and I've been here since the 15th April last year 1985.

Q. Prior to that where were you?

A Prior to that I was in Internation Division as it was at that stage and I went there in April 1984 from Internal Investigation Division where I'd served in Internal Investigation from December 81.

Q And prior to that you were brief in the Force.

A Prior to that I was in the Fraud Squad from about June I think it was 1981 and prior to that again I'd been attached to the Department of Immigration and Ethnic Affairs from the period I think of April 1980 through to June 81. I think it was April, I don't think it was March. It was either March or April that I went to Immigration.

Q Alright. Now prior again to Immigration were you part of that B Division.

A No. I never was. I was formerly an ACT police officer.

Q Right.

A I joined the ACT police in 1970 and remained with the ACT until the merger in 1979 which formed the Australian Federal Police.

Q Then you first joined the AFP after the merger. Where were you located then?

A In Canberra. I was in the Fraud Squad at City Police Station. What's now known as City Police Station which at that stage was the Headquarters.

Q Alright now. When did you commence this Korean import or Korean immigration investigation?

A I think it was at the beginning of April 1980 and I was asked by the head of the CIB in Canberra at that stage if I'd be interested in going to Immigration to carry out this investigation which was estimated would take 3 months.

Q Who was the head of the CIB?

A I'm just trying to think of that at the moment. I'm not particularly sure. I think it might have been Mr Greenfield.

Q Now, as I recall from reading somewhere. You spent a long time sifting through a mass of records there?

A Indeed. Something like 5,000 files, or close thereto anyway.

Q And who were you working with?

A Bob Jones. He was a senior constable same as me at that stage. We were both senior constables.

Q And you were the senior member of that team?

A I was senior in service, yes, although we were of equal rank.

Q When you were in Immigration, who were you answerable to?

A We were answerable to two areas. At that stage it was a strange arrangement I suppose in that then Chief Inspector Arthur Brown was seconded to the Department of Immigration and Ethnic Affairs as the Director of the Special Investigation Branch I suppose you would call it. The Immigration Office which looked into matters of malpractice or internal malpractice and so on within their own network, Special Reports Branch I think its called. So he was the Director there. On that basis we were answerable to him and through him to the First Secretary of the Department of Immigration and Ethnic Affairs.

Q So we've got Arthur Brown as your Inspector, Director of Special Report Section in the Immigration Department. So in terms of this investigation you're answerable to him, is that right?

A In terms of the investigation we were answerable to him and through him to the First Secretary who was responsible for the Special Report Section at that stage to a man called Alan Gallard and also through Arthur Brown to the Deputy Commissioner, Reg Kennedy at that stage. But our reporting was generally direct to Arthur Brown and from there he would pass on information to either Mr Kennedy or to Mr Gallard. There were occasions when we saw both people to make requests of extra assistance or information or whatever it might have been but that was all.

Q. So when did you actually started to suspect Morgan Ryan, just a rough indication?

A. It was fairly early on in the peace. It became evident we started on the files in the Sydney Office of Immigration to start with. That was obviously where the problem lies. I think it was fairly early in the sifting of those files that we identified about three firms of solicitors who were involved in what could have been a malpractice on the Immigration Department.

Q. Did you see names that keep coming up and occurring ..

A. Yes. Morgan Ryan and Brock was one of the firms that came up. In particular the applications which had been lodged by him or supported by him at some stage gave us very serious concern that there had been forgeries committed and that all is not well. But that would have been, I dont know, hazarding a guess probably May, June.

Q. 1980?

A. 1980.

Q. There were a number of alleged leaks about that time in Immigration in relation to this Inquiry wasn't that right. Morgan Ryan's name was mentioned I think in the in connection with

A. There was stuff in the press as far as I recall from time to time, the Sydney Morning Herald. In fact from what I could see of the whole picture the reason the Immigration Department had requested an investigation be conducted in the first place because of articles which have been written by some female on the Sydney Morning Herald, whats her name,

Q. Marion Locks.

A. No. It was an Irish name. Suvaloy. She had written a number of articles in late '79 and I think early '80. That was what pressured the Immigration Department looking into the whole Korean aspect. So where she got her information from I've got no idea. There was certainly stuff which was coming up and she seemed to be writing about a Korean who had been talking to her so whether it was coming from that or not I dont know. I really dont know what source her information was.

Q. Well, just jumping ahead. When was Morgan Ryan charged?

A. Ryan was charged in August '81 initially. He was charged with forgery I think at that time but 7 or 8 August '81.

Q. A fair time afterwards his appearance.

A. Yes. time afterwards. There was a hell of a lot of leg work to be done in the whole of the investigation. Who estimated that it would only take three months in the first place really had no idea of what was involved.

Q. A good public servant?

A. Well I dont know whether it was a public servant or whether it was Arthur Brown or who is was who made that estimation. But it was way out. It took us more than three months just to go through the files and create a card index. To get to some semblance of some working investigation being carried on.

- Q. Can I just ask, in terms of going through all these files, I'm sure its a negative answer but I'll ask it anyway, did at any time going in through that material did Murphy's name come up at all in any documentation that you saw?
- A. No. Well I've got no recollection of it. If it did ... I'm pretty sure it didn't.
- Q. Now at that time what was in terms of the command structure what was your relationship with Peter Lamb.
- A. Never heard of him.
- Q. That time.
- A. At that time I'd never heard of him. When I started the investigation. The first time I heard of Peter Lamb was somewhere in mid 1980 when Bob Jones and I were given some photocopies of documents which related to the Morgan Ryan side of our investigation and they were copies of letters to the Immigration Department. There was Vogue Car Company paper, letterhead, some in blank which had been torn up. There were some which was partly typed on with errors in which had been torn up.
- A. Were these the ones they found in the bin at that block of units.
- Q. Yes. They were copies only of that stuff and when asked where it came from, Arthur Brown said it came from Peter Lamb, B Division in Sydney. At that stage I really did not know what B Division was, what B Division did or who was in B Division. And that was the first time that I was ever aware of there in fact had been a Peter Lamb. Having been police force before at the ACT up until October of the previous year the

only Commonwealth police officers I had any contact with were those that were based in Canberra and those who were involved in fraud investigations which happen to cross over on fraud investigations that I'd been carrying out. So I have very little knowledge of people in the Commonwealth Police.

Q. Peter Lamb was an old Com Pol?

A. Yes.

Q. Would same be the case with Jones? He probably wouldn't have known Lamb either at that stage?

A. I very much doubt it. I'm pretty sure he didn't.

Q. This would be around May/June 1980 then, mid year 1980?

A. Yes. Later than that. It would have probably been, I cant remember exactly, but I think it more likely July time that we would have receive this stuff. It was some time after we commenced all our investigations into this whole matter.

Q. From that time onwards did you seek a briefing with B Division to find out what they were doing on Morgan Ryan or ...?

A. No we didn't

Q. Do you know what they were doing at that time on Morgan Ryan?

~~A. I've no idea what they were doing.~~

Q. So Arthur Brown just gave you some documents which had been pulled out of the bin or whatever?

- A. He said they might be pertinent to the investigation that we were looking at and certainly they were and that the originals were available if we later need them, if it came to a case of charging any person and those documents were required they would be made available to us. That was as much as we had and there was really as far as we were concerned there was no point in chasing it up any further because the documents that we had matched some documents which appeared on file anyway. So we knew there was a connection there and we also knew that there had been surveillance on a place in Billiard Avenue.
- Q. Billiard Avenue?
- A. Billiard Avenue or something like
- Q. I don't know the name myself.
- A.Gardens or Billiard Avenue or somewhere in Elizabeth Bay or Potts Point.
- Q. Is this the same Arthur Brown, again jumping a bit, who interviewed in 1984.
- A. It is.
- Q. Just jumping ahead and going back to ... I don't know if I'm jumping ahead now. Just going to this time when you heard some voices on the tape. Were you called in by Lamb to listen to something? I'm just wondering how what led up to ...
-
- A. What led up to it was that our investigations we sort of compartmentalised it if you like to make it easier on us. We did the inquiries in Korea in 1980. That was

August/September 1980, we were overseas six weeks, we came back and we were then involved a couple of other small investigations for DIEA which involved some of their staff and eventually charged one of the people over that matter. That took us through to about November I think. It wasn't until January '81 that we sort of targetted on the Sydney aspect of all the inquiries. It was when we were going to Sydney we were then to instructed to liaise with Lamb of B Division. That instruction came from Arthur Brown. So that's when we went to Sydney we endeavoured to arrange a meeting with Mr Lamb at his offices.

The first appointment couldn't be kept for some reason, I think Mr Lamb was busy or something like that. It was the end of January right towards the end of January that we first went there and met him and discussed what we were doing in Sydney, the people we were interested in and gave him the run down on what we were doing and that's what we've been told to do. We were also told that there may be information that Lamb had that would assist us in what we were doing. So that was the first sort of meeting

Q. Was Jones with you then?

A. Yes. It was long after that, I dont know, we were told there was an interest in Morgan Ryan and his activities at that stage.

Q. This is told by Lamb.

A. Well, yes I think it was Lamb. After this period of time I'm only not sure. My recollection is that we told that there was an interest in Ryan and that there might be some stuff which would be useful to us and to keep in touch with them, which we did by phone. At it was after

.... we didn't go to B Division that often after that. It was we would ring up and say that well we were back in town and we were going to see these people today or we've seen these people and this is what we've got so far. We would sort of keep Lamb briefed more than anything else because at that stage Arthur Brown had left Immigration and had gone back to the Federal Police. At that time he was in Internal Investigation.

Q. Who replaced him in that ..

A. Nobody. It was nobody from the AFP. It was taken over by an Immigration fellow so his position then in Immigration was vacant. So really our chain of command then was to talk to Lamb and the Deputy Commissioner Kennedy. That happened I think at about the end of January '81. Brown went back to the AFP

Q. So then you were loosely under Lamb's control?

A. Yes. We were sort of loosely under his control whilst we were in Sydney, that's who we reported to as well as having made ourselves known to the Commander of Eastern Region who at that time was Anton, I think it was Anton at that stage, I'm not sure.

Q. When did you first have contact with Morgan Ryan? Who had contact with him, speak to him on the phone?

A. We had direct contact with him the day we searched his house.

Q. Do you recall when you spoke on the phone. So the first time you met Morgan Ryan face to face or spoke to him in anyway was when you searched his house.

A. During that investigation yes. There was one prior time when I'd spoken to Morgan Ryan on the phone. That was when I was dealing with an investigation involving the RSL Club in Canberra with a guy called Col Rooke who was the ex-manager. I was in the Fraud Squad at that time. As to the year I think that it was 1979 that I was investigating that matter, up until the time that I went over to Immigration which would have been April 1980. I think it was first reported in 1979 the allegations were made by the Club against Col O'Rooke, approximately they were a hundred grand down, particularly with the poker machines and there had been a fiddle going on with whiskey rebottling and relabelling.

Q. So you spoke to him about that time?

A. The circumstances of that and I cant think too accurate in this, I'm just talking from memory. There was a phone call received by the Deputy Commissioner, Reg Kennedy, if think from a guy who introduced himself Morgan Ryan who was acting on behalf of Col O'Rooke. It was to the effect that they were all to approach Ryan over this investigation and O'Rooke wanted to in fact give himself up. Ryan was or the thrust of the conversation as it was reported to me was that Ryan was wanting to get the best deal that he could for his client out of the force.

As a result of that call I believe that Deputy Commissioner Kennedy gave Ryan my name as the officer investigating the case in the Fraud Squad and there was a telephone call, I cant remember whether I made the call because I had the name and number of Ryan or whether he rang me I dont know.

Q. We are up to the stage now where either you phoned or he phoned you.

- A. I cant remember what is was. That was the first contact I had.
- Q. As a matter of interest what was discussed at that conversation.
- A. Along the lines that he was acting on behalf of Col O'Rooke. He would like to make an appointment with somebody to come and discuss the matter. He knew where O'Rooke was but he wasn't prepared to tell us at that stage. Really it was just, I suppose, a fishing expedition to find out what we had or what we didn't have. He wanted to come and see us and talk to us about it. I never met the guy because I moved from the Fraud Squad to Immigration after that. The guy I was working with at that time was John Davies, he was the fellow who carried on the investigation in conjunction with another Fraud Squad officer at that time, I believe and they I think were the guys who either saw Morgan Ryan or Bruce Miles, I'm not sure who it was I saw, I think probably Bruce Miles on that matter.
- Q. Is that the way was O'Rooke eventually charged with the amount.
- A. Yes, he was. Only through interest I enquired sometime later with John Davies as to what had happened with the information. I know when I left approval figures we only had something around \$8,000 which we were able to prove and I think O'Rooke eventually ended up admitting to something like eighteen. John Davies was quite humoured by the whole episode that O'Rooke and Miles ~~believed they got a wonderful deal out of the whole~~ situation whereas in fact O'Rooke admitted to a hell of a lot more than we could ever prove.

- Q. Did you have any preconceived ideas about Ryan at that time or you didn't know him at all.
- A. I didn't know him from a bar of soap. It was a new name. Never heard of Ryan before, didn't know Ryan or anything about him.
- Q. So the next time you saw him then was when you searched his house, this is in Neutral Bay?
- A. It is the first time that I saw him. I had spoken to him once on the telephone prior to that.
- Q. Right
- A. The first time I saw him was when I searched his home in Neutral Bay.
- Q. [REDACTED] I think.
- A. [REDACTED]
- Q. Right. That was when?
- A. Karama Point I think it is called.
- Q. Right. Can you set a date for that approximately? April '81
- A. You're stretching the memory. I think 16 April 1981. I'm not positive on it.
- Q. Who was with you on that search?
-
- A. There was Bob Jones, there was a guy called Enns and he was from B Division, Chris Anderson who was a handwriting expert from Sydney Federal police. I cant recall who the other guy was

Q. Did you have any conversation with Ryan at the time.

A. Yes. There was conversation with Ryan at the time. We were at his house 4 hours, 5 hours.

Q. Was it a week end?

A. No. It was a week day. I cant tell you the day of the week it was, but it was a week day. Yes I had a conversation with Ryan. Conversation with him about things I found in his house.

Q. Which included what?

A. Which included mainly, well, it was all documents that we found. There were desk diaries, the diaries for the years we were particularly interested in couldn't be located. There were files. There was a file on Cessna Milna matter which had certain typewriting in which I was interested in which may have matched other typed documents that I had. There was some immigration forms. What else did I find. Ministerial letterhead I think. Federal

Q. What Minister

A. Cant remember which department it was. It was either departmental or ministerial letterhead I'm not sure

Q. These were put in the brief I gather at one stage and stored in Canberra?

A. Yes. The documents were held. There were diary pages.

Q. Included were I believe four diaries?

- A. Yes there were four diaries, '76, '79, '80 and '81. I think '77 and '78 which were the crucial ones as far as we were concerned were missing.
- Q. Right. I obtained photocopies from Canberra of those but I didn't bring them up with me.
- A. There were four diaries. There were pages that had been removed from those diaries, either been torn up on looking through them in his study area where I found them, I noticed that there were pages missing and we later found a number of those pages in the garbage bin outside the house on the eastern side of the house, I found them there in the presence of Morgan Ryan.
- Q. Sounds like he had some sort of forewarning of your visit.
- A. I'm quite convinced that he had forewarning of my visit. How the hell he had the forewarning I don't know. very close to the chest. I recall that I typed the information as to the warrant one afternoon, the next morning I went down and swore out the warrant and it was that morning that we went and searched the place. To my knowledge at that stage the only people who knew that we were going to do that were the people at St James Court where we had taken out the warrant. The Commander of Eastern Region Peter Lamb and I think, Mr Kennedy were about the only people who knew that we had taken out the warrant and that we were intending to search the premises that morning. As I say apart from the people at St James Court or another Federal Police officer who had gone in behind me and had taken out a search warrant that same morning and had seen the entry in the warrant register.

- Q. Obviously the tearing out had been done recently
- A. Been done very recently. In fact it had been done that morning because it was under some fresh household waste which consisted of bits of bacon rind and eggshells and tea leaves.
- Q. That could indicate a very quick phone call to him minutes before you arrived.
- A. Well it would seem to me that there had been a little bit of panic there somewhere. Where the hell he put those '77 and '78 dairies I have no idea. We never located them and we searched thoroughly, so where they were I dont know but he was not there when we got to the house. It is quite possible that he took them away and put them somewhere himself, I dont know. They were obviously the crucial dairies as far as we were concerned.
- Q. Did you ask him where they went?
- A. Yes. He didn't know, probably hadn't kept them that year.
- Q. Fair enough. Was there mentioned at that stage of Murphy's name.
- A. No.
- Q. Did Morgan Ryan. Could you relate the conversation you had with him, or what basically was discussed?
-

THIS IS THE SECOND SIDE OF THE FIRST TAPE OF THE INTERVIEW.

We're just asking Lewington what the topics were that were discussed at the time when he search Morgan Ryan's house.

- A. The main topic of discussion was the documents. There wasn't a great deal of discussion to start with apart from the fact that Ryan wanted to see the warrant, which I showed him having previously read to him anyway. He said he thought he had better seek some legal advice about it. I said that was up to him if he wanted to he could but in the meantime I intended to commence my search under the powers of the warrant. He just didn't bother with that anymore. I asked him if he had a study and he said that he had and he showed us into an office area which overlooked the large rooms. It is a multi level home, sort of split level, but three levels if you get what I mean.

We commenced our search in there and that's where I found the diaries, Cessna Milner file, photocopy of the Harts Bakery letter which was in his waste paper basket torn up in several pieces which we retrieved and later pieced together. There were immigration forms there, there was a sponsorship form for a guy from Taiwan, I think he claimed to be, accountant who was to be employed by an accountant in Sydney, ...

- Q. What's his name?

- A. L. Viper I think the name was and the guy's name was Victor Wong.

- Q. I want to press you on that.

- A. No. Well I don't know. That's what comes to mind of that. We received that because it was an immigration matter and seemed a little bit strange to me that it should be sitting in Morgan Ryan's study when it was supposedly a sponsorship by an accountant for a guy who was coming from Taiwan to fill an accountant's position.
- Q. Did you at any stage say you were going at some later date you would invite him in for a record of interview?
- A. I think I asked him then if he was prepared to answer any questions about the matter having given him the usual caution. He said no, he wasn't prepared to say anything. When we were outside and I found the documents in garbage bin I asked him about those, I think my comment was, looks as though I've found the pages missing from your diaries. His only comment was, I was updating my list of telephone numbers, that was the only reason for them being there and he didn't need them anymore so he had thrown them away. There were a couple of telex pages in there too in the garbage bin which got torn up.
- Q. The warrant would have mentioned him I suppose in connection with some alleged offence?
- A. Yes it did. I think at that stage we were talking about conspiracies and also forgeries.
- Q. So that by that stage he would have been well and truly aware that he was a suspect in relation to some criminal offence if not before.
- A. Yeh, sure. Well obviously he was at that stage. It was after we completed our search that Ryan was trying to pull me aside all the time and wanting to talk to me and

I eventually relented and went and spoke and it was then that he started pleading with me not to involve his cousin and I didn't know who his cousin was or who he was talking about at that stage. I asked him did he turn out to be a guy by the name of Holme from Cootamundra. We'd had letters on Immigration files signed by this person Holme on Harley Butcher letterhead, Lance Holme.

Q. Thats Holme

A. Yes. Having made inquiries about those particular letters and found that Lance Holme had nothing to do with the business known as Harley Butchery apart from the fact that he owned the building which the butchery was run from, we then endeavoured to interview Holme. He was not at home in Cootamundra, he was in Sydney at that stage. We left a message with his wife for him to contact us. As far as we were concerned at that time we didn't know what the situation was, whether his signature may have been forged or it could have been any sort of situation which had created that letter. Although his wife said the signature in her opinion was her husband's. It was following that we had a call from a solicitor called John Ryma in Sydney.

Q. Actually, just before you get onto that, did Ryan plea on his own behalf at that stage?

A. Yes. Ryan pleaded the cause of Lance Holme saying that he didn't want Holme involved. Holme was a man in his late sixties I think it was at that stage, he'd already had a heart attack. Ryan was putting it to me on the basis that if I interviewed Holme or if he was charged he would probably have another heart attack and Ryan didn't want that on his conscience. He didn't make any admissions other than that.

- Q. Ryan didn't say dont charge me or anything like that
- A. No. He didn't say anything along those lines because at that stage obviously we were not going to arrest him and cart him off. He had not been prepared to say anything. The documents that we had seized certainly gave us further evidence and on the basis of that we'd also seized some handwriting from Ryan when he was copying out in his study details from the some of the diaries that we were seizing. That was seized and later used as a handwriting comparison which proved that Ryan had written certain things on letters which were untrue.
- Q. So after the search what happened then, was there terms of contact with Ryan or Ryan's name cropping up. Sorry. Was it after that that you listened to this tape recording or did other things occur ..
- A. No I think, I'm really not too clear on the passage of time in that period. I think it was probably before we made the search at Ryan's establishment at his home. I'd heard segments of tape that I've already related to in other inquiries. So I think it would be prior to that April date that we searched Ryan's home. But there was no approach made by Ryan to me. I half expected that thats why he wanted to pull me to aside, but it wasn't made.
- Q. So on the basis that you had an expectation at the time of the search you might now recall you had an expectation at the time of the search, you might be pulled aside, on that basis can you say with some certainty that your listening to the tapes would have occurred prior to the search?

- A. Well I'm pretty certain it did. I would say yes it must have done because at the time there was some expectation that there would be 'cant you go easy or leave me out of this' but the only thing he kept on coming around to all the time was 'O God, I did help some of the Koreans, yes, I know David Joye but look I've given my services free to people all my life, you know they owe me thousands and thousands of dollars, I've never received a penny from the Koreans, you know I've been a wonderful guy. You know I've helped policeman in the past and I've done all sorts of things but it never came out to a point of saying 'cant you go easy on me, cant you drop this case, can you write me out of the picture and I'll make it worth you while' or those sort of things. That was never said.
- Q. Stepping back a bit then, can you relate the events leading up to your hearing this case? How did it come about?
- A. Well I suppose it came about through our contact with Peter Lamb.
- Q. Did he phone you up?
- A. No. Not that I recall. I think it was us who phoned him just about all the time. We would phone in when we were in Sydney. Ring him and say we were back in Sydney. He might say 'there could be something of interest that the boys have picked for you or something'.
- Q. I see. Your office, if thats what it was called, separate from B Division.
- A. Yes. We were working out of Chifley Square.

Q. Right.

A. Immigration area, the Special Reports office, which was not in the main building of the Government Centre there. It was in the little old building just to the right of that.

Q. Where was B Division at that time?

A. In Goulburn Street.

Q. Right. It was just the case of you phoning in ...

A. Goulburn Street in the Plaza building. The big brown building.

Q. Did you visit there often?

A. We visited there a few times but I think most of the contact was by phone, more than visits. I think the majority of our visits were in our initial period in Sydney when we'd call in rather than, .. we phone up and say can we come in and see you, and we go in and give them a run down on what we've been doing, who we spoke to, how the case was going generally. Than after that it was nearly all by phone contact.

Q. Did you phone Lamb?

A. Yes, we used to ring Peter Lamb, he wasn't always there.

Q. Who was your other contact?

A. We'd speak to Brian Cart on occasions. I'm trying to think who else we spoke to.

- Q. Can you recall these, actually getting again more specific, when you ... did you go to B Division to listen to these tapes.
- A. Yes. When we heard my recollection of it is that there were three segments of tape which we were invited to listen to.
- Q. Listen to over the phone.
- A. No, this was at B Division.
- Q. How did you get to B Division? Did someone ring you up and say ...
- A. We rang in as normal as I recall, my recollection, 'we've got something which you might be interested in and come down'. So we'd go down.
- Q. They mentioned over the phone what it was?
- A. No, very rarely. Sometimes they'd say 'oh, there's been a meeting between Morgan Ryan and somebody else and there's been some contact between this bloke and somebody else'
- Q. You knew at that time that the contact had been recorded, the phone conversation.
- A. No, not always. I wasn't always aware that that was the case because I knew that B Division were carrying out surveillance operations. Whether they were still surveilling Morgan Ryan, which I presumed they were at that stage, I still don't know whether they were or they weren't. The assumption was that a lot of this stuff was coming out of surveillance. The thing that

obviously made me think there was a telephone intercept somewhere was when I first heard the tape, a tape, or part of a tape.

Q. Perhaps to the best of your recollection you might indicate what was on those tapes, the little three segments.

Is this the first time you listened to any tapes you've got on Morgan Ryan?

A. There was one tape where Ryan was talking to a guy who he referred to as Banjo. Banjo referred to the other party as Mr Ryan. Banjo to my knowledge is a guy called Keith Bell who lives in Parkes and he is associated to the Begg Racing Stable. He was a jockey I understand, a former jockey. I've never seen Keith Bell. I've spoken to him on the phone but thats as far as its gone. He has refused to see us or talk to us. Not interested anymore.

Q. What was the interest to you in that conversation?

A. The interest to me in that conversation was that we had found on files at the Immigration Department a number of letters from businesses in the Parkes area which reported to be letters of employment or letters giving job offers to Korean nationals. Having gone through all the files earlier in the piece, catalogued all these various files which related to Morgan Ryan's involvement, a lot of these files showed an involvement of Ryan in the applications to the Immigration Department.

Further examination of the documents that we had showed that they were all of similar wording. Some of them had obviously been typed on the same typewriter although

they bore different signatures. Then on making enquiries with some of the people in Parkes who were supposedly supplied these letters we found that a common factor was this guy Keith Bell who had been in touch with all the people in Parkes and as a result had documents from them usually signed in blank and they'd later to be filled in and sent into the Immigration Department. In some instances Koreans did turn up in Parkes to start work and found not to be able to carry out the trade that they supposedly had. That was minimal, that was only one place, I think a Korean turned up supposedly as a motor mechanic and didn't know one end of a spanner from another. So he was given a fencing job and that lasted a day and he was absolutely hopeless so he was laid off.

Q. With this conversation, the first one, between allegedly Ryan and Banjo

A. Yes.

Q. Was there any reference to you or the police investigation?

A. There was no reference to us specifically. There was some reference, as I recall it, to the investigation in that Banjo had spoken to certain people in Parkes about what to say if the police approached them, thats all.

Q. I see.

What was the second tape, the second extract.

A. The second one I think was between Morgan Ryan and a guy called Kim Mason.

Q Was there any reference in that to the investigation?

A. Well I think, I dont know it was directly involved in the investigation. I think it was to do with a guy called John Apted who we had interviewed or wanted to interview, I'd certainly contacted him on the phone and that was from Adaptable Plant Hire documents that was available. There was some sort of connection in that one. I think that was it.

Q. So, there was no reference to an approach to you or the investigation.?

A. No.

Q. What was the third one.

A. The third one was a tape which has created all the interest I suppose. Fuss.

Q. However just stepping back a second. Presumably these were being coded on a machine, were they all part of the one tape?

A. I dont know.

Q. Could you see the machine?

A. Yes. But there were three separate times that we went and heard it. It wasn't sort of all at one time.

Q. I see

~~A. It could have been different tapes. I cant even remember whether the machine was a reel to reel tape or a cassette or what it was.~~

Q. Different days.

A. They were different days. It wasn't sort of all at one hit.

Q. But was it in that sequence, Bell, Mason and Murphy? As far as you remember.

A. I dont know, I'm not sure on that anymore, I really couldn't say, I think so but I'm not sure.

Q. How many days apart would these listenings have occurred. So you're listening to the tapes.

A. I dont know, I really cant remember. It could have been a week. It might have been three days. It might have been longer. I dont know. I just cant, I'm sorry.

Q. Would the dates be recorded in any dairies of yours? In April?

A. Not specifically. We kept the running sheets and the running sheets were virtually our diary and we'd made a notation that we'd been to B Division, thats about it all. We contacted B Division or Peter Lamb or someone.

Q. Did you ever record what you learnt (?) at B Division?

A. Not that I recall. I think there may have been a couple of entries which without going through the

Q. Any reason for not recording detailed notes of what you gleaned (?) from B Division?

A. Well. I suppose looking back on it, it was silly not to have done it. It certainly would have helped us a lot in the future. At the time, no. My knowledge of telephone intercept legislation was very limited. We certainly had not had any part of that at all and I've never been in contact with it in any way and still have never been involved in actually applying for or having the telephone intercept put on. Something I've never done or experienced.

We've been away from the police from April 1980 unattached and working from Department of Immigration and Ethnic Affairs. So my knowledge of what had happened in those early parts of the formation of the AFP was pretty slim.

Regarding interception of telephone conversations I knew that there was legislation existed for that by done lawfully. I knew that was also penalties in there that information which was gained by that method and it was drug related matters but I knew that other stuff which was picked up which related to criminal investigation or a serious offence could be handed on to an investigating officer and I knew that any material that was obtained from the telephone intercept had to be kept in confidence. It was not allowed to be sort of used as general information and I think it was that that acted on Jones and I to say that we know that our running sheets are going to be finished one day. They are either going to go to Department of Immigration and Ethnic Affairs as part of there unit or it will be going back to the Australian Federal Police Bureau of Criminal Intelligence, one or the other. My view was that it would be going back to the AFPBCI. That being the case then it would be open knowledge to anyone who had access then to BCI because obviously a lot of the intelligence

stuff in those running sheets would be transcribed and put into our computer system. I think that was the governing factor.

Q. Kept them vague

A. We just kept it very vague. To be quite honest there was nothing of an evidentiary value which came out on that basis that we could use and we didn't use any of it. The only thing we used were the documents that had been found in Elizabeth Bay or Potts Points or whatever.

Q. Maybe now you can relate again about the conversation that you heard in the third tape.

A. It was a conversation between Morgan Ryan, his voice I knew.

Q. How did you not know

A. I'd spoken to him on that one previous occasion and prior to that again I'd heard it on the tape talking to the guy Banjo and the guy Kim Mason and to me it was Morgan Ryan's voice. It is a very distinctive sort of Australian voice that he has, his manner of speaking is quite distinctive.

Q. Since then of course you have spoken to him.

A. I have spoken to him so many times since then and had to listen to a lot of his wingeing and carrying on.

Q. There is no doubt in your mind at all

A. No doubt in my mind whatsoever.

Q. Party to that conversation. But when you went into to listen to that tape, I know its going back on memory, but did something say to you 'look Dave this is Morgan Ryan on this tape you had better have a listen to it.'

A. Not that I recall. No. It may have been but I really cant remember that but I dont recall somebody saying specifically 'you'd better have listen to this, this is Morgan Ryan talking to Murphy' or that sort. I just dont recall that. My recollection is that it was a case of we've got something which may interest you and come and have a listen. I think that was the crux of it and we went and listen.

The voice of Morgan Ryan certainly I can identify on tape and I could then. The other voice was what I believe to be the voice of Ryan. Here again of course he has a very distinctive way of speaking although I've never spoken to him personally on the telephone I've only heard on the electronic media.

Q You subsequently heard the one tape that is now in existence between him and Morgan Ryan discussing matters including ...(311)..... It is now the only physical tape now in existence.

A. Yes. I'd think that was played to me at the Stewart Commission and they wanted me to identify voices on the tape.

Q. Thats confused me, I didn't think you gave evidence on the Stewart Commission. You did.

~~We assumed that they relied on your record of interview and other things.~~

A. They relied on the record of interview and I think on the running sheets.

Q. You were physically before Stewart and gave evidence

A. Yes.

Q. Cross-examined on that evidence?

A. Yes.

Q. By someone representing Ryan?

A. I think there were only about two questions. I dont know whether he was representing Ryan or who he was representing to be honest.

Q. It may have been Counsel Assisting? The same as you will Interesting.

We'll follow that up anyway.

Since then whats your level of certainty if thats the word that the other party came from Lionel Murphy?

A. I would not be able to say in the strict sense of evidence that I am 100% positive that it was the voice of Murphy. I dont believe I've heard sufficient of Murphy's voice prior to that or since that to be able to identify positively. My belief, and a very strong belief, is that it was Murphy. The intonation of the voice and the way of speaking my first reaction was that that is Lionel.

Q. What was said, to the best of your recollection.

- A. To the best of my recollection and it certainly by no mean to quote not after this period of time, that there was Morgan Ryan was asking Lionel if he had made some inquiries about those guys doing the investigation and the reply was in terms of yes, I have and they're not approachable or straight or something along those lines.
- Q. Were you mentioned or Jones mentioned?
- A. There were no names mentioned.
- Q. Those guys
- A. Yes. Or those blokes or something.
- Q. Did he used the words 'police' or 'cops' or anything like that.
- A. Not that I recall. It was, that I was doing the investigation.
- Q. Did they identify the other investigator
- A. Not that I recall either.
- Q. Was there anything too in the conversation that would link to the Korean investigation?
- A. No, not specifically I suppose. Just the workings of my own mind. And there were also, I think it was around that time that a guy called Charlie Kilda, as you are probably aware of. Well he was the Chief Stipendary Magistrate in Canberra. At that time he was no longer ~~the Chief Stipendary Magistrate having resigned and gone~~ back to practice. I think it was around that time that there have been some contact from Charlie Kilda to some people in the CID in Canberra making inquiries about

Jones and myself, where were we and what investigation were we working on, that sort of thing. I dont know the specifics of it and I dont know who was contacted because it came back to me by third hand.

Q. You tell me who told you?

A. I've been trying to remember ever since. I'm pretty sure it was somebody in the Fraud Squad but I dont know who, who told me. It could have been any one of a number of people. I really dont know.

Q. Can you recall anything more about what you were told, I know its hearsay upon hearsay, but what you were told about that inquiry being made of you. What was asked of the people.

A. I think, were we investigating the Korean matter and where we were working from, I think that was the sort of crux of the thing. Because we hadn't been operating from the police station in Canberra. We had been operating from the Department of Immigration all the time. There are only a very small number of people who knew our number in the Department of Immigration or in fact that thats where we were working.

END OF TAPE ONE

2776A

Side 1 Tape 2

A: This is a good example

And record on. High volume

A. Yes.

Q: Our discussion with Dave Lewington in Singapore. You are discussing what you have heard.....Mr Kildock.....Can I just move on a second.....key back again to the conversation between Norman Ryan andbelieve, not hundred percent Lionel Murphy. Can you recall anything else that was said during that conversation?

A: Not really. There was something said by Ryan I think that had he er had he made the enquiries about the guys dealing with this investigation. Were they approachable. I think the reply back would have been along the lines, Yes I have but they're straight. That's my recollection. I don't remember anything else about that. I don't remember specific references to the name of Lewington or Jones. I don't recall there being any reference to the Korean Investigation.

Q: Are you able to say that they were definitely mentioned at that conversation?

A: To the best of my memory, No. But I can't say positively no at this stage. If there were I'm sure I would have remembered had that been the case.

Q: Was this a complete conversation? Did you hear a hello, hello, or a goodbye at the end?

A: No. My recollection was a selective portion of tape which was played.....

Q: Can you recall possibly how long it went for?

A: It certainly wasn't very long.

Q: Thirty seconds?

A: I really don't know. I'd just be hazzarding a guess.

Q: You mentioned we. Who actually listened to the tape.

A: As I recall it. There was Bob Jones, myself and I'm not sure whether there was someone else from B Division or not.

Q: ~~Would you have operated the machine if there wasn't somebody there?~~

- A: No. I don't think so. I'm pretty sure there was somebody from B Division but who I don't know.
- Q: Would Peter Lamb have been there?
- A: It's possible, but I don't know.
- Q: Did Lamb speak to you either immediately before you went into listen to it or immediately after.
- A: I think there was a conversation with him afterwards but I can't .
- Q: Is you're recollection I think that Lamb also said to you that.....
- A:Conversation. My recollection is that it was, well I don't know. ...so long ago. I'm trying to recall. I think that was Morgan talking to Murphy or the conversation waswho the other party was.
- Q: Did he say Lionel Murphy the Judge or was there some confusion with the solicitor Chris Murphy. Was it made explicit that it was Lionel Murphy and not some other Murphy?
- A: No. I don't know.
- Q: Did you hear Chris Murphy.....
- A: Well, I certainly had dealings with him. I don't know whether it was then or before that time or after but without reference to my.....running checks. I think it was probably before that time. I'd have had dealings with Chris Murphy who purported to be representing 56 Koreans or something like that. He'd written in a letter to the Immigration Department with the names of all the Koreans that he was representing. The letter was pathetic. There was a lot of misspellings in the names and it was very evident that he had't received briefs directly from these people, otherwise he would have the names right for a start because names which would be Bae was in fact Bag BAG. Names that were supposed to be Lee were written as LEG.
- Q: Does that say something about
- A: Well. It does because he couldn't read David Joy's handwriting, because when he looked at Joy's handwriting he would write the name Lee firstly looking like an E and the second E like a G and the same with Bae it would run into the E and it would look like a G. And it was obvious that he had just typed up the name from a list. Well, it was obvious to me as an investigator that that's how he'd gone about it.

- Q: You've got no doubt that it was'nt Chris Murphy on the other end of the phone?
- A: No. I've spoken to Chris Murphy both on the telephone and in person and it certainly wasn't his voice.
- Q: Getting back to the conversation again. When ..I know it's straining the memory. What was your impression at that time? Was assuming at the moment that it was Lionel Murphy on the other end of the phone, was he getting across to you that yes he had made these enquiries or was it a fob off, a way of humouring Morgan Ryan. I know it's a hard question to ask you. Was it a serious conversation?
- A: Well. My recollection of it now is that it seemed a serious conversation. It didn't seem one of a humourous or flippant nature. I don't have any recollection of that being the case. It seemed to be a serious sort of question with a serious sort of answer.
- Q: The answer being that he had made enquiries.....He didn't detail the enquiries he made. Morgan Ryan didn't ask.
- A: Not that I remember.
- Q: Now, when you visited B Division, did anyone indicate to you or tell you when this conversation was intercepted? You were brought in generally speaking to be updated on fresh information as it arose, or as it came to hand.
- A: Well. That was the assumption that I had. Whether that be the case or not, I really don't know. I don't know whether its part of historical things being researched or whether it was to.....fresh information.
- Q: So, it's possible that in B Division's searching through their file and they've come across something and it wasn't just taped that morning and they said Oh, come on in and see what we've found
- A: Well, it's a possibility. I really don't know what the situation was.
- Q: You've no recollection of whether it might have been indicated...
- A: No.
- Q: Alright. You must have been surprised to hear the conversation of what you believed to be a High Court judge.

A: Yes. I was surprised. I can recall that there was some discussion between.....and I later about it. About the significance of it all and what we should do, if anything, about it.

Q: What was that discussion?

A: It was really along those general lines. What should be done about it, if anything. How we should react I suppose.

Q: How did you react?

A: Well, I suppose I was a bit amazed but I think our decision was that there was nothing much that we could do about it. It wasn't any crime.....people can make enquiries about other people if they want to. So really I think we just stored it away. Just be aware of what was going is and play our cards close to our chest.

Q: Did you have a talk with Lamb at this time about this conversation?

A:at that stage. Well as I said there was some discussion with Lamb after but I can't remember recall what the discussion was.

Q: Did he give you any guidance?

A:

Q: Do you recall any conversation with him about this tape at all?

A: No. I can't. I know there was a discussion afterwards. There was certainly a mention that the other party was.....

Q: At that stage you thought it was his voice. Did James think it was.

A: I can't recall. I think James. I don't know what James thought it was at that stage. We were of the same opinion. That's the impression that I was left with.

Q: Actually, James I think has denied being there. Have you seen his evidence before the Senate Committee? He can remember more a conversation about and Murphy and Ryan in relation to procuring a woman, but not so much this conversation.

A:

Q: Was that part of the same conversation the question of procuring a woman?

A: conversation as far as I can recall the. Certainly we were told, as I recall - we were told by somebody that that was the situation which had existed butIt was someone in B Division who said that there was that Murphy had a penchant for young girls. That he had been on a holiday and that it was alleged that young girls had been procured for Murphy's enjoyment in Fiji by Morgan Ryan through a guy called Eric Jury. That was, but as I recall that it was in a conversation with somebody.....whether it be Peter Lamb or somebody else there I don't know.

Q: Alright, well.....

A: That's the only recollection I have of that.

Q: Did you write down what you heard on this, notebook, diaries?

A: No.

Q: Why not?

A: Because I believed that if it would be needed at a future date, that would still be there.

Q: The actual tape itself?

A: Yes.

Q: There was no mention at all from B Division as to where they got it from?

A:

.....The Chairman of the Committee said to Jones, "so at all times you were present with Sgt Willington when you listened to the tapes which he recalls but you didn't have the same recollection that he does. Jones:. Yes. He is notoriously good with his memory. I can say that I've worked with him for some period of time. And the Chairman said yes, I still find it remarkable you do not remember if it had been the voice of Murphy. Thank you very much." But he just doesnt have that memory that.....

A:

Q: Alright then, so from then on you were aware that there had been some form of or you understood that there had been some form of enquiry killed off. You saw or heard this reference between Morgan Ryan and what you and he believed to be Lionel Murphy to enquiries, so you must have been on your toes at that stage.

- A: Yes we were. Well, I suppose we were being pretty cautious anyway, because we knew we were aggravating Abe Saffron by making enquiries about certain of his businesses, concerning spurious, or what we regard as spurious letters relating to the.....
- Q: Which business.....
- A: Well, there was Lodge 44,.....I think it was, a company in Crown Street, think it was Mayvick Proprietary Limited run by a guy called Dick Bogan. Dick Bogan was also one of the committee members of the Equatic Club which was an Abe Saffron club.
- Q: This is the one that burnt out?
- A: No. No. That was the Angler's Club. The Equatic Club is in Greenough Avenue, opposite the.....Hotel. There was another one of his places.
- Q: Did Saffron at any stage contact you to have you called off.
- A: No. We were being cautious because when we appraisedof the fact that we were going to make enquiries at these places, I think it was he or somebody in B Division who said you'd better be careful because you are likely to upset the man once you start poking around his businesses.We took his advice seriously to the extend of checking.....started
- Q: Actually I'm jumping back a bit. Going back a bit.....Kilduff, you were in the ACT Police at the time when he was CSM wasn't he? Did you know him fairly well?
- A: Yes. I knew Charlie Kilduff quite well. He certainly knew me as a detective in the Fraud Squad. I appeared before him a number of times in the court. I mixed with him socially at police functions and certain other occasions when we met in clubs in Canberra.
- Q: Just as as speculation. If he were asked about you, would he be able to say that you were straight?
- A: I think that would be the answer he would give of me.
- Q: Does he know Jones?
- A: I would presume that he would have known Jones, because Jones was also in the CIB in Canberra and would certainly have appeared before Kilduff in court matters and would have met him socially at functions.

Q: He made no approach to you at any stage in relation to the Korean matter.

A: Kilduf?

Q: Yes.

A: Only on the basis that he was representing a guy in Sydney who has been to him.

Q: Who was this?

A: Harry Alferis of Harry's Meats. Harry Alferis had supplied a letter saying that he was employing one of David Choy's brothers as a butcher. We went to interview Harry Alferis about that. Whilst we were in the shop, David Choy's wife walked into the shop whilst we were talking to Harry. Harry said that the guy had worked for him for a while but wasn't working for him any longer, but he paid him \$90 a week which was straight cash, but he hadn't any records of the payments made of the payments or transactions. He didn't have any record of the time he had been employed with him. Well, I said that was a bit strange, surely you keep records of payments to casual employees or anybody else if you employ them for taxation purposes so you can claim back.....He just waffled around that, but.....It was after that interview that I don't know.....would have been contacted first of all by a guy called Watson and he was a barrister or

Q: Chris Watson?

A: Yes. Chris Watson. I think it was he who contacted us first about Alferis, or whether it was Kilda first and then Watson. Kilda being at the bar, private bar in Sydney then.....although I don't think it was a registered practice. Yes. I'm just trying to recall. Yes. There was a phone call that we received in our office of Immigration in Canberra, which was from Charlie Kilda. Kilda was representing Alferis at that stage. How Kilda got our direct line number I don't know because he rang the direct line in the office we were occupying. It did not come through the switchboard. I don't really know how he got hold of that particular number.

Q: Was this before, during or after the time when you were told that he was making discreet inquiries?Through the CIB in Canberra?

A: I'm not sure.

- Q: Did you see his contacting you in relation to the Alferis case as being related to these - to what you had been told previously or were they told anyway?
- A: Not really. No, not particularly on that one.
- Q: So you think they were separate.
- A: Well, I think they were probably separate matters. Whether he had obtained the right number from the Fraud Squad in Canberra I don't know. But putting two and two together I knew that Charlie Kilda was a fairly firm friend and associate of Lionel Murphy in that Charley Kilda was appointed to the Bench at the time that Murphy was AG. It created quite a bit of consternation amongst the serving magistrates at that time. It also provoked I suppose a fair amount of discussion amongst the police at that stage because Kilda's came from nowhere from Darwin out of total obscurity and suddenly arrived on the Bench as aThere were all sorts of rumours running around as far as Charlie had been best man at Lionel's wedding, but there was certainly a connection between the two. That they knew one another and they did associate with one another. Both staunch Labor Party. I was also aware of course that Morgan knew Charlie and Morgan also knew Murphy so there was a triangulation of common denominators all creeping into this one. Harry Alferis, the poor little butcher who had been conned into giving a false letter.
- Q: Did.....approach this discussion with you on the Alferis matter? What was the gist of that? What was the topic of the discussion between you and Kilda.
- A: As I recall it, and again it's a long time ago now, that he was representing Alferis. He understood that we had been to see him, that he wanted an undertaking from us that we would not interview Alferis again unless he was present or he had a legal advisor present. That there was no involvement or I was going to say no criminal action on the part of Alferis so we should leave the man along and not pursue any further the matter. That was the gist of what was said.
- Q: So nothing untoward was mentioned?.....Would this have been after you'd er. Alferis. At what stage of the enquiry would he have come into it. Would it have been after you had searched Morgan Ryan's house?
- A: It could have been before. I think. I'm not sure.
- Q: So before, during or after you heard the tapes?
- A: I don't know.

Q: We are still looking at the period.

A: Up til April.

Q: OK, between January and April 1981 whichmore about between 1981. So you listened to the tapes, you searched Morgan Ryan's house, you had a conversation with Kilda. Did you have any further conversations with Morgan Ryan after that.

A: Yes there were conversations with Morgan Ryan after we searched his house there were conversations with two or three I think regarding supplying copies of the diaries to him, which we did. There were conversations with Bruce Miles, a fair number of them, mostly with Bruce Miles who was representing Morgan Ryan. There was conversations with Morgan Ryan who wanted to come and see me in Canberra.....matters, and also Bruce Miles over that. The gist of those conversations was Morgan wanted to come and talk to me about the fact that he'dsome criminal activities....had been representing these people and never received a penny. He had always been straight up and down the line and those sorts of things.

Q: Actually, I think we can show you the running sheet, or parts of the running sheet. I might show you now, if I can find some of this stuff. Do you want to turn that off for a moment. Alright, we'll keep going. The running sheet, or certain copies of the running sheet - certain pages of it um. I wonder whether you can outline the sequence of events there, those sheets relating to an approach to you by Ron Shaw of New South Wales Police Force.

A: Yes, they do. First, I suppose I should establish how I came to know Ron Shaw in the first place. John Lowe, John Lowe I've known since about 1971. He was in the New South Wales Police Fraud Squad and I was in the ACT Police Fraud Squad and on various occasions I was required to go to Sydney on investigations and sought the help and assistance of the Fraud Squad and in so doing met with Lowe on a number of occasions. I can't say that I was really friendly with Doc Lowe and I don't, I never really regarded him as being trustworthy. A feeling that I had about the man that from what I could see of a Senior Constable, as he was then, he was always far too well dressed. He had too big a house and had too much money to spend and that made me a bit suspicious and a bit shy of him. With Ron Shaw. I met Ron Shaw at Mitchell College, Bathurst in February 1978 when we both did a commercial crime investigators course there which was an external course run by the college. And we hit it off very well as compatriots with things in common. I met his wife. He

had met my wife. We'd been overseas at various times and brought back presents for one another's kids, such as t-shirts, so

Q: So you knew Ron Shaw fairly well?

A: Knew Ron Shaw pretty well and I think it could be said that we had a pretty close association. Any time I went to Sydney I would certainly look up Ron Shaw and go and have a beer together and a meal together after work. If he came to Canberra it would be the same sort of thing.

Q: He came to your home in Canberra?

A: No, he's never been to my home in Canberra because he's never been in Canberra long enough to come to my home and I've never been to his home in Sydney because of the same sort of situation, so it would usually be a beer after work and go and have a bite to eat, go and play the pokies, that sort of thing. But yes, we had a good friendly relationship, and I believe we had a good understanding of one another. Knew how we operated. That was shattered of course later on. But anyway, yes the lead up into the approach by Ron Shaw I think started off with the fact I think Morgan Ryan rang me as per was mentioned in the running sheets and stated that he would like to meet with me in Canberra.

Q: When was that?

A: It was the 15th July on our running sheets when he requested a meeting with me, I think it was to be where are we. Yes, I think it was to be Friday 17th. Yes, and again he rang me on the 17th July. Said that what he wanted to speak to me about concerned his associates. It was on the morning of the 17th he rang and he wished to speak to them first and sort of change the time of the appointment to Monday 20th which I agreed to. It didn't really make much difference and what he was indicating at that stage was that he wanted to speak to his associates, being Mason and Choy in that they may well want to make statement to plead guilty to certain charges and by that means he may well be exonerated of any criminal matter whatsoever. Of course all this was happening before Ryan was even charged.

Q: Which was about August.

A: Yes it was August. It was early August he was first charged. I was pretty sure it was one count of forgery that he was charged on at that stage before the court.

Q: When you received that phone call you didn't have any reason to think back then to

Side 2

Q: Sorry. I'll just repeat that question again. When you received that call from Ryan, you didn't have any reason then to think back to this tape between Ryan and Murphy at that stage.

A: Not that I can recall at this time. I suppose if one looks at it objectively, I'm sure that that would probably have run through my mind at some stage. I was certainly wary of what Ryan might have to say in that he had asked to see me alone, so I was suspicious of what he might be requiring to say and I did make certain arrangements with a guy called Hissleman which is indicated in.....electronics surveillance equipment to use at the meeting.

Q: Wiring yourself up?

A: Yes. Wiring myself up. Which in fact did happen.

Q: You did ask specifically that it not be recorded if I remember correctly.

A: Yes. I think that's what he said, that he didn't want any tape recorders and he wanted to see me alone. But still on that 17th. It was late in the afternoon. It was between 4 and 5 O'clock Friday afternoon. In those days I was working 9.00am to 5.00pm. It was pretty close to 5 O'clock. I can't recall the exact time. There was a phone call from Ron Shaw in Sydney. The phone call came through on the telephone of the then Station Sergeant Willis. I was just told it was Ron Shaw on the phone and I spoke to him. Initially he talked about a Fraud Squad function which was to be held in Sydney sometime in August I think it was, and would I be in Sydney at that stage and if I was would I like to attend as his guest. He'd like to have me there if possible. I think that's pretty well how it started off. I believe I was non-committal about that because I just didn't know what my movements were going to be but I said I would let him know. And then he came on and he was also wanting to speak to me about the Morgan Ryan matter. He had been contacted by a certain person and asked if he would get in touch with me and make it known any consideration I could give to Ryan would be made worth my while. And those were virtually the words he used. I made notes of the conversation immediately. I don't have those notes any more.....copies of them.....

~~Q: I think we've seen them. Statement that you gave at some stage. So we don't worry about specifics there.~~

- A: I can't be specific because I just can't remember to be specific. It was along those lines. I was just totally shocked.
- Q: You had no doubt what the words "worth your while"?
- A: No. I hadn't at all. Sort of if you can go easy on him or not charge him at all or bring the charge down to a lesser degree. That was the sort of gist that was given to me. And he would make it worth my while to do so.
- Q: Was he passing on that message or was he more party to the offer than just a messenger of?
- A: Well, at the time I really didn't think anything. I was just totally stunned. Stunned to the extent where I sort of said, "I'm not in to that sort of thing".
- Q: And being stunned then I suppose you didn't immediately again think of the tapes of Murphy.
- A: No. Not really. I didn't because straight away when I got off the phone, hung up the phone, I told my Mark Lucas who was then my senior NCO. I was still senior constable at that time. I told him what had happened. I made notes of the conversation. I then saw Inspector Detective Potter, the officer in charge of my area. I informed Inspector Potter. He was the inspector in charge of the CID area which covered the Fraud Squad at that stage and I also spoke to Deputy Commissioner Johnson and advised him of what had happened. I was told to submit a report and detail what had occurred and that I did. That report was prepared by me the next morning. Notes of the conversation and the times and so on and I submitted that through Chief Superintendent Dawes who at that stage was in charge of the CID. From there on it went direct to Mr Johnson and to the Commissioner who was Sir Colin Woods at that stage. That was it as far as I was concerned. I had said No. No way was I going to be involved in anything like that. I spent a very uncomfortable night I must admit. I was both furious. I was very angry at the whole situation, but sort of thinking about it the next day I. Even today, I don't think that Shaw was the instigator of the move. I'm sure he was used as a pawn in the game because of his known friendship with me. He was probably used by Doc Lowe in the fact that Lowe would have believed that an approach from Shaw would have been more acceptable to me than an approach from him, although there had never been bad words between Lowe and I it was I think made quite clear between the two of us that I didn't have much time for him and didn't really trust him. I'm pretty sure he was well aware of that fact.

Q: I'd like to go back a second. A call from Shaw went through Lucas's phone. Why would that have happened? I'm assuming that Lucas was in at the time.

A: Yes he was. That happened because Shaw rang the switchboard number and asked for the Fraud Squad.

Q: Wouldn't he have had your direct line?

A: No he didn't have my direct line at that stage because it was not long after we had moved from the Immigration Department into the Fraud Squad and Jones and I were not working from a specific office within the Fraud Squad. We had a couple of desks pushed together in an open area and we were working from those. Extension number at that time was 271 and I think Lucas' number was 368.

Q: I thought Ron Shaw might have known Lucas?

A: I would think that probably Ron Shaw would know Mick Lucas by name and maybe by sight but I don't think more than that.

Q: O.K. Jumping forward again. What happened then? Was there a further conversation at all.

A: Yes there was. There was a weekend in between the events. I think the 17th July was a Friday afternoon. I'm pretty sure it was. It was a late Friday afternoon. I had advised all the people that I thought I should advise of the approach. I made notes at the time immediately after I told Lucas what had happened and I'd also told Bob Jones who was still there at that stage.....Jones might have been there that day when the phone call came in. I'm not sure. Anyway, I made the notes there and then and told all the relevant people. The weekend intervened. All the officers were away the weekend, apart from an on-call duty officer. My days off for the weekend because I was in the Fraud Squad and it was normal business hours. So it was Monday morning when the report was prepared and submitted to Dawson. That was the 20th.might have been Saturday night or the 20th I don't know. Then I spoke with Ryan again and he confirmed that he would be coming to Canberra that day to see me. It was on the 20th. So by that stage the message would already have gone back that I was not interested. I made that quite plain to Ron Shaw. He said he would come to see me that day at 2 O'clock.

Q: Did you raise with Morgan Ryan directly that conversation you had with Shaw?

A: No I didn't.

Q: Was there anything in Shaw's first conversation. The one on the 17th that indicates that he was acting for Morgan Ryan?

A: The way I recall that first conversation from Shaw was. Shaw had been asked by somebody to ask me about the Morgan Ryan matter and to go easy on the case.

Q: Did he identify the people?

A: He identified John Lowe. He said that John Lowe had been approached by somebody but he wouldn't say who. He wasn't prepared initially to tell me who had asked him to contact me. It took a fair bit of persuasion I suppose on my part for him to even divulge Doc Lowe's name and that came out as I think only after my saying, "Well, look, we've been friends a long time. If you don't trust me well you don't trust me".

Q: He didn't indicate when he was approached?

A: I'm pretty sure there was an indication that he had been approached some days previously and asked about it.

Q: Not weeks?

A: No. It seemed to me that he must have been sitting on it mulling it over, whether he would or whether he wouldn't and then finally decided he would. And it was coincidental that Ryan must have seen me on the 17th and then rang up and cancelled the appointment because he wanted to see some associates, could he see me Monday. That same afternoon just before I finished work I got a call from Ron Shaw. Looking back at it with the nasty suspicious mind of a policeman and trying to piece it together my whole view of the attitude is and again it's only an opinion because there's nothing to support it, was that Shaw had been asked some days before to approach me and I think that was intimidated in the call that I had. I don't know whether that's fact or not, or whether it's something which I've surmised. That he sat on it for a few days. That Ryan had made the appointment to see me on the 17th expecting that I would have been approached by that stage and when nothing had happened then, I think probably it went back through the circle with Lowe to Shaw and saying, well, what are you doing. Why haven't you spoken to this guy and learned what's going on? Pressure was probably applied to do something there and then. I think that's probably the reason why that all happened.

Q: Do you know of any link between Doc Lowe and Morgan Ryan?

A: No. I was not aware of any link between Lowe and Morgan Ryan and what Shaw told me was that it was another party, not Morgan Ryan that had asked Lowe.

Q: O.K. What happened on the 20th then? Did Morgan Ryan come down?

A: Yes. He said he would be down at 2 O'clock at the police, City Police Station and we would go somewhere for a cup of coffee. I spoke to Senior Constable.....who was an electronics guy at this stage and arranged for equipment to be set up. I also spoke to Chief Superintendent Dawes. He was my boss in charge of the whole CID and Ryan did come down and we went to the Hobart Coffee Lounge, something just after 2 until almost 4 O'clock. The whole time he never made any approach, direct approach to me on the matter at all to me at all. I'm sure he would have been aware at that stage that I had said no anyway. He did a lot of talking around the whole subject again. Going over the fact that he had never received a penny for any of his work for these Koreans. He realized that I was just doing my job and always been pleasant about it and he was thankful for that. Really a rambling sort of situation where he never came to the point and I certainly was not going to provoke him into doing anything like that because of ...provokateur situations or whatever but if he was going to make the offer I wanted him to make it direct to me without any provocation from me to do so. But he never did. He went over the ground that one of his associates came forward and made statements. He said that they were responsible for these letters and that although they had been given to him by them he'd accepted them in good faith as letters for what they were and he'd just handed them on to the Department and would there be any charges was that any crime. Would there be any charges if that was the case and so on. So that was the line that he was looking for all the time was could he get out of these things, that seemed to be the approach.

Q: It was a fishing expedition?

A: It was a fishing expedition. It was a hearts and flowers job with violins playing softly in the background. A buttering up. Oh, you're a nice guy. You're only doing your job, I know that. All those sorts of things. About his health, about Lance Holm and he didn't want Lance Holme's death on his conscience and were we going to pester him any more and those sorts of things. All around that. But there was no approach made. But by that time I'm sure he would have had...

Q: Shore approached you some time later didn't he?

A: Yes he did. There was another contact with Shore. When was it. On the 23rd July. Phone call from Ron Shaw. First phone call I think was probably made from his

office. At that stage I think he was at Cronulla detectives..... corporate affairs commission. It went along the lines.....everything had come between us. Those were the sort of questions. It went along those lines anyway. He said that he had heard there had been a report of what we had spoken about and he wanted to know whether that was right or not. I denied it and he said. I'll call you back in a while. I don't want to talk now. I'll call you back in a little while. That was after he rang off. I don't know whether I've got that first call on paper or not or whether it was the second, the next call that I got on paper. I'm not sure but I'm certain that is the conversation that I had with him.

Q: He rang from a phone box?

A: The second time he rang me that morning, it was from a phone box. In the meantime I had spoken to Chief Superintendent Dawson regarding what had been said and asked him where the report was that I'd submitted. Where it had gone to. He said that the report I'd given to him on the Monday morning had gone directly from him to the Commissioner and had then come back through the chain as I recall it on the afternoon of the 22nd July he'd received it and he had given it to Detective Sergeant Garry Griffiths who was then the I suppose the Reports Officer of the CID. Bit of a gofor.....It had been given to Garry Griffiths that afternoon, late in the afternoon of the 22nd to pass on to me next day.....Stupid bloody thing to do. It was a matter which involved me and a New South Wales Detective Sergeant and it was something which had been recorded on confidential evidence, giving it out to his clerk to give to me. He should have locked the bloody thing up for the night. Well, I then asked that the report be retrieved if possible and he got it that morning of the 23rd from Griffiths and gave it to me. Griffiths still had the report on the morning of 23rd July. To my knowledge Garry Griffiths and Doc Lowe are pretty good friends. That stems from the days when Garry Griffiths was in charge of the motor sport in the ACT police, investigating thefts of motor vehicles and frauds relating to motor vehicles, and as a result of that had a fair bit of contact with the opposition in Sydney and had met Doc Lowe through that area. I am quite convinced to this day although no action was ever taken to getGriffithDoc Lowe after reading the report and told him the contents of that report. As a result of that, that was why Shore rang me and spoke to me about the report which I denied. He told me that the information had come from somebody in Canberra. He told me that. Somebody in Canberra had phoned Doc Lowe and...the inside story. I have no doubt that it was Garry Griffiths.

Q: So when Shore rang you up from a phone box and had a conversation along the same lines.

A: It was along very similar lines, yes. I still denied the existence of the report at that stage to Shore. At that time I was unaware of what the Commissioner wanted to do about the matter. I was later told verbally that the Commissioner had in the first instance decided not to take any further action on the matter but after my report of Shore's contact he said he had no alternative but to refer it to the Commissioner of New South Wales Police for investigation. Which was what happened. It was after that that I was interviewed by Detective Inspector Westland.....

Q: The Internal Affairs.....?

A: Yes.

Q: We have some papers on that. Have you spoken to Shore since then?

A: I've seen Ron Shore I think on two occasions since then. I said "Hello Ron. How're you going", and his reply was a four letter expletive. That was the end.

Q: What about Doc Lowe?

A: I've seen Doc Lowe since then.....in fact we met one day in Liverpool Street. He was coming up Liverpool Street as I was going down to Central Court. He saw me coming and crossed over the road.

Q: Yes. Right. Was any later offer made to you by Morgan Ryan?

A: No. There have been no other offers. The only thing that.....being raised by Bruce Miles before Ryan eventually appeared at St James Court was charged before the court for the offence of forgery was that if these other people who are involved come forward and make statements to you they were the people who got the letters. They were the people who had them made up and they just gave them to Mr Ryan and Mr Ryan didn't know anything about them and that was the scenario that was being pushed all the time, and I said Bruce, if people come forward and give me statements to that effect and are prepared to openly admit to that in court and testify to that in court or plead guilty or whatever, then unless there is evidence to the contrary, well of course we would have to consider it and probably it would exonerate Morgan Ryan from any criminal action. Well I said, it depends on whatever other evidence is available also and not telling him whatever other

evidence was available. At that stage we had the handwriting evidence that Ryan's handwriting appeared on the forged document.

Q: After the first conversation on the 17th July. Did over that weekend - I know I keep coming back to this a few times, but did you then think over that weekend, Christ, that's put some credence into what I heard on that tape or

A: Well. It's going back a long time and I'm trying to exercise the memory cells. I'm pretty sure that I did. That whole weekend after the 17th. It was an absolutely ghastly weekend. To be honest I.

Q: But you didn't put it in your report or anything like that? Now two and two adds up as far as the conversation that we heard on that tape.

A: I don't think I did. I think the whole thing that I focused on at that time was the fact that how the hell Shore was so bloody stupid to even think that I would be willing to enter into something like that. He knows me better than that. Why do it? He should have known my reaction. He shouldn't have been involved himself. That was. I'm not saying that the other matter didn't go through my mind because I'm sure it did, but I think it was so insignificant at that stage. It happened some months previously. Really nothing had come of that at that time and the whole of my attention was focused on this other matter. What the hell was going to happen to Shore and how it would effect his family and rationalising it and saying, well it's his own stupid bloody fault. You know, if he wants to do something like that he'll have to wear the consequences. Sort of trying to work through with all my emotions at that particular weekend so that on Monday morning I could go back and be in a rational way with a level head and not have all those emotions still boiling inside which was going to cloud issues.

Q: And you don't think that during that time you discussed it with Lamb and Jones again relating back to listening to the tape some months ago?

A: Well, I could have done, I don't know.

Q: Well, that day.....blow up in the media about 1984 in relation to the so called Age Tapes. Have you heard of any mention to Judge Murphy in connection with the Korean Investigation?

A: Other than the fact that his name appeared quite frequently throughout Morgan Ryan's diaries, his name was also listed in the telephone numbers on the teledex

pages that I recovered from the garbage bin. No I don't think that there's been any other indication involving Justice Murphy in the Korean Affair. There were certain indications of other prominent people being involved in the Korean Affair, Sir William Keyes and a few others. Still today I see bits in the paper which provoke thought in the mind when.....contracts in New South Wales. Mr Wran suddenly resigns. There was something like about 300 Koreans supposedly all working for trans building in 1976, 77 and 78 all were skilled tradesmen and non of whom could pass trade tests when they were called to go and do them. And that Morgan Ryan had a big influence in setting that thing in motion and that I know Morgan Ryan had a connection with Neville Wran in the old days and all that sort of conglomeration. Those things still come around in my mind, but who knows. I don't know. It's just food for thought as far as I'm concerned. That's the sort of situation. There were other people of notorious reputations or reputation of some fame who came to light within that investigation.

Q: Did you know Don Davies, the former District Commissioner of the Commonwealth Police at all?

A: I know of him. I didn't know him as a person. I had nothing to do with Don Davies apart from seeing him on a couple of occasions, but other than that, no.

Q: Have you got any more questions at this stage? Just a general question. It doesn't relate so much to this, but a curiosity question I suppose. In relation to everything that you've heard since and I don't know how much you have heard about other matters that involve Justice Murphy. Had you heard of any other matters before in terms, through the Federal Police Force?

A: No. I don't think that I have. If I had, I think by now with all the stuff that's been in the media and which I've read from time to time, albeit that I'm up here I still get copies of the Canberra Times and the Australian and the National Times. I think it would all be too jumbled up now to be able to say what I've heard beforehand and what I've heard in the media. I wouldn't be qualified I think to comment on anything. I certainly know about the ASIO raid a long time ago. I'm aware of hearing something and reading something in the media about that matter of the passport. The guy who

Q: Sala?

A: Yes. That's the feller.

Q: What about the Morosi break-in?

A: No. I don't think I was aware of that. As all things

kept coming up in the media, over the last 18 months or whatever it is, it just seems to me to be all fuel to the fire of suspicion I suppose. Whatever it's called.

Q: Well I think

End of side 2 of second tape

2820A

TAPE OF CONFERENCE, FILE NOTES, HEARING NOTES ETC

WEEK BEGINNING THE 8TH ~~DECEMBER~~ JULY.

Side A of Tape 3

Discussion with David Lewington in Singapore

Just a file matter really, just prior to putting on the tape I asked him if he knew [REDACTED]. He said he didn't know him never heard of him.

Lewington: Not quiet true I said I have heard of him I've heard his name. The name of [REDACTED] I know, I've been asked that before and I still can't recollect where I heard it from, I think [REDACTED] was somebody who was known to Bob Jones but I've to the best of my recollection I've never met [REDACTED] and I wouldn't recognise him I'm sure if I saw him.

Other voice: Did Inspector Lamb as he then was, or anyone else mention the name [REDACTED] at any time.

Lewinton: I've never heard the name [REDACTED] until such time as I think, it was either in the Enquiry of the DPP or it was in the Senate Select Committee Equiry where the name [REDACTED] first came up. Ment absolutely nothing to me.

Other voice: All right, perhaps would you be able to perhaps see us again this afternoon some time to suit so we can have a think on what we have been through, have a look at our papers etc. and perhaps come back and sent even another half hour.

Lewington: Yeah sure. The only thing that I would like to point out is that I've given you the answers as best as I recall having been through this on the sixth occasion that I've been through it. Everything that has been in the Media, I've got to say I think my memory is still fairly accurate as to what I know about this. I havn't had the benefit of referring to notes so I've given you the most truthful answer that I can at this stage with whats left of my recollection of the whole incident. If there is anything else I can help you with I'm only too willing to do so.

Other voice: Would you like to suggest a time to suit your convenience I mean we have taken a lot of your time already.

Lewington: Well I would suggest as its ten to one we should go
..... (Tape then has been turned off)

(Starts Next)

Cross-Examination No. 324 TO 330 No re-exam.

Next witness George Despard

Examination In Chief 332, Cross-Examination 338 and Procrisjeup?
355 by Richard Tracey No Re-Examination.

Next witness Mr Terry Cleary

Examination In Chief began 4.15, next days hearing is the 10th
of December continuation of Mr T. Cleary
Examination In Chief 1035, cross-examination commences 1057 and
gos to 1134 re examination 1134 to 1138

Next witness Mr T Geoghegan

Examination In Chief 1139, cross-examination commences 1150
completed 12 noon, re-examination Hartnet 1201 to 1206

Next witness Mr L.R. Doyle

Examination In Chief 1208, cross-examination 1216, witness
finished 1220

Next witness Jason Lee

Examination In Chief 1223, cross-examination 1229, finished 1235

Next witness Charles Cachia

Examination In Chief 2.18, cross-examination 2.26,
re-examination 2.50

Next witness Harold Watson

Examination In Chief 2.52, cross-examination 3 pm,
re-examination 3.16 to 3.19

LAMB

RECORD OF INTERVIEW BETWEEN DETECTIVE SUPERINTENDENT ARTHUR BROWN AND DETECTIVE SUPERINTENDENT PETER JOHN LAMB CONDUCTED AT OFFICES OF THE INVESTIGATIONS DEPARTMENT, UNIT 5 BARTON, THURSDAY 8 MARCH 1984

PRESENT: Detective Superintendent Arthur BROWN
Detective Superintendent Peter John LAMB
Detective Chief Inspector Adrien Melville WHIDDETT

TIME COMMENCED: 8.32AM

Q. 1 As I have already explained to you Detective Chief Inspector WHIDDETT and I are investigating allegations of illegal telephone interceptions reported in The Age newspaper on 2 February 1984. Circumstances are that Mr R. BOTTOM, investigative journalist, gave a quantity of tapes and transcripts to The Age and it has been alleged they are a product of telephone interceptions conducted by a member or members of the New South Wales Police. Our inquiries have revealed the possibility that you have been in possession of information which was obtained from illegal telephone interceptions of Morgan John RYAN's telephone. I now intend to ask you a series of questions about this matter in the form of a record of interview. I want you to clearly understand that you are not obliged to answer my questions unless you wish as anything you do say will be recorded and later may be given in evidence. Do you clearly understand this.

Yes.

Q. 2 Do you agree that prior to the commencement of this interview I told you that I intended asking you further questions about this matter in the form of a record of interview.

A. Yes.

Q. 3 Do you agree that I also told you that the questions I asked you and the answers that you gave would be recorded in type as the interview took place.

A. Yes.

Q. 4 Do you agree that I also told you that at the conclusion of the interview you would be given the opportunity of reading the record and signing it.

A. Yes, I did.

Q. 5 For the purposes of this interview, what is your full name, your occupation and your date of birth.

A. Peter John LAMB, I am a Detective Superintendent of the Australian Federal Police stationed in Los Angeles and I was born on 10 April 1942.

Q. 6 Mr LAMB, as a fellow superintendent do you have any objections to me questioning you this morning.

A. Certainly not.

Q. 7 Before I put to you a series of questions regarding this matter, I am inviting you to provide me with any information you may have which will assist in this investigation, that is, in regards to the allegations of illegal interceptions of Morgan John RYAN's telephone.

A. I have no actual knowledge of interceptions of Morgan RYAN's telephone and I am not familiar with the contents of recent newspaper articles which you referred to as being in The Age newspaper. I did have access

PAGE TWO (2)..

A. 7 continued.. to audio recordings that were supplied to me by an Informant. I took these recordings after having sought permission to do so from senior officers. I personally did not listen to these recordings; certain notations were made from the recordings by other officers and a number of other officers who were actively investigating particular matters involving Morgan RYAN were given access to these recordings. I am not able to authenticate the contents of those recordings, nor the manner in which they were actually obtained, or by whom they were obtained. The actual dates on which these recordings were made available to me I am not sure of. However, I believe there is some documentation which exists in the Division in which I formerly worked that may help identify the dates. And also the officers who were engaged in the investigation of Morgan RYAN may be able to clarify that.

Q. 8 Superintendent LAMB, because you have been out of the country it would be proper, before we go any further, for us to show you the press article containing these allegations in The Age newspaper on 2 February 1984. Are you agree able to this.

A. Yes

BROWN PRODUCES PRESS ARTICLE FROM THE AGE NEWSPAPER TO SUPERINTENDENT LAMB
INTERVIEW SUSPENDED 8.49AM TO ALLOW READING BY LAMB

INTERVIEW RESUMED: 8.54AM

Q. 9 Do you wish to make any comment at this point regarding the article you have just read.

A. I do not recall having any knowledge about the allegations specifically. As I said the tapes that I had access to I did not listen to.

Q. 10 Mr LAMB, can you tell me where you were deployed in the Australian Federal Police from October 1979 to 1982.

A. I am relying purely on memory here because I have been overseas; as I recall I was with the Williams Royal Commission for a portion of 1979 and I was in the Joint Narcotics Task Force in 1979 to, I think, some time in 1980. From some time in 1980 through to May 1982 I was in 'B' DIVISION of the AFP. Part of that time was in Sydney and then in Canberra.

Q. 11 In what capacity were you employed in B DIVISION.

A. Because the Division was being established I held the positions of Officer in Charge, Sydney, as well as a position in Canberra that was primarily responsible for getting it working under Mr ANDERSON.

Q. 12 Whilst serving as the Officer in Charge B DIVISION in Sydney, can you tell me what your chain of command was.

A. To Mr ANDERSON, to Mr FARMER to the Commissioner.

Q. 13 Mr WHIDDETT and I have recently interviewed a Station Sergeant LEWINGTON, a member of this Force, and he has provided us with certain information which includes allegations regarding yourself. I now intend putting to you a series of questions concerning this aspect. Do you understand.

A. Yes.



8/3/84

...3/.

RECORD OF INTERVIEW BETWEEN DETECTIVE SUPERINTENDENT BROWN AND SUPERINTENDENT LAMB, CONTINUED..

PAGE THREE (3)..

Q. 14 Sergeant LEWINGTON has told us that, whilst attached to the Department of Immigration and Ethnic Affairs, and whilst investigating a Korean matter, he received through normal channels documents relating to surveillance by members of B DIVISION from yourself. Can you recall that.

A. Yes, I can. What the contents were or when it was I can not recall. Perhaps it would assist you if I explain how it came about.

Q. 15 Please do,

A. I don't know whether you are familiar with the concept of B DIVISION, what it was about, but it was primarily directed towards specific targets who were allegedly involved in organised crime and this in fact was a flow-on from the Williams Royal Commission. It required the taking of police officers with a variety of skills putting them in a self-contained unit under a chain of command that was narrow so as to avoid leaks or any other activity which would compromise our investigations. At times it became apparent that we were in fact working on matters that had some relationship with other investigations that were being conducted by the AFP. In relation to LEWINGTON'S statement, Mr FARMER had determined that we were working in an area on a particular target other than Morgan RYAN - or targets - but at the same time had amassed some intelligence in relation to that individual. Mr FARMER directed that I transfer any information we had relative to Morgan RYAN, his associates or allegations of his improper conduct concerning Immigration matters. As far as I am aware that is what Mr LEWINGTON is relating to.

Q. 16 Sergeant LEWINGTON has told us that he met with you for the first time at your office in Sydney on the 27th of January 1981. What do you say about that.

A. I can't recall that.

Q. 17 Sergeant LEWINGTON has said that as a result ^{of} both himself and Detective Bob JONES meeting with you, it was agreed to that instead of calling at your office on each occasion they would keep in contact with you by telephone. Is that correct.

A. I do not recall that either.

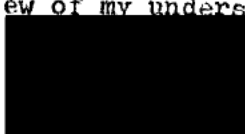
Q. 18 Sergeant LEWINGTON has further said that he was not told how B DIVISION was obtaining its information, or why B DIVISION was interested in Morgan RYAN. Is that correct.

A. That is basically correct, but Morgan RYAN was not a target per se.

Q. 19 Sergeant LEWINGTON has told us, QUOTE: "It was evident that some of the information could only have been obtained by listening in to telephone conversations" UNQUOTE. In this context he is referring to information he obtained from B DIVISION. What do you say about that.

A. I don't know how he arrives at those that, or when in fact it was that he did have access to audio tapes at some stage.

Q. 20. Sergeant LEWINGTON has further told us. QUOTE "I did on one occasion, the date I can not recall, ask Inspector LAMB how the information was being obtained, and the reason for his interest in Morgan RYAN. He was not prepared to tell me the answer to either of those questions, an in view of my understanding of the role of B DIVISION, I pressed the matter



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PAGE FOUR (4)..

Q. 20 continued.. no further." UNQUOTE. What do you say about that.

A. I don't specifically recall his question, but I most certainly would have applied the need to know principle to a question of that nature.

Q. 21 Superintendent LAMB, can you describe to me the definition of 'NEED TO KNOW'.

A. It means a lot of things to a lot of people. If I saw that there was a need for him to know any specific thing and if it was within in accordance with instructions from my superiors I would have told him.

Q. 22 Sergeant LEWINGTON has further said, the situation was that he provided you with a list of names of persons who featured in his investigation into the Koreans, and it was on that basis he was given information by you. Is that correct.

A. That may have been the case, but I don't recall it specifically, but it is not unreasonable.

Q. 23 Sergeant LEWINGTON further states that about mid-February 1981 he was informed by you that in future he and JONES should contact the New South Wales Police Criminal Intelligence Unit for further information on Morgan John RYAN. Is that correct.

I do not recall that.

Q.24 Sergeant LEWINGTON further stated, QUOTE"with regard to tapes, they were not produced as such by Inspector LAMB, with any comment as to what they contained, or how they were obtained. There were occasions when JONES and I were taken to a room where a taperecorder was set up and a portion of a tape was played to us; the tapes contained conversations between Morgan RYAN and other persons. On those occasions we were not told how the conversations had been taped and it was only portions which had been preselected which we listened to." UNQUOTE. Do you wish to comment.

A. He is correct that he was not told by myself what they contained or how they were obtained because I didn't know. I don't recall taking him to a room myself, perhaps others did. As to whether it was Morgan RYAN talking to other persons on the telephone, I would not be able to say whether it was so as I am not in a position to authenticate Morgan RYAN's voice or anyone elses. There may have been a preselection of portions of the tapes and probably that was designed purely for his assistance.

Q 25 It was a long question, because I wanted to put it in context, and your answer is long. Would you like it read back to you.

A. Yes.

QUESTION AND ANSWER 24 READ TO LAMB BY WHIDDETT.

Q. 26 Now that the question and answer have been read to you, do you wish to comment.

A. I think Mr LEWINGTON said taped conversations and not telephone conversations. I delete the reference to telephone conversations because I do not know whether they were telephone conversations.

Q. 27 When asked by me about the number of occasions when he, LEWINGTON, heard tapes at 'B DIVISION he replied that there were very few occasions and he estimated QUOTE "Maybe three times" UNQUOTE. But he did indicate that he couldn't be accurate on this point. Do you have a comment.

A. I could not be accurate either. As I was backwards and forwards to

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A. 27 continued... Canberra, but I would think that that was possibly right, but I may not have been there on each occasion.

Q. 28. Sergeant LEWINGTON has told us that, amongst other things, he recalls hearing on the tapes at B DIVISION the voice of a person he believed was Morgan RYAN speaking to another person he believed was Mr Justice MURPHY. Can you recall that conversation between RYAN and MURPHY.

A. No, well, I can't comment on that because I was not listening to the tapes.

Q. 29. In the context of this conversation that LEWINGTON has referred to, allegedly between RYAN and Justice MURPHY, there was reference to RYAN querying if LEWINGTON and JONES were QUOTE "Able to be got at" UNQUOTE. Can you recall any reference to that allegation.

A. I can recall comments similar to that being made by LEWINGTON to me. Whether it was as a result of him listening to the tapes, or something I had been told previously, I don't know.

Q. 30. Can you ever recall an incident when Sergeant LEWINGTON was approached by New South Wales policeman who tried to bribe him.

A. I did hear sometime later - and I mean by that I could have been in America, and I can't even recall who told me - that there was some occurrence of that nature.

Q. 31. Sergeant LEWINGTON has told us that he has the impression in his mind that when he listened to portions of tapes that they were on a large machine of the reel to reel type. Do you wish to comment on that.

A. That is possibly right, but I can't say they all were.

Q. 32. During the visits by Sergeant LEWINGTON and Detective JONES to B DIVISION, did you ever show them any other documents, including transcripts of conversations between Morgan John RYAN and other persons.

A. Transcripts no; notes made by other officers of taped conversations, probably.

Q. 33. Superintendent, I would like to take the opportunity of taking a break for refreshments. Are you agreeable to this.

A. Yes.

INTERVIEW SUSPENDED: 9.57AM FOR THE PURPOSES OF REFRESHMENT BREAK.

INTERVIEW RESUMED: 10.15AM

Q. 34. Can you tell me the circumstances which lead you to meeting with LEWINGTON and JONES, and allowing them to listen to portions of tapes.

A. As I have previously said, I was directed to hand over information that we had gathered during the course of investigation of other targets that related to Morgan RYAN, to LEWINGTON and JONES. At the same time, we gave information in respect of an inquiry in an ethnic area to another group of people. This came about as a result of discussions with Mr ANDERSON and Mr FARMER.

Q.35. It is evident to us that B DIVISION had an interest in Morgan John RYAN long before the LEWINGTON and JONES inquiry. What I intend doing now is to produce a file to you on an operation apparently named 'TRIDENT'

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Q. 35 continued... I would like you to carefully examine that file before I ask you a series of questions relevant to the file, and in particular I will be directing your attention to certain documents contained in the file. On each occasion, however, when I direct you to a document I will refer you to it first before inviting a reply. Are you agreeable to this procedure.

A. Yes.

SUPERINTENDENT LAMB PROVIDED ARCHFILE, MARKED "TRIDENT NDO18 RYAN, MORGAN JOHN"
INTERVIEW SUSPENDED: 10.24AM TO PERMIT LAMB TO READ FILE

INTERVIEW RESUMED: 10.30AM

Q. 36 Have you read the TRIDENT file.

A. I have looked through it; it is rather extensive and I would hope that we could discuss each document in isolation.

Q. 37 Yes, certainly; can we begin with you telling us about Operation 'TRIDENT'.

A. Operation TRIDENT is directed at a individual who has been described as an organised crime figure in Sydney. AS this investigation is probably still being continued, it is probably inappropriate to name the person in the context of the RYAN in quiry.

Q. 38 Is the person you refer to Morgan John RYAN.

A. No, he is an associate and our method of investigation using the target criminal concept was to seek ways of penetrating the target by way of associates and other means.

Q. 39 Am I correct in presuming, therefore, that Morgan John RYAN is mentioned in the TRIDENT file only in the context of him being an associate of the unnamed principal target.

A. That's a fair statement.

Q. 40. I now intend referring you to a number of documents contained within the TRIDENT file. Do you understand.

A. Yes.

Q. 41 Will you examine this document (LAMB SHOWN BY BROWN 'INVESTIGATION RUNNING SHEET FOLIO 86')

Yes.

Q. 42 What can you tell me about this document.

A. The document speaks for itself inasmuch that that is what transpired on that day.

Q. 43 Was the information contained in this document received as a result of an illegal telephone interception.

A. No, I take that as meaning that Morgan RYAN rang THOMAS and said that he wanted to see THOMAS.

Q. 44 In the column marked 'POLICE CONCERNED', I note that your name appears. Did you obtain the information, and if so by what means.

A. THOMAS rang me.



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PAGE SEVEN (7)..

Q. 45 Would you please examine this document (BROWN SHOWS LAMB 'INVESTIGATION RUNNING SHEET MARKED FOLIO 91)

A. Yes.

Q. 46 What can you tell me about this document.

A. As far as I recall, I met with the Informant as indicated, [REDACTED] and he told me these things.

Q. 47 At the time you were provided with this information, did you form an opinion as to how [REDACTED] had obtained it.

A. He never told me and I never asked.

Q. 48 Are you of the opinion that it was obtained through illegal telephone interceptions.

A. It may have been, yet it may have been a very good informant, or a listening device or by some other electronic surveillance.

Q. 49 Did your informant [REDACTED] imply to you, in any way, the means by which the information contained in this RUNNING SHEET was obtained.

A. No.

Q. 50. Would you please examine this document (BROWN SHOWS LAMB 'INVESTIGATION RUNNING SHEET' UNFOLIOED), MARKED 'PAGE NO. 1' SUBJECT MORGAN RYAN, DATED 2.5.80, 7.30AM)

A. Yes.

Q. 51. Did you submit this document to the file.

A. I can't recall specifically. My name is there, but I can't recall submitting it to the file.

Q. 52 What can you tell me about the contents of the information contained in this document.

A. The information was supplied to me by the same Informant [REDACTED], as is the case of the previous document.

Q. 53 When you obtained this information, did [REDACTED] tell you the means by which he obtained it.

A. No.

Q. 54 Would you now examine this document (BROWN SHOWS LAMB INFORMATION REPORT MARKED FOLIO 183 SUBJECT MORGAN RYAN, DATED 19.2.81)

A. Yes.

Q. 55 What can you tell me about the contents of this document.

A. It is basically the same as the other, but obviously I got another officer to prepare an Information Report.

Q. 56 Would you have obtained this information from [REDACTED] direct or would the other officer concerned, Constable HARTEN, obtain it.

A. I did.

Q. 57 Would you take a look at this Information Report (BROWN SHOWS LAMB INFORMATION REPORTS MARKED 184, 185, 186 and 187, 1888, DATED RESPECTIVELY

[REDACTED]

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Q. 57 cont. .. 17.2.81, 12.2.81, 16.2.81, 14.1.81 and 16.1.81)

A. Yes.

Q. 58 What can you tell me about these documents.

A. As far as I can recall, each one refers to information provided by Informant [REDACTED], and I gave the information to the officers who subsequently submitted them.

Q. 59 When you obtained the information contained in these reports, did [REDACTED] tell you the means whereby he received it.

A. No.

Q. 60. At the time you received the information from [REDACTED], did you suspect that it had been obtained by any unlawful means.

A. No.

Q. 61 Will you now take a look at these documents (BROWN SHOWS LAMB INFORMATION REPORTS MARKED FOLIOS 189, 191, 192, DATED RESPECTIVELY 19.1.81, 21.1.81 AND 9.2.81)

A. Yes.

Q. 62 What can you tell me about these documents.

A. To the best of my recollection this information was obtained from [REDACTED] in the same fashion as the previous reports, and that they were put onto paper by the officers indicated on the bottom of the pages.

Q. 63 Do you agree that in the report marked folio 192 there is reference to your Informer mentioning Justice Lionel MURPHY. Can you recall [REDACTED] discussing MURPHY with you, either on this occasion or any other occasion.

A. I don't recall it specifically now, but it is there and it obviously indicates it.

Q. 64 Would you now examine this Information Report (BROWN SHOWS LAMB MARKED FOLIO 196 DATED 9.2.81)

A. Yes.

Q. 65 I note there is mention of [REDACTED] discussing Sergeants Dave LEWINGTON and Bob JONES of the AFP and the Korean Inquiry. What can you tell me about this.

A. I believed, as far as I recall, that the information was obtained in the same fashion as before.

Q. 66 Well, in what fashion was the information obtained.

A. As far as I can recall, probably by way of a telephone call.

Q. 67 I do not follow, how do you mean by way of a telephone call.

A. I was probably contacted by telephone.

[REDACTED]

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PAGE NINE (9)..

Q. 68 Finally, would you take a look at these information reports (BROWN SHOWS LAMB FOLIOS 201, 202, 203, 218, 227, 228 and 239, DATED RESPECTIVELY 27.2.81, 23.2.81, 2.3.81, 6.3.81, 10.3.81 and 10.3.81)

A. Yes.

Q. 69 Do you wish to comment on these reports.

A. There was a period around that time - the exact dates I am unaware of - it may have been before the dates on the Information Reports, that informant [REDACTED] indicated to me that there were some audio tapes available that related to Morgan RYAN. He asked me whether I was interested in these tapes. At the time I recall that I contacted Assistant Commissioner FARMER and informed him of this. He was aware that [REDACTED] had been supplying information previously and was aware who Informant [REDACTED] was. I told Mr FARMER that they were tapes of conversations, however, the actual method of how they were obtained was not explained to me. However, it may well be that they had been obtained by some electronic means or by the wearing of a transmitter or something of that nature. I also mentioned that I did not know whether they had been obtained legally or illegally. I am not exactly sure of the exact words I used to FARMER. He said don't do anything until I get back to you. The reason I rang FARMER was because ANDERSON was not available that day for whatever reason. Some time later, whether the same day or the next day, FARMER rang me back and said that he had spoken to Sir Colin WOODS and that Sir Colin had indicated that we were not to tap any telephones illegally ^{but} that under the circumstances we should take the tapes, which I subsequently did.

Q. 70. Can you recall, as best you can, the date you began to obtain information from [REDACTED].

A. I can't recall for sure, somewhere in 1979, 1980.

Q. 71 Can you recall when you last obtained information from [REDACTED].

A. No, I can't.

Q. 72 Will you give me please the full identity of [REDACTED].

A. I know him as [REDACTED].

Q. 73 Do you know his Christian names.

A. No, I don't.

Q. 74 When you knew [REDACTED] who was he employed by.

A. The New South Wales Police Department.

Q. 75 When you knew [REDACTED] in what capacity was he employed by the New South Wales Police.

A. Bureau of Criminal Intelligence.

Q. 76 When you knew [REDACTED] what was his rank and what was his duties in the NSW Police BCI.

A. I believe he was a Senior Constable or Sergeant and his duties included surveillance, including electronics.

Q. 77 Was [REDACTED] considered an expert in any particular field; by that I mean did he have any particular qualification.

A. I don't know.

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RECORD OF INTERVIEW BETWEEN DETECTIVE SUPERINTENDENT BROWN AND SUPERINTENDENT LAMB,
CONTINUED..

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- Q. 78 You mention that [REDACTED] duties included surveillance, can you enlarge on that and be more specific.
- A. Not knowing his exact duties I can only surmise that it would be physical surveillance as well as wiring informants, bugging type functions.
- Q. 79. You also mentioned that his duties included electronics. Can you detail what you mean by electronics.
- A. As I mentioned, the wiring of informants, undercover operatives, or the placing of bugs.
- Q. 80. Will you tell me the circumstances of how you became familiar with [REDACTED].
- A. I am not sure, but I believe he was introduced to me by a former member of the AFP, but I'm not really sure.
- Q. 81 Who is the former member of the AFP referred to.
- A. Bill TAYLOR, a former Detective Sergeant in the AFP.
- Q. 82 Do you consider that [REDACTED] was one of your informants.
- A. Yes.
- Q. 83 Was [REDACTED] registered officially in the AFP as one of your informants.
- A. He was registered in the Informants Register of B DIVISION.
- Q. 84 Was [REDACTED] a paid informant.
- A. At the end of this period of association, yes.
- Q. 85 Describe to me please the circumstances of how [REDACTED] was paid and what he received in the form of payment.
- A. At the time that he gave me the tapes he indicated that he had sold his house and that he was having some problems and that he was moving into premises and that he was looking for some compensation of about two or three hundred dollars. This was discussed with Mr FARMER and he was paid it.
- Q. 86 Prior to [REDACTED] being your informer, what sort of relationship existed between him and TAYLOR.
- A. I do not really know.
- Q. 87 Did TAYLOR ever indicate to you that [REDACTED] would or could supply information.
- A. No.
- Q. 88 How did it begin, that is, the passing of information from [REDACTED] to you.
- A. As far as I can recall I don't remember how it commenced. I suspect that it may have been a telephone call here or there. In the investigation of organised crime informants are the cornerstone of your attack.
- Q. 89 Do you know what motivated [REDACTED] to pass on information to you.
- A. No.

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Q. 90. At the time [REDACTED] was giving you information did you believe that he was doing so with the permission of the New South Wales Police,

A. I don't know but there are, in the main, in the organised crime area three reasons as I see it as to why police exchange intelligence or information. One is that they genuinely want to co-operate and work together; secondly that they are crusaders and will give information to any person who will listen and who they think will do something with it; thirdly, that it is wrong information supplied intentionally to mislead your investigations.

Q. 91 Well, in this case, was it a matter of quid pro quo, that is an exchange of information between yourself and [REDACTED]

A. I think it was a ^{combination of} conversation of the first and second reasons I gave in answer to the last question.

Q. 92 At the time you began to obtain information from [REDACTED] were you aware that members of the New South Wales Police had the capability or facility to illegally intercept telephone conversations.

A. No.

Q. 93 Since then, that is your early dealings with [REDACTED], have you learned that the New South Wales Police has the capability or facility capable of intercepting telephone calls.

A. I still don't know that they have the capabilities, however, if the tapes we received were in fact authentic, and if in fact they can be shown to be telephone conversations, then in hindsight it would appear that the New South Wales Police did have the capability.

Q. 94 At any time, when you were obtaining information from [REDACTED], did you suspect that the information you were obtaining was such a nature that it had derived from the interception of telephone calls.

A. No, not until we received the tapes.

Q. 95 Well, when you received the tapes what did you think.

A. As we discussed with FARMER, if they were authentic, and we had no way of knowing whether they were or weren't, they were obviously obtained by a bug or a telephone intercept of some nature.

Q. 96. What was Sir Colin WOODS' part in discussions relating to the tapes obtained from [REDACTED].

A. From the outset the briefings were given to Mr FARMER as to what [REDACTED] was telling me, and to Mr ANDERSON. When the tapes were offered, and because of the way they were offered, I sought direction as to what I should do, and, according to Mr FARMER, he consulted with Sir Colin and Sir Colin said we should take them.

Q. 97 Did you have any direct conversations with Sir Colin WOODS regarding the tapes being obtained from [REDACTED].

A. We had numerous briefings with Sir Colin ~~not only~~ and Mr FARMER, not only on these matters but others, and of course the tapes were discussed, or the contents of the tapes were discussed.

Q. 98 Who approved the payment of money to [REDACTED].

A. Mr FARMER. [REDACTED]

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Q. 99 Did Sir Colin WOODS know that [REDACTED] was receiving money from the AFP.

A. I do not know.

Q. 100 Did Sir Colin Woods know that [REDACTED] was an official AFP informer.

A. I believe so.

Q. 101 Where did you obtain the money that was paid to [REDACTED].

A. I believe from an Advance Account, but I'm not sure on that.

Q. 102 You have mentioned earlier that [REDACTED] offered you the use of his flat, what did you mean by that.

A. It was a token gesture that we could use his flat as an observation post or somewhere to work out of.

Q. 103 At the time [REDACTED] was providing you with information was he a serving member of the New South Wales Police Department or was he retired.

A. For the majority of the time he was a member of the New South Wales Police Force.

Q. 104 WH Who else in the AFP knew that [REDACTED] was a serving member of the New South Wales Police at the time he was providing the AFP with information.

A. Mr FARMER, Sir Colin WOODS, Mr ANDERSON and probably quite a few individuals in B DIVISION.

Q. 105 Do you know the location of [REDACTED] flat.

A. No.

Q. 106 Was his flat in fact ever used by members of B DIVISION.

A. No.

Q. 107 You have indicated to me that you did not know that the information you were obtaining from [REDACTED] was being obtained from the illegal interception of telephone calls. If you had known that the information was being so illegally obtained, what would you have done.

Exactly what I did when the tapes were offered to me. As I have said it was obvious that, if in fact they were authentic, I would have referred the matter to senior officers, which I did do. It was not my decision to make.

Q. 108 Can you describe to me the circumstances of how you actually obtained the tapes from [REDACTED].

A. I don't recall how many tapes there were, but I think that I received perhaps two from [REDACTED] personally in the front of our premises in Goulburn Street, Sydney, and on perhaps one or two occasions another officer from B DIVISION met him at the same place and took the tapes.

Q. 109 So, in total how many tapes were obtained from [REDACTED] and what sort of running time was involved in these tapes.

A. Maybe a total of three or four. I think they were reel to reel, but they may have been cassettes.

[REDACTED]

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- Q. 110 Who was the other officer who met with [REDACTED] outside your premises and obtained tapes.
- A. Detective Senior Constable Tim ROBINSON.
- Q. 111 After you received tapes from [REDACTED], what did you do with them.
- A. They were given to the officers whose names appear on the bottom of the Information Reports already referred to, and they made notes of portions which were relevant to the AFP, but there were no transcripts prepared, as far as I'm aware.
- Q. 112 What happened to the tapes, after your staff processed them.
- A. They were erased and recirculated into our own stores.
- Q. 113 Do you know whether the content of all the tapes related to conversations between Morgan John RYAN and other persons.
- A. I personally don't know because I don't know Morgan John RYAN.
- Q. 114 How did [REDACTED] select the information he gave you.
- A. I don't know.
- Q. 115 Was it by order, I mean did you ask for specific information regarding specific people.
- A. No, I didn't ask him for information at all, it has always been volunteered.
- Q. 116 How did [REDACTED] know to provide information on Morgan John RYAN.
- A. He seemed to know that there was an AFP inquiry relative to RYAN, other than that I don't know.
- Q. 117 Sergeant LEWINGTON has told us that about February-March 1981 you directed them to deal with the New South Wales Police Crime Intelligence Unit. Is that correct.
- A. I do not recall that. LEWINGTON gave me reason to believe that Deputy Commissioner KENNEDY had made some arrangement for he and JONES to speak with NSW CIU *SH*
- Q. 118 Did the NSW CIU know that B DIVISION were involved in the operation known as TRIDENT.
- Yes, I believe that there were other members aware that we were looking at that target.
- Q. 119 Was the information that you obtained from the tapes provided by [REDACTED] passed on to you senior officers in Canberra.
- A. The information, yes.
- Q. 120 Do you know whether that same information was subsequently disseminated through the Australian Rederal Police.
- A. I don't know.
- Q. 121 Superintendent LAMB, I would like to take the opportunity of adjourning this interview for lunch. Are you agreeable.
- A. Yes.

INTERVIEW SUSPENDED: 12.31PM FOR THE PURPOSES OF LUNCHBREAK.

INTERVIEW RESUMED: 1.27PM

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Q. 122 Can you tell me who authorised Operation TRIDENT

A. Coming out of the Royal Commission, Mr Justice Williams wrote to the Commissioner of the Commonwealth Police, Jack DAVIS, suggesting that matters found by the Royal Commission should be continued to be inquired into after the Royal Commission. DAVIS was of the view that as the AFP was about to be formed, it should be left to Sir Colin WOODS to pursue them. That was how B DIVISION and its particular methods of operation was designed to do. The target ~~of~~ TRIDENT was one of the targets arising from the Royal Commission.

Q. 123 So would it be correct to say that whilst Morgan John RYAN was not a target in his own right, he was nevertheless receiving attention from B DIVISION as early as 1979.

A. Probably early 1980.

Q. 124 Can you tell me what the policy was in B DIVISION during 1980 regarding the use of listening devices being attached to telephones as a means of intercepting conversations.

A. Totally not permitted.

Q. 125 During the time you served as the Officer in Charge B DIVISION, Sydney, were you ever a party to the use of illegal telephone interceptions on Morgan John RYAN's telephone.

A. No.

Q. 126 Are you aware of the Australian Federal Police taking part ~~in~~ with the New South Wales ^{police} in a joint operation which involved the illegal interception of Morgan John RYAN's telephone conversations.

A. No.

Q. 127 What sort of contact have you had with the New South Wales Police Technical Services Unit.

A. None.

CAQ. 128 How often were your senior officers, in your chain of command, briefed by you regarding your operations in B DIVISION.

A. The concept was designed so as to make contact and briefings continual, almost on a daily basis by means of telephone or by personal trips to Canberra.

Q. 129 Did you ever authorise an operation or take part in a joint exercise with the New South Wales police without obtaining consent from your senior officers in Canberra.

A. No.

Q. 130 From day to day, was your chain of command through Mr ANDERSON to Mr FARMER to Sir COLIN WOODS.

A. During the absences of Mr ANDERSON, who was also responsible for the operation of the investigations of certain matters in Melbourne, I did on numerous occasions deal direct with Assistant Commissioner FARMER, and on occasions direct with the Commissioner.

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- Q. 131 Can you describe your dealings with the New South Wales Crime Intelligence Unit.
- A. In the investigation of organised crime one must take intelligence or information from all available sources. Officers were encouraged to cultivate and to exchange, if appropriate, information with their counterparts in that Unit. This we did do. On an official basis I limited my contact with to BLISSETT and MORRISON. There was an exchange of information, consultation when our paths crossed.
- Q. 132 Did either BLISSETT or MORRISON know that you were dealing with [REDACTED]
- A. No, not to my knowledge.
- Q. 133 Did anyone at Government level, that is any Government Minister, or any other person, know that you were obtaining information from [REDACTED]
- A. No.
- Q. 134 Did any Government Minister or member of Parliament know that you were in possession of tapes obtained from [REDACTED]
- A. Not that I am aware of.
- Q. 35 Did any information obtained from [REDACTED] pass to any other investigative body, including Royal Commissions.
- A. Not that I am aware of.
- Q. 136 As a result of any information obtained from [REDACTED] are you aware of any Commonwealth or State offence being disclosed in the information you received.
- A. Only insofar as Sergeant LEWINGTON and NEWELL were doing. But I don't know whether it was of any benefit or otherwise to them.
- Q. 137 You mentioned NEWELL, who are you referring to and what was his part in this matter.
- A. Detective Sergeant Ken NEWELL, AFP was working on Immigration matters in respect of Chinese and Mr FARMER had directed that we pass onto NEWELL and this was done the same way as we did it for LEWINGTON.
- Q. 138 Sergeant LEWINGTON mentioned to us a conversation that he believed he had with you in relation to Justice MURPHY with a girl or girls in Fiji. Do you recall that.
- A. I know nothing about that, nothing at all.
- Q. 139 Who else shared your knowledge in B DIVISION, Sydney at the time, that [REDACTED] was providing you with information.
- A. Detective Sergeant CARTER, Detective Sergeant ROBINSON; thats it.
- Q. 140 During the time you were ~~deing~~ dealing with [REDACTED] were you familiar with the Telecommunications (Interception) Act, in particular provisions relating to the interceptions of telephone conversations.
- A. In general terms, yes.
- Q. 141 In relation to this Act, were you familiar with the section relating to the divulging, the communicating, or the making use of information received through the interception of telephone conversations.

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A. 141 Not specifically, but before taking on board any suspicious material, I of course sought the advice and direction of my senior officers.

Q. 142 Would you at any time have knowingly committed a breach ~~of~~ or any wrongdoing under this Act.

A. No, as I have said I had no knowledge as to how the tapes were obtained or whether they were authentic, and I can only say that before doing anything before in relation to the tapes I sought the advice of my superiors.

Q. 143 Are you familiar with what was described in early newspaper reportings of the subject 'Age' tapes as an inner-Sydney suburban station where the New South Wales Police conducted illegal intercepts of telephones.

A. I am not aware of articles to that effect, nor am I aware of that occurring.

Q. 144 In an Australian Federal Police File, Reference No. 82/3829, titled "RYAN, Morgan John, Solicitor" there is, at folio 10, a note headed "TELECON K.E.M / P.L. 29 NOVEMBER 1983", which implies a conversation between Chief Inspector Keith MOLLER of the AFP Special Investigations Branch and yourself. Would you please read this document. (PRODUCED)

A. Yes.

FILE No. 82/3829 HANDED TO LAMB WHO APPEARS TO READ

Q. 145 Have you read this file note.

A. Yes, I was contacted - I don't know the date - by Inspector MOLLER in America and he wanted to know what I knew about a particular newspaper article in which some allegations were made about Morgan RYAN and other people and their telephones being bugged. My answer to him was that he should see Mr FARMER and Sir Colin WOODS as they were au fait with intelligence we got from an informant. I named him to Moller. I said that we had paid some money for this information. Moller asked me about some Korean involvement and I, as far as I recall, suggested to him that there were other AFP officers involved in that inquiry and I also mentioned to him that there was another aspect to the matter which related to Don THOMAS which Mr FARMER and Mr KENNEDY knew about. I also said that I thought Mr KENNEDY had arranged for LEWINGTON and JONES to get similar intelligence from the New South Wales Police BCI. I was asked by MOLLER how we came to be involved and I referred him to FARMER. The topic of facility run by other agency; I assume that the file note means that it was doubtful that the NSW police knew [REDACTED] was supplying us with information.

Q. 146 As a result of information received, at our request Assistant Commissioner McCABE, Commander Eastern Region, conducted a search of Inspector Andrew Wells' personal locker and B Class container. Seized from the 'B' CLASS container was a quantity of tapes relating to diverse matters. Mr WHIDDETT and I have listened to these tapes and one tape relates to an apparent conversation between Morgan John RYAN and former Chief Inspector Don THOMAS of the Australian Federal Police. What can you tell me about this.

A. I refer you back to Folio 86 of the TRIDENT file and as indicated in that running sheet I was contacted by Inspector THOMAS who stated that he had recently received telephone call from Morgan RYAN and that RYAN wanted to have lunch with him the next day at the Korean Restaurant. THOMAS requested that I go to his office and discuss the matter with him, which I did.

[REDACTED] 8/3/84

PAGE SEVENTEEN (17)..

A. 146 continued.. I am unable to recall the exact conversation with THOMAS, but it was obvious that he was going to have lunch with Morgan RYAN and he wanted me to know about it. At my insistence THOMAS agreed to wear a device that recorded the conversation. I subsequently had that recording transcribed and it was made available to FARMER and I believe the Commissioner, I don't know.

Q. 147 Am I correct in saying that this conversation between Morgan RYAN and Don THOMAS was in the Korean restaurant, not over a telephone.

A. That is correct. THOMAS and RYAN met at the Korean restaurant and the conversation was recorded by virtue of the device that THOMAS was wearing at my insistence.

Q. 148 At the same time, ^{that} Assistant Commissioner McCABE took possession of the tapes from Mr WELLS' safe, he took possession of an envelope marked "Det. Insp. LAMB" which contained some documents. I will now show those documents to you.

(BROWN SHOWS LAMB ONE RECORD OF CONVERSATION OF SIXTEEN PAGES BETWEEN T & M)

A. Yes.

Q. 149 What can you tell me about that transcript.

A. Yes, that appears to be a transcript of the conversation between THOMAS and RYAN at the Korean Restaurant.

Q. 150 Would you now examine this document (BROWN SHOWS LAMB A DOCUMENT HEADED "TRANSCRIPT OF INTERVIEW BETWEEN DETECTIVE CHIEF INSPECTOR V.A.ANDERSON AND SOURCE C.120", OF 32 PAGES)

A. Yes.

Q. 151 What can you tell me about this document.

A. It relates, as far as I am aware, to another Informant, of Mr ANDERSON's, which is not related to this matter.

Q. 152 Would you now examine this document (BROWN SHOWS LAMB A THREE PAGE DOCUMENT HEADED 'FILE NOTES - CONVERSATION WITH INFORMANT [REDACTED]')

A. Yes.

Q. 153 What can you tell me about this document.

A. I do not recall the actual meeting. They appear to be notes of conversations I had with Informant [REDACTED] and that they were things that he told me had occurred.

Q. 154 Can you recall the circumstances of how you came by this document.

A. I made these notes myself as a result of conversations I had with [REDACTED]

Q. 155 When you received from [REDACTED] the information which is contained in this document, did you believe that that information had been obtained as a result of an illegal telephone interception on Morgan Hohn RYAN's telephone.

...18/.

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PAGE EIGHTEEN (18)..

- A. 155. No, I don't know how he got the information or even whether the information is authentic.
- Q. 156 Now that you have read ^{sk} this document, do you wish to make any comment regarding the information which is contained in it.
- A. It is exactly the same as the other information [REDACTED] gave me. As to whether it is right, wrong or how he obtained it I have no idea.
- Q. 157 Would you have any idea how the documents, which I have just shown you, were located in Inspector WELLS' B Class container.
- A. I have no explanation for that.
- Q. 158 Superintendent LAMB I would like to take a break for a few minutes and at the same time we can have refreshments. Are you agreeable.
- A. Yes.

INTERVIEW SUSPENDED: 2.51PM FOR THE PURPOSES OF A BREAK.

INTERVIEW RESUMED: 3.06PM

- Q. 159 Superintendent LAMB, before I conclude this record of interview I would like to put to you the procedure I would like to follow tomorrow. That is, I would like to play to you all of the tapes that were handed to The Age newspaper by Mr BOTTOM, and all of the transcripts which were also handed to The Age by Mr BOTTOM. I will then be inviting you to comment on the contents of those documents. Are you agreeable with that procedure taking place tomorrow.
- A. Yes.
- Q. 160 Before we conclude, can you tell me whether you know Mr Bob BOTTOM.
- A. Well, I think that anyone involved in the investigation of organised crime has had contact or dealings with Mr BOTTOM. I first came in contact with him when he was first employed by the NSW Government, and I was working on the Williams Inquiry into Drugs. At that time we were looking at the connections between Australian criminals and businessmen with United States organised crime figures. BOTTOM, through his official position, had obtained a series of photographs and Information Reports relating to meetings between these groups of people in the USA. He produced those to the Royal Commission and we acted upon them. After he left the NSW Government and returned to journalism, he made contact with me on infrequent occasions by telephone, wanting to discuss organised crime. and Information he was providing was, in the main, historical and was of no use to us. Being a journalist I told him nothing. He did on occasions make contact with senior officers of the AFP in Canberra, and on occasions these senior officers would refer him back to me. As I previously said, I have never entrusted him with information relative to any investigations.
- Q. 161 Did you ever supply information to Mr BOTTOM about Morgan John RYAN.
- A. No.
- Q. 162 Is there anything else you wish to say about any of the matters we have discussed today during this interview.
- A. In very general terms I would like to say that I felt it my duty, in fact

A. 162 continued... my obligation, to take intelligence from all sources that are available to me. In dealing with [REDACTED] I had no way of knowing how the information that he was initially passing had been obtained, nor was I able to say whether it was authentic; bearing in mind that we had numerous other inquiries running at the same time, it would have been virtually impossible to chase down everything he said and authenticate it. I regularly briefed my senior officers on these and other matters. When it came to the point of him supplying tapes I sought the direction of my senior officers and acted accordingly.

Q. 163 Are you now prepared to read each page of this interview.

A. Yes.

INTERVIEW SUSPENDED: 3.22PM INTERVIEW CONSISTING OF NINETEEN (19) PAGES HANDED TO LAMB FOR READING.

INTERVIEW RESUMED: 3.56PM

Q. 164 Have you read this record of our interview.

A. Yes.

Q. 165 Do you agree that it is a true record of our conversation.

A. It is.

Q. 166 Were the answers recorded in this record of interview made of your own free will.

A. Yes.

Q. 167 Was any there any threat, promise or inducement held out to you to give the answers recorded in this interview.

A. No.

Q. 168 Will you sign each page of this record of interview.

A. Yes.

Q. 169 Will you also initial any typing errors in this record of interview.

A. Yes.

INTERVIEW CONCLUDED: 3.59PM

WITNESSED:

[REDACTED] Arthur BROWN

Detective Superintendent

[REDACTED] A.M.WHIDDETT

Detective Chief Inspector

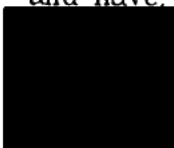
Received a copy of this nineteen page record of interview.

RECORD OF INTERVIEW BETWEEN DETECTIVE SUPERINTENDENT ARTHUR BROWN AND DETECTIVE SUPERINTENDENT PETER JOHN LAMB CONDUCTED AT OFFICES OF THE INVESTIGATIONS DEPARTMENT, UNIT 5, BARTON, AUSTRALIAN CAPITAL TERRITORY, FRIDAY 9 MARCH 1984

PRESENT: Detective Superintendent A.BROWN
Detective Superintendent P.J.LAMB
Detective Chief Inspector A.M.WHIDDETT

TIME COMMENCED: 8.20AM

- Q. 1 Superintendent LAMB, further to our record of interview yesterday, 8 March 1984, this morning Chief Inspector WHIDDETT and I will be producing to you for reading and reviewing a number of documents, namely: four (4) tape cassettes TDK D90 - the first marked "COPY RWAN - FARQUHAR, CHRISTIE, McHUGH"; the second marked "COPY 2 SIDE B M-McHUGH, M-PRAKASH, M-MILES"; the third marked "COPY 1 SIDE A"; and the fourth marked "COPY*"; and six (6) sets of photostat pages - the first marked "MORGAN JOHN RYAN" and "SUMMARY OF INFORMATION SUPPLIED BY INFORMANT IN RELATION TO SYDNEY SOLICITOR MORGAN RYAN", consisting of 44 pages; the second purporting to be a transcript of telephone conversations headed "MAD DOG", consisting of 106 pages; the third purporting to be a transcript of telephone conversations headed "RABID", consisting of 97 pages; the fourth headed "A DAZZLER", consisting of 146 pages; the fifth purporting to be a transcript of telephone conversations headed within the pages as "LUCERNE", consisting of 67 pages; and the sixth purporting to be a transcript of telephone conversations headed with the pages as "SOUTHERN COMFORT", consisting of 64 pages. After you have listened to the tapes and read the copy transcripts and summaries, I will be inviting you to comment on the contents of the material. Do you understand. (DOCUMENTS PRODUCED).
- A. Yes.
- Q. 2 Mr LAMB, again I want to have you understand that the caution I gave you yesterday still applies; that is, you are not obliged to answer my questions unless you wish or, in this case, make any comment regarding the tapes and transcripts, because anything you do say will be recorded and may be given in evidence. Do you clearly understand.
- A. I do.
- Q. 3 Do you agree that prior to the commencement of this interview I told you that I intended to ask you further questions about this matter in the form of a record of interview.
- A. Yes.
- Q. 4 Do you agree that I also told you that the questions I ask you together with any answers you may give would be recorded in type as the interview took place.
- A. Yes.
- Q. 5 Do you agree that I also told you that at the conclusion of the interview you would be given the opportunity of reading through the record and signing it.
- A. Yes.
- Q. 6 I now intend to suspend the interview until you have read the documents and have listened to the tapes. Are you agreeable to this procedure.



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PAGE TWO (2)..

A. 6 Yes.

INTERVIEW SUSPENDED: 8.37AM

INTERVIEW SUSPENDED TO PERMIT SUPERINTENDENT LAMB TO REVIEW THE MATERIAL REFERRED TO IN QUESTION 1 (ONE) OF THIS RECORD OF INTERVIEW.

INTERVIEW RESUMED: 12.30PM

Q. 7 Superintendent LAMB, have you listened to all of the tapes provided and read all of the transcripts and summaries referred to in question 1 and which were provided this morning.

A. Yes.

Q. 8 Do you wish to comment on these documents.

A. I have listened to the tapes and I perused very quickly the documents.

Q. 9 What can you tell me about the contents of the tapes, ~~and~~ transcripts and summaries.

A. The tapes are not of good quality and I am not familiar with voices on the tapes, although some people have been identified by name, and I recognise other names as they are mentioned. In tapes 4 one, two, three and four there are conversations about occurrences which I have no personal knowledge. As to the transcripts, in the MORGAN RYAN SUMMARY of 44 pages at pages 30 and 32, my name is mentioned, although not in any derogatory fashion. If in fact the conversations are authentic, it would appear that the participants in the conversation were attempting to find out about me, and if in fact we were conducting an inquiry into Korean immigration matters. In fact I was not involved in that inquiry; it was being handled by other officers in the AFP.

Q. 10 Did you see anything in the transcript and summaries today, or hear anything in the tapes today, which were brought to your attention by [REDACTED] on any previous occasion.

A. In dealing with the transcripts first, I am not really sure. There may be things there which he told me. However, it would require more than I can recall. The material is too disjointed to help me after such a long time. As to the tapes I have no knowledge of their preparation or content, and I am unable to remember any matters which [REDACTED] raised. Nor can I say what were on the tapes he supplied. The transcripts on FREEMAN, DIAS and TRIMBOLE are unknown to me and I was previously unaware of the contents. I might also point out that I have never seen any of the transcripts in this form before.

Q. 11 Now that you have seen the subject transcripts, summaries and tapes, can you express an opinion as to where and how Mr Bob BOTTOM obtained them.

A. BOTTOM is an investigative journalist, in the organised crime area. I could not offer a suggestion as to where he obtained this information.

Q. 12 Is there anything else you would like to say about the tapes, transcripts and summaries.

A. No.

Q. 13 In regards to our interrogatories of yesterday, there are a few questions I would like to put to you, but first I again want you to understand that you do not have to answer my questions unless you wish. Do you understand.

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PAGE THREE (3)..

A. 13 I do.

Q. 14 Do you know whether the Australian Federal Police was ever approached by a member or members of the New South Wales Police to take over a telephone intercepting facility being used on Morgan John RYAN's telephone.

A. Not that I am aware of.

Q. 15 In your answer to question 111 in yesterday's record of interview, you said that officers of B DIVISION had made notes concerning portions of the tapes obtained from [REDACTED]. What was the purpose of those notes and where are the notes now.

A. The notes were for preparing the Intelligence Reports or Information Reports which we have already spoken of.

Q. 16 Do you know whether Mr FARMER, Mr ANDERSON or SIR COLIN WOODS listened to the tapes you obtained from [REDACTED].

A. They never listened to the tapes I obtained from [REDACTED], however, they were briefed from time to time from the Information Reports.

Q. 17 Who would have listened to most of the tapes obtained from [REDACTED].

A. I believe the officers whose names are on the Information Reports, HARRISON and HARTEN. I doubt very much though that they would have listened to them word for word.

Q. 18 Was Sergeant Bill TAYLOR a member of B DIVISION or in the AFP generally when [REDACTED] began to work as your informant.

A. I don't know whether he was there when [REDACTED] began to supply information. He was in B DIVISION until he resigned.

Q. 19 Did Sergeant TAYLOR pay [REDACTED] any money for any information or material.

A. Not that I am aware of.

Q. 20. Who actually paid [REDACTED] the money that you have referred to in yesterday's record of interview.

A. As far as I can recall I did, but Tim ROBINSON may have too.

Q. 21 How was the money to pay [REDACTED] actually obtained.

A. I don't know whether the money came from Mr FARMER's account or from the B DIVISION, Sydney Advance Account. There would be a record in either I am sure. It would be under [REDACTED] of [REDACTED] or TRIDENT or something.

Q. 22 Would the payment have been in cash.

A. Yes.

Q. 23 When you paid the money to [REDACTED], were there any witnesses.

A. No.

Q. 24 Did [REDACTED] sign for the money or did you obtain a receipt for the money.

A. I am not really sure, but I believe there would be a receipt.

[REDACTED]

9/3/84

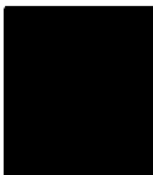
- Q. 25. What was your normal procedure when you paid monies to Informers.
- A. The normal procedure in a large reward payment would have been to have a receipt and that, together with the Informant's identity, would have been forwarded through to Canberra with an appropriate report, and these funds would have originated in Canberra. In this particular case I am not sure whether it was done in that fashion. In the case of small amounts, like [REDACTED] got, it may have been paid out from the B DIVISION Advance Account, Sydney.
- Q. 26. What sort of records were kept in B DIVISION, Sydney when monies were utilised from the Advance Account.
- A. A standard cash payment book, officially marked.
- Q. 27. Where would that book be now.
- A. The forms would go to Canberra and the book would remain in Sydney.
- Q. 28. Do you know what [REDACTED] did with the money which you gave to him.
- A. I don't know.
- Q. 29. Did Senior Constable Tim ROBINSON know [REDACTED] identity.
- A. Yes, I believe he did.
- Q. 30. What sort of involvement did Sergeant CARTER have in your relationship with [REDACTED] and the obtaining of the tapes.
- A. CARTER knew that [REDACTED] was my informant, in fact he was with me on one occasion when [REDACTED] asked me to meet him at a hotel, I think in the Crows Nest area, where he gave me some information. As my second in charge CARTER had control of the informants register and he knew of [REDACTED].
- Q. 31. Superintendent LAMB, is there anything else you would like to tell me, either relating to matters we have discussed yesterday or today.
- A. All the information I gleaned from Informant [REDACTED] was recorded and he was a recorded Informant, and it was known to other senior officers that he was such. And, when the information he was supplying caused me some concern, I sought the direction of senior officers. I have worked in the organised crime area for many years and it is absolutely necessary, to function efficiently, that we take information and intelligence from whom and wherever. Provided, of course, that it was within the law.
- Q. 32. Mr LAMB, are you now prepared to read this record of interview.
- A. Yes.

INTERVIEW SUSPENDED: 1.46PM

INTERVIEW CONSISTING OF FOUR (4) PAGES HANDED TO SUPERINTENDENT LAMB FOR READING

INTERVIEW RESUMED: 2.01PM

- Q. 33. Have you read this record of our interview.
- A. Yes.



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PAGE FIVE (5)..

Q. 34 Do you agree that it is a true record of our conversation.

A. Yes.

Q. 35 Were the answers recorded in this record of interview recorded of your own free will.

A. Yes.

Q. 36 Was any threat, promise or inducement held out to you to take part in this record of interview.

A. No.

Q. 37 Will you now please sign each page of this record of interview.

A. Yes.

Q. 38 Will you also initial any typing errors that appear in this record of interview.

A. Yes.

INTERVIEW CONCLUDED: 3.08PM

WITNESSES:

Arthur BROWN

Detective Superintendent

A.M. WHIDDETT

Detective Chief Inspector

Received from Superintendent BROWN a copy of this five (5) page record of interview.

IN CAMERA

SENATE SELECT COMMITTEE
ON THE
CONDUCT OF A JUDGE

Transcript of Evidence

(Taken at Canberra)

THURSDAY, 7 JUNE 1984

Present

Senator Tate (Chairman)
Senator Bolkus Senator Durack
Senator Chipp Senator Lewis
Senator Crowley

IN CAMERA

7 June 1984

Detective Superintendent Peter John LAMB, Australian Federal Police, Canberra, Australian Capital Territory, was sworn and examined.

CHAIRMAN - In your career were you at any time connected with B Division in Sydney?

Det. Supt Lamb - Yes, I was.

CHAIRMAN - Could you describe, very briefly, the nature of your operation there?

Det. Supt Lamb - B Division was a result of the Williams Royal Commission. A lot of the things left virtually unresolved by that Commission were referred to the then Commissioner of the Commonwealth Police, Mr Jack Davis. About the time that they were referred to him he decided that it should be left to the incoming Commissioner of the AFP, Sir Colin Woods. He decided, after consultation with various people, to take on a recommendation to form a task force to look at a number of people and/or groups that came out of the Williams Royal Commission. The concept that was adopted at the time that I was given the responsibility with Superintendent Anderson of implementing it was a targeting concept, together with a task force-type approach to it. Whilst I directed the group in Sydney, Mr Anderson and I were both responsible for getting the concept off the ground nationally and at the same time supervising operations in Brisbane and in Melbourne.

CHAIRMAN - During the course of the work of B Division did you receive any audio tapes or transcripts of which you felt it appropriate to make certain other officers of the AFP aware?

Det. Supt Lamb - Yes, I did.

CHAIRMAN - Are Mr Lewington and/or Mr Jones amongst those officers?

Det. Supt Lamb - They were.

CHAIRMAN - Can you indicate to the Committee the circumstances in which and the method by which you acquainted them with any such materials?

7 June 1984

Det. Supt Lamb - I had been directed to hand over to them anything that we had relative to particular inquiries that they were conducting, and arrangements were made for them to peruse papers and to listen to some tape recordings in Sydney.

CHAIRMAN - How did you determine, out of the mass of material which I suppose you received, what ought to be made available to Lewington and Jones?

Det. Supt Lamb - I did not personally make that decision. Officers who were on the ground doing the investigations did. But anything that was relative to immigration matters relating to Koreans and/or Mr Morgan Ryan, I feel, would have gone to Lewington and Jones.

CHAIRMAN - Did you make yourself aware of the contents of these tapes?

Det. Supt Lamb - No.

CHAIRMAN - You never heard them yourself?

Det. Supt Lamb - No.

CHAIRMAN - Either in the presence of Lewington and Jones or privately?

Det. Supt Lamb - No.

CHAIRMAN - Or in the presence of other officers?

Det. Supt Lamb - I may have walked past the room when they were being played but I did not sit down and listen to them.

CHAIRMAN - You have had no opportunity since to acquaint yourself with them?

Det. Supt Lamb - I was given the opportunity to listen to some tapes that were, I believe, provided to the 'Age' newspaper during the course of the interview in March of this year.

CHAIRMAN - Obviously I cannot ask whether they were the same tapes that you had heard.

Det. Supt Lamb - No, I do not know; I had not heard those tapes before.

IN CAMERA
SENATE SELECT CTEE ON THE CONDUCT OF A JUDGE

7 June 1984

CHAIRMAN - While we are on the 'Age' materials, had you read the transcripts that were also provided to you or come across those before?

Det. Supt Lamb - I had never seen them before.

7 June 1984

CHAIRMAN - Sergeant Lewington, I think, has indicated in the records of interview that he understood that it had been indicated to him by you that certain people were, indeed, those who were speaking on the tapes. Do you recall any such indication by you?

Det. Supt Lamb - No, I do not.

CHAIRMAN - So there was no prior identification by you to Sergeant Lewington of the persons whose voices he may hear on those tapes?

Det. Supt Lamb - No, I had no idea, other than the fact that they related to Morgan Ryan, that it was Morgan Ryan or anyone on the tapes.

CHAIRMAN - So in that respect you think Sergeant Lewington has a defective memory of the way in which he came to understand the persons who may have been on those recordings?

Det. Supt Lamb - I certainly did not tell him.

Senator LEWIS - You did not tell him, but was there someone else there who could have told him who----

Det. Supt Lamb - Possibly, yes - the other officers who were actually listening to the tapes, but I doubt whether they would have been in a position to identify individuals on the tapes unless they had had some prior association with those people.

Senator LEWIS - But would they not have been listening to the tapes in a regular pattern? The person who was involved with the recording of Morgan Ryan's conversations, for example, must have got to know who Morgan Ryan was and who he was talking to because the summaries clearly indicate that someone thinks, that this is MR to LK, for example, or----

Det. Supt Lamb - I am 101 per cent sure that the people that compiled those documents that you are referring to were not my people. The transcripts you mean?

Senator LEWIS - Yes, I do mean the transcripts.

Det. Supt Lamb - They were certainly not done by AFP.

7 June 1984

Senator LEWIS - I do not think we ever thought that they were done by AFP. I would have thought it is pretty clear, and I do not even ask you to comment on it, but I would have thought it is pretty clear that it was being done by New South Wales policemen but I do not ask you to comment on it because we do not want to get any policemen into any trouble if we can avoid that. The reel to reel question: The tape that we had is a cassette tape whereas - would you be aware? - these originals were probably reel to reel. Would you be aware of that?

Det. Supt Lamb - I believe that there may have been a reel to reel. How many reel to reels or how many cassettes I am afraid I cannot say. On reflection I would have thought that there would have been about four tapes. Whether they were complete tapes or whether they were edited I do not know.

Senator LEWIS - That Mr Lewington would have been listening to?

Det. Supt Lamb - Yes.

Senator LEWIS - Do you mean four cassette tapes?

Det. Supt Lamb - I do not know whether they were three cassette and one reel to reel or two reel to reel and two cassettes. I do not know.

Senator LEWIS - I see. Let me go another step. Would you have seen Mr Lewington immediately after he had heard those tapes?

Det. Supt Lamb - Not necessarily. I do not think I was there on each and every occasion that he listened to them. I think perhaps I was there on one occasion.

Senator LEWIS - He did not ever say to you anything like: 'That Ryan has been talking to Lionel Murphy'? Did he ever say that? I appreciate that it would be hearsay.

Det. Supt Lamb - No, I do not recall anything like that. As I said, I can only recall being there when he was there once. I was up and down to Canberra, I was out of the country, I was in

IN CAMERA
SENATE SELECT CTEE ON THE CONDUCT OF A JUDGE

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Melbourne. I am sure he listened to them perhaps four or five times - or he was in our office four or five times for that purpose and I just cannot recall how many times I was there. It would not have been necessary for him to come back to me.

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IN CAMERA

7 June 1984

CHAIRMAN - In the record of interview conducted between Superintendent Brown and myself on Tuesday, 8 March, question 29 is on page 5. Question 29:

In the context of this conversation that Lewington has referred to, allegedly between Ryan and Justice Murphy, there was reference to Ryan querying if Lewington and Jones were 'able to be got at'. Can you recall any reference to that allegation?

Your answer was:

'I can recall comments similar to that being made by Lewington to me. Whether it was a result of him listening to the tapes or if it was something I had told him previously I don't know'.

When you say you can recall comments similar, and this follows Senator Lewis's question, do you mean comments similar to 'an attempt was to be made to get at them'?

Det. Supt Lamb - To get at Lewington and Jones.

CHAIRMAN - Was there any reference by Lewington to Ryan and Murphy being the persons involved in determining whether they could be got at?

Det. Supt Lamb - No, I do not specifically recall that it was either Morgan Ryan or Mr Justice Murphy.

CHAIRMAN - Sergeant Lewington has told us that at a later stage he was actually approached by certain police officers of the New South Wales Police Force. At that time did he indicate to you that a conversation he had previously heard, which indicated that there was to be perhaps some attempt to get at him and Sergeant Jones, had involved, on his recollection, Ryan and Murphy?

Det. Supt Lamb - As far as I am aware, the matter of the attempted bribery came to my notice whilst I was in America and it did not come to me directly from Lewington and Jones, as far as I can recall. I can recall hearing about it but I am reasonably sure it was not direct from Lewington or Jones.

7 June 1984

Senator LEWIS - Who was Mr Lewington responsible to for this immigration racket inquiry that he was involved in? I take it that it was not to you.

Det. Supt Lamb - No, it was not to me. It was, I believe, to Superintendent Brown.

Senator LEWIS - What about Sir Colin Woods? Would he have been made aware of these sorts of things? I would have thought that with Mr Lewington's concern that a judge of the High Court of Australia was involved in this matter something would have come out of it.

Det. Supt Lamb - I cannot speak for him and so I cannot offer any explanation as to what he may have done or what he did not do. Perhaps he did - I do not know.

Senator LEWIS - Are you aware, though, whether Sir Colin Woods was involved in any deeper investigation into these matters at all?

Det. Supt Lamb - Into the Morgan Ryan matter?

Senator LEWIS - Into the Morgan Ryan matter and the extension of the Morgan Ryan matter.

Det. Supt Lamb - He was certainly involved in matters or targets that we were actively investigating. The Morgan Ryan matter I do not know, because that would have had to have come from Lewington, Jones and/or their superiors.

Senator LEWIS - What you are saying is that if you decided to target a particular person then Sir Colin Woods was informed that you were targeting a particular person.

Det. Supt Lamb - He was briefed regularly. That was, as I said, a new concept, a new approach, and he wanted to be directly involved.

Senator CROWLEY - I have a question, not directly on these things. It is an awful question in a way. Is it unusual for policemen to be aware that approaches or attempts might be made to lean on some of them with bribes or whatever?

7 June 1984

Det. Supt Lamb - Generally, you mean?

Senator CROWLEY - I did wonder about what kind of reaction the force might be expected to make to hearing that somebody might be being checked up as reliable or not. If that is a fairly usual event the police would just say: 'Okay, so what is new?' But it may be a very singular event. I wonder if you could give me some view on how often that happens?

Det. Supt Lamb - In the organised crime and narcotics area it is probably very frequent but, once again, whether it is fact or whether it is designed as a scare tactic or to mislead you, or whether it is just talk - it is a pretty common occurrence in narcotics and/or organised crime areas.

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Senator CROWLEY - So following from that, the police force, hearing that somebody might be trying to check up on a few more cops to see if they were bendable or not, would say: 'So what is new in organised crime?'

Det. Supt Lamb - Yes, but I am sure that on this occasion - and I am not aware of the complete facts relating to the attempt to bribe Lewington and Jones - if it was overt, and of the nature that it would appear to me to be, that would have been reported and would have been dealt with accordingly.

Senator CROWLEY - Because there was something singular about that?

Det. Supt Lamb - I am only reading between the lines here. I was out of the country and I do not really know what transpired except for the fact there are allegations that Lewington was approached by a member of another police force and was offered something to neglect to do his duty. If that was the case, and it was as obvious as that, I am sure that that would have been investigated.

CHAIRMAN - Can I just take you back, for absolute clarity. In the record of interview between Superintendent Brown and Detective Station Sergeant Lewington - you will recall, I think, that this was put to you by Superintendent Brown - Lewington says in answer to question 29 of Brown - and I do not know whether the witness could be given this, but perhaps you can take my word for it - that: 'At the time Inspector Lamb allowed you to hear the tapes, did he comment to you about any aspect of the tapes?' To which Lewington replied: 'Other than general comments, such as was the information of use to me, the only comment I can recall, apart from general conversation, was regarding the conversation between Ryan and the person I believed to be Justice Lionel Murphy. When Inspector Lamb stated words to the effect that the other party was Justice Murphy... This was said after I had already formed my own impression. How Inspector Lamb arrived at his conclusion, I have no knowledge'.

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Det. Supt Lamb - Was that in Lewington's record of interview?

CHAIRMAN - Yes.

Det. Supt Lamb - I am not familiar with that, of course.

CHAIRMAN - I thought that may have been put to you by Superintendent Brown.

Det. Supt. Lamb - No, not in that context, I do not think. That would be an awfully long question for someone in those terms.

CHAIRMAN - Nevertheless, I am reading from the record of interview and perhaps it could be put in front of the witness, although it is a photocopy which is rather difficult to read. That explains my question to you earlier as to whether----

Det. Supt Lamb - I do not see how I would have been able to say it was Justice Murphy, because I had no knowledge of what was on the tapes, plus I had never heard Justice Murphy speak. To my knowledge, at that time - well I do not think anyone would have known, except perhaps Lewington and Jones, who may have spoken to Morgan Ryan. But I certainly would not have been able to say that it was him or it was not him.

CHAIRMAN - No, and you certainly do not recall that conversation?

Det. Supt Lamb - No.

CHAIRMAN - Thank you very much.

Senator CHIPP - How did the AFP get the 'Age' tapes and the transcripts?

Senator DURACK - Before we start on that tack, I wonder if we might just complete this question about the relationship between Mr Lamb and Lewington?

Senator CHIPP - I was going to lead up to that - I am not going to be off it for long - but I am just interested generally.

Senator DURACK - All right.

Senator CHIPP - That is a crucial area where I propose doing my cross-examination. How did you get the tapes and the transcripts, and when?

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Det. Supt Lamb - The 'Age' tapes and the 'Age' transcripts?
Senator CHIPP - Yes, the ones that Lewington heard.

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Det. Supt Lamb - They are totally different, as far as I am aware. The 'Age' tapes I had never heard before and I had never seen those transcripts before.

Senator CHIPP - Where did the tapes that Lewington heard come from?

Det. Supt Lamb - They were given to me by a registered informant.

Senator CHIPP - Do you know where he got them from?

Det. Supt Lamb - No, I do not.

Senator CHIPP - When was that?

Det. Supt Lamb - It would have been early 1980 - late 1979, early 1980.

Senator CHIPP - How many tapes were given to you by him?

Det. Supt Lamb - As far as I can recall, I would have received approximately two, but there was another officer who did receive, I believe, two. I think at the maximum there would have been four. Whether they were complete tapes or whatever, I do not know.

Senator CHIPP - This was at a time when you were organising the special task force that you mentioned before?

Det. Supt Lamb - Yes.

Senator CHIPP - In conjunction with Brown?

Det. Supt Lamb - No. That was a totally separate investigation, a totally separate area of investigation.

Senator CHIPP - In the AFP at that time, can I have an idea of the structure of the relationship between you and Lewington? You are up there; how many officers were between you and Lewington and Jones?

Det. Supt Lamb - I was a chief inspector and he was a sergeant. I would imagine maybe 200 or 300. But this was a totally separate organisation, as it were, created for a specific purpose and under a chain of command that was outside the normal chain of command in the crime department.

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Senator CHIPP - If someone wanted a link between you and Lewington, he would go through whom?

Det. Supt Lamb - Back up the chain of command to the Assistant Commissioner.

Senator CHIPP - How many of those would there be?

Det. Supt Lamb - At that time in charge of the crime department there was only one.

Senator CHIPP - There is you as chief inspector and then there is Lewington down here as sergeant. Who would be immediately underneath you?

Det. Supt Lamb - Inspectors.

Senator CHIPP - And underneath them?

Det. Supt Lamb - Station sergeants, sergeants.

Senator CHIPP - So there are three different levels. The technical relationship between you and Lewington would not necessarily be close.

Det. Supt Lamb - Certainly not.

Senator CHIPP - He would be a fair way down. So there would be no reason why you would want to call in there every now and again and say: 'How are you going with those tapes?'.

Det. Supt Lamb - None whatsoever.

Senator CHIPP - That would be a job you would think should be left to someone down the line.

Det. Supt Lamb - Exactly.

Senator CHIPP - You have absolutely no recall of Mr Justice Murphy's name being mentioned in your hearing at all with relation to these tapes at any time?

Det. Supt Lamb - By Lewington, or by anyone?

Senator CHIPP - By anyone.

Det. Supt Lamb - Not that I can recall, no.

Senator CHIPP - When you say 'Not that I recall' I know that is the normal way in which experienced policemen answer questions. I do not want to embarrass you, but would you not

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remember if a judge of the High Court of Australia was mentioned to you as being possibly involved with a crooked Sydney solicitor involved in an immigration racket? Is it possible you could forget that?

Det. Supt Lamb - No, not really. But by the same token, as you are aware, in the organised crime area there is that much rumour and speculation and people coming to you with all sorts of weird and wonderful stories.

Senator CHIPP - Yes, I accept that, but I am virtually asking this question to try to help you. If Mr Justice Murphy's name had been mentioned to you by anybody as being involved with a solicitor who was under telephonic surveillance, it is highly unlikely you would have forgotten that.

Det. Supt Lamb - There was a reference to a similar question that Brown put to me in the record of interview about a document that was an information document. That information sheet contains reference to information that was given to me by the informant who mentioned Mr Justice Murphy, but when that was or how that came about or what the actual information was, I have no real recollection.

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Senator CHIPP - What rank was Brown?

Det. Supt Lamb - Brown, at the time, was the same rank as I was.

Senator CHIPP - I must have missed some of the earlier testimony. In what way did the information given to you by the registered informant involve Mr Justice Murphy or mention Mr Justice Murphy?

Det. Supt Lamb - The informer was in the habit of either ringing me - in the main he would ring me and supply me with information, very limited information, concerning Morgan Ryan. That information I would put onto an information sheet and then some months after came the tapes. In the main, that is how the transferred information came about.

Senator CHIPP - But how did you first hear or read the name 'Murphy'?

Det. Supt Lamb - From the informant verbally.

Senator CHIPP - He telephoned you?

Det. Supt Lamb - Well on that occasion, I cannot specifically say whether he telephoned me or he asked to see me, but nine times out of 10 it would have been over the telephone.

Senator CHIPP - Can you remember specifically what he said about Murphy?

Det. Supt Lamb - No, I am sorry, I can't? I have tried to and I can't. The question that Brown put to me in the thing was much the same as what you are doing now. I just have no recollection of it.

Senator CHIPP - Again, if a registered informant who is giving you information about a solicitor whom you at that time suspect as being engaged in an immigration racket mentions the name or a connection with a High Court judge, would that be a significant event in a policeman's daily life?

Det. Supt Lamb - Yes, it was and it was recorded.

Senator CHIPP - And the subject of the conversation recorded?

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Det. Supt Lamb - The information that he gave me was put into an information sheet.

Senator CHIPP - Is that available?

Det. Supt Lamb - I believe that Mr Temby may have had that, but whether Brown had it in front of him, I don't know, when he asked the question.

Senator CHIPP - Is it possible for you to go back to that and so refresh your mind as to be able to answer the question that I am putting to you, namely: What information did your registered informant give you about Mr Justice Lionel Murphy?

Det. Supt Lamb - Yes, if it is available, I am sure I can. Well, what is on the thing would have been the case, although I cannot recall the specific taking of the information nor recording it now, but if it exists in that term and that form----

Senator CHIPP - Could it have been something quite simple and innocent and your registered informant said: 'Well, Morgan Ryan sees some toffs; he had lunch the other day at such and such a restaurant with Mr Justice'----

Det. Supt Lamb - Exactly; it may well have been, exactly.

Senator CHIPP - But you would have still recorded that?

Det. Supt Lamb - Yes. It may well have been. I am sure if it had been anything more than that there would have been some reaction.

Senator CHIPP - From you?

Det. Supt Lamb - Yes.

Senator CHIPP - Once you put that information on the information sheet, to whom does that information sheet go?

Det. Supt Lamb - It stays where it is until such time as we have finished with the particular target we are working on and he is prosecuted or we have completed the investigation, or it may have been relayed to our Assistant Commissioner or to my then Superintendent, or to the Assistant Commissioner or the Commissioner at our regular briefings.

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Senator CHIPP - Would it have filtered down to Lewington or Jones?

Det. Supt Lamb - Well, they were going back up to the same Assistant Commissioner, so it may well have, but I cannot say whether it did or not. It could have.

Senator CHIPP - Did you get any summaries at all concerning Morgan Ryan from Lewington and Jones during or after the times they were listening to the tapes, either directly or through the people who report to you?

Det. Supt Lamb - I used to get - there were available to me little handwritten extracts from the tapes. The officers listening to them would take extracts of things they felt relative to our target and/or to Lewington and Jones.

Senator CHIPP - You can remember some significant matters reported to you about Ryan's statements and activities?

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Det. Supt Lamb - No, I cannot recall that because that was just another----

Senator CHIPP - You can recall receiving significant matters?

Det. Supt Lamb - Yes, what they were or----

Senator CHIPP - But you cannot recall the name of Murphy being mentioned from that channel at all?

Det. Supt Lamb - No.

Senator CHIPP - Could you say that it was never mentioned?

Det. Supt Lamb - No, I could not.

Senator CHIPP - How well do you know Lewington?

Det. Supt Lamb - Until that point I had not met him. I had never met the man prior to that association.

Senator CHIPP - And since?

Det. Supt Lamb - Yes, I have seen him since - only in the last couple of days since I returned from America.

Senator CHIPP - That is all?

Det. Supt Lamb - Yes, I have only just arrived back.

Senator CHIPP - Have you studied his service record?

Det. Supt Lamb - Lewington's?

Senator CHIPP - Yes.

Det. Supt Lamb - No, I have not. I have not had cause to.

Senator CHIPP - It would be inappropriate to ask you to make a judgment as to the trustworthiness or otherwise of him as an officer because you do not know him well enough.

Det. Supt Lamb - I could not really comment, no.

Senator DURACK - I just want to clear up something that arose out of your answers to Senator Chipp. I have it quite clear, of course, that your Division was not directly interested in the matter that Lewington was investigating, namely, the Korean investigation.

Det. Supt Lamb - No.

Senator DURACK - But do I understand from an answer that you gave that Ryan was a target in your area, that there was some interest in him for other reasons in your area?

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Det. Supt Lamb - No, he was not a target; he was an associate of the target titled Trident that is referred to in the records of interview. He was an associate of that individual. Part of our concept was that we were to get at the people by whatever means we could - legal means, of course - and one of the proven approaches is through associates. If you can build a profile of them there may be a weak link in the chain in relation to one of the associates.

Senator DURACK - When you received the tapes from your source in early 1980 - prior to that I gather you had received some verbal information and some documents from him - did you listen yourself to any of the tapes that he gave you?

Det. Supt Lamb - No. I never received any documents from him either. I used to get just a phone call with a piece of information, that Morgan Ryan is actually involved in this or he is doing that.

Senator DURACK - How did you come to the conclusion, though, that there was material on the tapes that could be of interest to Lewington?

Det. Supt Lamb - This informant said they related to Morgan Ryan.

Senator DURACK - He must have said more than that because Morgan Ryan was a subject of interest to him as well.

Det. Supt Lamb - The only information the informant was giving us was relative to Morgan Ryan's involvement with the Korean inquiry - primarily that.

Senator DURACK - He made that clear to you?

Det. Supt Lamb - No. All the information that was coming from the informant was in that specific area. When I read through the other transcripts - if, in fact, they are authentic - there was a hell of a lot more information. I am assuming, of course, that the source was getting the information from the same place as the individual who had those transcripts. If they are

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authentic and if, in fact, he was getting that information from the same source, then there was a lot more information available to my informant that he never told me.

Senator DURACK - That has cleared up why you referred it to Lewington. Did you refer it directly to Lewington or to his superior officer?

Det. Supt Lamb - No, it went up the chain. The actual information - the actual papers we had, things of that nature - went directly to Lewington, but the decision to do that came down the chain of command.

Senator DURACK - But the tapes went directly to him, as well as the other information?

Det. Supt Lamb - Yes.

Senator DURACK - And then you were aware, of course, that Lewington was in your office and was listening to these tapes from time to time?

Det. Supt Lamb - Yes.

Senator DURACK - Do you remember the name of the officers in your Division who supervised the material that was handed to Lewington?

Det. Supt Lamb - Yes. There were three primarily: Detective Sergeant Carter - he would have been the supervisor of the group - and then the two junior detectives would have been Detectives Harten and Harrison.

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Senator DURACK - You say you saw Lewington there listening to the tapes on one occasion at least, maybe others. Can you recall at all which of those three people were present?

Det. Supt Lamb - No, I am sorry, I cannot - I could not.

Senator DURACK - In some evidence we have received from Lewington in relation to what he had heard, he told us that he had heard this conversation and so on. Then it was at some subsequent stage that there was an approach made. There were two quite separate events, separated by some period of time - I forget the exact period. This is a question about the general police usage of materials such as you received in the shape of the tapes or the shape of the transcripts and so on that the informant gave you. What is the status of that material as far as an investigator is concerned? Is that sort of material regarded as evidence in itself or is it regarded more in the nature of intelligence?

Det. Supt Lamb - I think that would probably be dependent on what the actual thing was before you. If it was evidence then of course it would be treated as such. In this case, without getting into the policy areas of the AFP, I would have thought that it would be classified as intelligence. It was unauthenticated - the source, where it came from and how it was obtained - a variety of things that would have put it into that category, I would have thought.

CHAIRMAN - Just on that identification of the three other officers who may have been present during the hearing by Lewington----

Det. Supt Lamb - I doubt whether they were present whilst Lewington was listening to the tapes, but they would have been the ones that would have made them available to him.

CHAIRMAN - Can I simply ask whether either Craig, Harten or Harrison mentioned to you at any time that they had heard a tape of a conversation between Morgan Ryan and Justice Lionel Murphy?

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Det. Supt Lamb - No.

Senator DURACK - Did they ever listen to these tapes themselves?

Det. Supt Lamb - I am sure they listened to part of them. Whether they actually sat down and listened to them in total I do not know, because, as I said, it was primarily Lewington and Jones that were interested in the Korean immigration investigation.

CHAIRMAN - You did not direct them to listen to the tapes or to make themselves acquainted with the information?

Det. Supt Lamb - They were asked to simply set up the circumstances and to listen if they thought there was anything appropriate there for them to bring back to our target, but not to specifically sit down and make transcripts and/or----

Senator DURACK - On this point of what status this sort of material would have to a police officer investigating at this stage, Sergeant Lewington told us that when he heard the voices on the tape he did not regard that as evidence.

Det. Supt Lamb - I would be inclined to go along with that.

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Senator DURACK - It was a subsequent event altogether when approaches were made and so on, and that was investigated and so on?

Det. Supt Lamb - Yes.

Senator DURACK - So there is clearly a difference between the two situations, is there not?

Det. Supt Lamb - Yes, there is.

Senator DURACK - Do you know what happened to the tapes you received and which were made available to Lewington and Jones?

Det. Supt Lamb - I believe that they were erased and reused. We had a pretty tight budget and I am sure the tapes would have been utilised.

CHAIRMAN - So tapes you received from an informant----

Det. Supt Lamb - They would have been kept for some time. How long, I do not recall.

CHAIRMAN - Are you suggesting to this Committee that the AFP was so hard up for hardware----

Det. Supt Lamb - No, sir, I am not. But they would have been reused, I am sure.

CHAIRMAN - As a matter of practice?

Det. Supt Lamb - As a matter of practice, yes.

CHAIRMAN - Before any such erasure took place, they were kept in your custody, or in the custody of B Division, should I say?

Det. Supt Lamb - Yes, they were.

CHAIRMAN - Lewington and Jones having been provided an opportunity to hear them, before an erasure took place of conversations recorded on audio-tapes, was anyone in your division deputed to make a transcript of conversations?

Det. Supt Lamb - No.

CHAIRMAN - In other words, in the absence of any indication by Lewington and Jones that those tapes should be held, you would at some future time have a practice of erasing the tapes without anybody within B Division being deputed to listen to them to see whether there was anything of significance?

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Det. Supt Lamb - Yes, they would have, just in the normal course of events, been erased, and I believe that is what happened to them.

Senator CROWLEY - What is normal about it - if I might interrupt, Mr Chairman. Could you explain what a normal course of events is? Either you are getting tapes through a lot or you are recording other things a lot.

Det. Supt Lamb - Yes, we are. In our surveillance situation with undercover people, we require them to wear transmitters with the installation of legal listening devices. You go through enormous amounts of tapes.

Senator CROWLEY - Then what is the normal procedure of a tape? It comes into the place. Some would be legally got and some would be from informants, which saves us saying however else they might have been got. What happens? They are listened to. Somebody would make a transcript of them or a summary of what is on them and then they would be----

Det. Supt Lamb - It really depends on how they were obtained. If in fact it was a listening device planted legally to record conversations then that of course becomes evidence and it would be treated in a totally different way than if I had a transmitter on me at the moment and I was in a hotel talking to an informant. That would be regarded as just a general - another tape that would be reused.

Senator CROWLEY - So that would be almost like a memory jogger, for you to put it on paper?

Det. Supt Lamb - Yes, exactly, and also for the safety of the officer. If he is in a position where we are putting him into an environment where his life may be in danger then of course we want to know what is going on in that area.

Senator CROWLEY - So then it is quite often that a tape that is not legal, and therefore admissible evidence, down the line, would just be listened to, written off and then erased?

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Det. Supt Lamb - Yes. I think that is probably the case.

Senator CROWLEY - That has taken our breath away.

Senator BOLKUS - You mentioned Senior Constable Harrison as someone who was in the chain of operation. Did you ever discuss with - was it her?

Det. Supt Lamb - What was that again?

Senator BOLKUS - Did you ever discuss with him or her any aspect of what may have been on the tapes?

Det. Supt Lamb - No. They would provide me with a----

CHAIRMAN - We do not know whether it is a male or a female; that is all.

Det. Supt Lamb - It is a female. Whether or not there was anything of relevance to our particular target - we were working someone different than Morgan Ryan. If in fact----

Senator CHIPP - I am sorry, you were what?

Det. Supt Lamb - We were working on someone other than Morgan Ryan. If there was something came out of whatever we had, whether it was the tapes or anything else, then they would record it because it would be needed for the investigation of that individual. But anything other than that - well, it may never get to me anyway through the chain of command.

Senator BOLKUS - So you probably did not discuss, or did you discuss, the Korean matter with Harrison?

Det. Supt Lamb - I could not really say. The number of people and the number of matters that were being processed at that stage - I could not really say.

Senator BOLKUS - Can you be any more definite as to whether you discussed Murphy at all with Harrison?

Det. Supt Lamb - Once again, I could not really say.

Senator LEWIS - I would just like to follow on what Senator Bolkus asked; that if Miss Harrison says that she does recall having a discussion with you about portions of tapes relevant to Lewington and Jones and the Korean inquiry - even though you say you cannot recall it - that would be not unreasonable for----

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Det. Supt Lamb - No, sir.

CHAIRMAN - Are there any further questions?

Senator DURACK - I want to go back to what has been called the provenance of the tapes. I am conscious of the delicate nature of the examination into this field but I am sure you have had assurances from the Committee as to the nature of the privileges attached to evidence here, and so on. Nevertheless, if you feel that any questions step into areas which may be of difficulty for you, you should let us know so that we can make that judgment.

Det. Supt Lamb - Sure.

Senator DURACK - I want to get it absolutely clear. Was this informant who gave you this material known to you from previous contact or was he----

Det. Supt Lamb - No, he had never supplied me with information prior to this. I had met him some time before.

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Senator DURACK - The information that he gave you, as I understand what you said, all related in fact not to your direct inquiries but to the inquiries that Lewington and Jones and others-----

Det. Supt Lamb - Yes, to Morgan Ryan.

Senator DURACK - To Morgan Ryan in the Korean - in that area.

Det. Supt Lamb - Yes.

Senator DURACK - Were they all in relation to that particular inquiry, in the Korean, or was it a sort of more general inquiry into Morgan Ryan?

Det. Supt Lamb - No, I would say the Korean inquiry. Whether or not there was some little thing----

Senator DURACK - But substantially----

Det. Supt Lamb - Yes.

Senator CHIPP - Did the witness answer to Senator Durack then that this was the only time he had dealt with this particular informant?

Det. Supt Lamb - The informant I had known prior to this but this was the only information that he had ever given me.

Senator CHIPP - I expect the term 'registered informant' means that he is registered with you?

Det. Supt Lamb - No, he is registered in the B Division.

Senator CHIPP - That is what I meant.

Det. Supt Lamb - Yes.

Senator CHIPP - With the AFP?

Det. Supt Lamb - Yes.

Senator DURACK - Did you regard him as a reliable source?

Det. Supt Lamb - I was not in a position to authenticate the things he was saying because at my rank I cannot rush out and check every lead and everything he says. Lewington and Jones would have been able to answer that better, I think, whether the things that were transferred over to them - whether it was reliable. I regarded him as a-----

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Senator DURACK - Do you mean whether the information that they gave them was useful to them in their inquiries?

Det. Supt Lamb - Yes.

Senator DURACK - I suppose it is the proof of the pudding there, is it not? They did----

Det. Supt Lamb - Whether or not they used any of that in the prosecution, I do not know, or whether that led to anything, I do not know.

Senator DURACK - What we are really interested in is the authenticity of the sort of material that he was giving you. I just wondered whether you yourself had made any examination of that, or could give us any assistance as to who might be able to give us any help on that point?

Det. Supt Lamb - I think Lewington and Jones are about the only people that would be able to look at both sides and make a judgment.

Senator CHIPP - Would they know his identity?

Det. Supt Lamb - Now, or at the time?

Senator CHIPP - Then.

Det. Supt Lamb - I do not know. I suspect not.

Senator DURACK - Do you have any difficulty in giving us, in telling us, his identity? If not on transcript, at least----

Det. Supt Lamb - There is a reporter that is, I think, running around at the moment that seems to know quite a bit about what is happening with these inquiries, but the name of the individual is in the record of interview that the Mr () has there; I think I will leave it at that, if that is----

Senator DURACK - All right.

Senator CHIPP - Can I ask, and I do not push this if you do not want to answer it, does he or she belong to the New South Wales Police Force?

Det. Supt Lamb - Now?

Senator CHIPP - Then.

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Det. Supt Lamb - Yes.

Senator CHIPP - Now?

Det. Supt Lamb - No.

Senator CROWLEY - Could I just follow one thing in this----

Senator CHIPP - I wanted to carry on with that - if it is on that----

Senator CROWLEY - I wanted one small question to clear it up. You said that the information was of interest to you because it referred to the Korean inquiry, not to Morgan Ryan?

() - The two things are tied up.

Senator CROWLEY - Indeed. I appreciate that but I want to know whether the capital letters said Morgan Ryan or Korean inquiry?

Det. Supt Lamb - I think, really, in the terms of what we are discussing here they are really one; the Korean inquiry - Morgan Ryan is really the same thing.

Senator CROWLEY - Thank you.

Senator CHIPP - Mr Chairman, I am on very delicate ground here and I do not want to transgress so I am in your hands on whether you allow the question or not. I ask: Was this registered informant who was then a member of the New South Wales Police part of those stationed at Five Dock?

Det. Supt Lamb - Five Dock? I do not think so, but once again I could not say.

Senator CHIPP - We are reasonably certain that the 'Age' tapes, so-called, were recorded by New South Wales Police operating out of Five Dock police station.

Det. Supt Lamb - I do not know whether that was ----

Senator CHIPP - It would just interest me if we could establish whether your informant came from the same stable.

Det. Supt Lamb - I do not think so, but once again I could not be 100 per cent sure.

Senator CHIPP - Was he or she actually doing phone taps of Morgan Ryan?

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Det. Supt Lamb - Once again I cannot say that, whether - I do not have that knowledge.

Senator CHIPP - But you got tapes from him or her?

Det. Supt Lamb - Yes.

Senator CHIPP - Were they tapes of phone calls?

Det. Supt Lamb - I do not know; I did not listen to them.

Senator CHIPP - You, as a Chief Inspector, receive a tape, or series of tapes, two to four you say, from a registered informant whom you understand then to be a member of the New South Wales Police Force and you do not know what they contain. I can understand you not wanting to waste your time putting on a tape recorder and listening to them, but when you passed them on to an appropriate and responsible officer of the AFP would it not be normal for you to get a report back as to what they contained, they contained - even to the extent of whether they were taps of phone conversations or some other kind of surveillance?

Det. Supt Lamb - When the informant supplied them he made the point that they related to Morgan Ryan.

Senator CHIPP - Yes, I know that.

Det. Supt Lamb - And as he had been supplying information previously that related to the Korean inquiry with Morgan Ryan then it was obvious that I would have to make them available to the officers that were pursuing that.

Senator CHIPP - Yes, but presumably you receive, at some place, from this informant, a parcel which contains two to four tapes----

Det. Supt Lamb - On different occasions - it may have been one the first time - yes.

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Senator CHIPP - Would not your professional curiosity demand that you ascertain what those tapes were about?

Det. Supt Lamb - At the time, as I pointed out earlier, we had anything up to nine or 10 operations running nationally. If I was to do that, I think, with each and every inquiry, I would personally get that bogged down. That is what I have sergeants and the other people to do.

Senator CHIPP - Is it normal for a registered informant to deal with a chief inspector?

Det. Supt Lamb - Yes, dependent upon where the informants - how they were cultivated and who they are, where they come from.

Senator CHIPP - I am not saying this in a spirit of criticism, just of interest. Surely a New South Wales policeman who is a registered informant with the AFP is really putting his life in his hands in giving information. Would you not, as a very responsible and senior officer, believe it was your duty at least to ascertain what he was giving you? Am I given to understand that you got a parcel, knowing it to be a tape recording of something, and passed it on to a junior officer of yours and that was the last you heard of it?

Det. Supt Lamb - Yes. The informant was protected by way of who, in fact, knew that he was an informant and that, in fact, he was supplying information, so in terms of his own protection there would have been one, two, perhaps four people at the most, who knew that in fact he was the source of the information. But the actual information, as he explained, was relative to the Morgan Ryan inquiry.

Senator CHIPP - The information that he gave to the Australian Federal Police, through you, was received by you, given to one of your junior officers, subsequently heard by people at probably sergeant level, never transcribed onto paper and then erased.

Det. Supt Lamb - Yes.

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Senator CHIPP - And that is normal practice?

Det. Supt Lamb - From an informant, yes, unless it is dealing with something that I was directly involved in, that I had, that was part of a target that we were working on, that would have been Lewington and Jones. That was in their ball court.

Senator CHIPP - If anything was of significance, one would expect even people at the level of Lewington and Jones to say: 'Well, now, that tape from this informant is crucial, therefore we will have it transcribed or put down on paper'. Would that be normal practice?

Det. Supt Lamb - Yes. Whether it is normal practice, they would have been within their scope to do that, yes.

Senator CHIPP - If responsible officers like Lewington and Jones - let me put a hypothetical situation to you - hear a tape recording on which Morgan Ryan's voice is clearly identifiable and he is asking another person 'Are Lewington and Jones got-at-able or approachable?' would that be recorded?

Det. Supt Lamb - That would be up to the officers concerned, I would have thought.

Senator CHIPP - But do you think that would be a significant enough matter for it to be recorded?

Det. Supt Lamb - I cannot speak for them.

Senator CHIPP - No, I am asking for your opinion; if you were them?

Det. Supt Lamb - Yes.

Senator CHIPP - And if you believed, rightly or wrongly, that the other voice was that of a High Court judge who was being asked to see if Lewington and Jones were approachable, that would certainly be worthy of recording.

Det. Supt Lamb - Yes, I would have thought that perhaps they would have went up their chain of command and perhaps they did. I do not know whether they did or whether they did not. But I would have thought that would be reasonable.

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Senator CHIPP - At that stage you were not here, were you?

Det. Supt Lamb - No, I was well out of it.

Senator CHIPP - Who would have been the least person they would have reported that to at the time, their immediate superior?

Det. Supt Lamb - I do not recall who was between them and Superintendent Brown or the Assistant Commissioner, so I would think it would go up the chain of command to perhaps Mr Brown and----

Senator CHIPP - If such an event happened, if one or two of your policemen at detective sergeant level heard such a conversation between a lawyer who was under suspicion and a High Court judge, you would expect that to go to at least Mr Brown's level?

Det. Supt Lamb - If it were me, yes, I would have done that.

Senator CROWLEY - I would like to follow up one thing. As we understand it, Sergeant Lewington heard these tapes - my memory fails me a little on what he said or how often - but we do understand he heard them in the company of Sergeant Jones?

Det. Supt Lamb - Once again, I cannot say because I was not really there when they listened to the tapes but they were working as a team, so it is not unlikely that they were both there at the same time, but I cannot say that they were.

Senator LEWIS - Mine is just a sort of general inquiry. You are aware of what this Committee is on about. It is a very onerous task because we are looking at a very important person and his future and his career. I just wondered if there was anything else that you perhaps could say to assist us in our searches and our endeavours but to which we have not referred, or which no one has bothered to say to you. There might be some information that you have that no one has mentioned in connection with this inquiry into the conduct of a judge. Are you aware,

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for example, of any indication that the Judge has ever been involved in heavying anyone such as a magistrate, or anything of that nature?

Det. Supt Lamb - No, I am not. I have been involved in the investigation of organised crime for probably 10 to 15 years and, once again, the rumours, the things on the street that one gets. You know, informants are always very willing to try and implicate people who are, you know, either in high places or whereby they can get their name in lights. Journalists are prone to looking for links that at times that are not there, but specifics, no, I am not aware of anything that it relates to.

Senator LEWIS - You just slipped from rumours to specifics.

Senator BOLKUS - He said they were not specifics.

Senator LEWIS - They were not specifics. All right, I will not ask you about rumours.

CHAIRMAN - Does that satisfy the Committee's questioning of Mr Lamb. Mr Lamb, may I say we very much appreciate your forthright manner and presentation and your answering of questions which, in many instances, were of a delicate nature. Thank you very much for your attendance this morning.

Committee adjourned

CAMB

CONVERSATION BETWEEN ANDREW PHELAN, PETER MYERS AND CHIEF
SUPERINTENDENT PETER LAMB OF THE AUSTRALIAN FEDERAL POLICE
HELD AT UNIT 5 BARTON ON MONDAY 21 JULY, 1986

Side A

Unconnected

P: Alright so just to start this thing off um could you outline briefly your police career and your present position, leading up to your present position.

L: Ah, I joined the Police Service in November 1961 and performed uniform duties in the ACT and promoted to Detective in Compol Victoria 1965. '65 to late '66 in Melbourne in general investigative type work. '66 to '67 with the Australian Police Contingent in Cyprus. '67 to '68 back in Melbourne again as a Senior Constable in broad work. '68 to Sydney as a Sergeant in major crime. '68 to '72 in the same area. '72 to '74 seconded to the Royal Papua New Guinea Constabulary as an Advisor prior to Self Government independence. '72 to roughly '77 maybe '78 Investigative Duties at the rank of Inspector at Sydney. '77 through to '79 sometime with Mr Justice Williams on the Royal Commission of Inquiry into drugs. '79 to or a portion of '79 with the Joint Narcotics Task Force of the Deputy Commander. After that with the Organised Crime Division as it was known then as the Australian Federal Police which was called B Division to '82 as the Senior Affiliation Officer in North America to '84. '84 to mid '86 as the Officer in Charge of Bureau of Criminal Intelligence of the AFP. '86 to the present situation as the Chief Superintendent Commander of the AFP Intelligence Division.

P: I should of asked you earlier, what's your full name?

L: Peter John Lamb.

P: Peter John Lamb. Alright. Perhaps if we can take a fair jump up to about at the end of the Williams Commission and

your beginning to ah your work with B Division. Could you outline what you did in B Division - where you were located and ah give some indication of how many staff you had, what sort of functions they performed.

L: B Division was a concept during the Stewart Royal Commission. I visited a number - I'm sorry the Williams Royal Commission. I visited a number of overseas countries looking at how organised crime is investigated and ah as a result of that submission was made to the Williams Royal Commission that created the Joint Narcotics Task Force and also a recommendation went forward to the Federal Government that the Compol or the forthcoming OP should have its own inbuilt ability to target certain groups, criminal groups ah I was given the job together with Chief Inspector Dick Anderson at the time to create a group of police officers who would target at that period of time. People who would come out of the Williams Royal Commission who were allegedly involved in all crimes prior and or narcotics trafficking. We, Sir Collin Woods was the Commissioner at the time and he himself had had a fair amount of experience in the same sort of area. Ah and we created what was called B Division with its charter being to target specific criminal groups using a task force concept and that basically means is you take police on a variety of disciplines and put them under the one command away from the day to day working situations with normal law enforcement so that the priorities can be maintained and so that the pressure can be applied to the target. Ideally a staff by 21 people made up of surveillance, Intelligence Analysts and all the normal investigators, Financial Analysts and it is usually outposted away from the normal police environment for two reasons: Number One; so that you don't become involved in the normal day to day priorities of the Force but also for the sake of security and um so we started that off somewhere around about 1980 I believe, 1979, 1980, late '79, it maybe in here somewhere.

We were in a building down in the heart of the city ah first off and then we moved to Goulburn Street where they're currently housed. Some of the targets that were given to us ah via Williams were people and or groups that were known to be involved in criminal activities for many years ah people like Carl Frederick Bonet, George Freeman. We raided our targets at the time in order of priority given to Commonwealth Legislation and what we felt that ah the breaches of Commonwealth Law might be. Ah, for the purpose of your exercise one of those, one of those people was Abraham Gilbert Saffron. Using the target criminal technique which is a, ah, if you use the individual of the group you're looking at as a target, they're the centre of the target and each, each circle that we ah identify as either installation or other forms of activity that that person was involved in that we have to penetrate to get to the actual target. Um, we use expertise ah whether the financial or surveillance or whatever to try to penetrate those groups or people that insulate the target. Saffron at the time ah appeared to have connections to Morgan Ryan. That's where we first came in contact with Morgan Ryan.

P: Was there any contact ah alleged or suspected then between Saffron and His Honour Mr Justice Murphy?

L: Not that I can recall ah, there may well be in the information in the indexes, it may well be there but ah ah, not that I can recall.

P: When you say the indexes are they..Where are they now do you know?

L: Well they're here within the AP System I mean.

P: Oh I see the computer whatever you call it yeah sure. Allright. OK then well look um. You said earlier before

P: this tape that at no time did Sergeant as I think he then was David Lewington worked for you directly.

L: David Lewington at that period of time ah, or it would be the time you were interested in, was working for I think Immigration. We had ah looked at a number of people in Immigration ah in Immigration Department who were associated with criminals in Sydney. So of course we had information that would of been relevant to Lewington's inquiry. We had ah come across as you normally do if you're out there working in that environment. You pick up information, you store it, ah it became obvious to Deputy Commissioner Farmer that we were gathering material that may have been relevant to Lewington and that we had ah information relative to a specific job that Lewington was doing which was the career of the immigration racket inquiry. On that basis Farmer corrected that we hand over what we had to Lewington and that ah as we gathered information we make it available to Lewington. He used our offices when he was, ah, for that purpose to come down and extract the information when he was in Sydney. From time to time we gave him surveillance people if he was short or if he required some surveillance to be done ah we did quite a bit of work for him that day when he, if he couldnt get access to surveillance in Sydney by the normal processes, we would, if they were free of course, make them available to him. He wasn't answerable to me, he didn't work for me ah and he didn't report to me.

P: And I think I read somewhere that you have the need to know approach to life at B Division. Would that mean that um Lewington would not of been privy to all of the information in B Division?

L: Certainly not. No He would of been privy to, whilst we trusted him, ah still ah the need to know principle applies ah. If he had a need to know something he would be told.

L: This was relevant to his inquiry that he had everything.

P: Yes. Now that what I mean is he could not just approach B Division and go thumming through its registers or records with the case of someone from B Division contacting him and telling him ah I have some information that may be relevant to your inquiries.

L: No. It was compartmentised ah. He could walk in and out of there at any time and extract the information relevant to whatever he was working on because it was available at form generally. It wanted the stuff on Morgan Ryan he could go to Morgan Ryan and extract that.

P: I see. By Morgan Ryan you mean the registers that...

L: ..the information the running sheets whatever was there, he had access to, total access to. But he couldn't wander into the other target areas with the other teams of people.

P: Yes.

L: Ah you know he was there, he could see them but he wasn't privy to all that.

P: Who was working on the Morgan Ryan target at that point in time?

L: Ah I don't think there was anyone specifically working Morgan Ryan because he was in the periferry of what we call ah I forget the name that we gave Saffron at the time, it might be in here somewhere. Ah, ..

P: There are so many names passing through my mind, to I couldn't remember it.

L: Well Trojan or something like that but he was, Morgan Ryan

L: was on the periphery of him. And ah, there could of been, it would of varied, it would of been a couple of intelligence people, Brian Carter ah Bill Taylor, Elizabeth Harrison people like that who would may have been working on it for a while to dive in on on (sounds like so many different to surveillance people) may have been on it for a while. There was no one task specifically to run that job. Saffron was as he is today in a sort of too-hard basket. You would need the resources even resources to even look at his financial situation in the order of maybe 6 or 7 accountants with the appropriate support staff so he was a sort of piecemeal job, he was ongoing, he was there all the time as we heard something, as we saw something, we'd take it on board.

P: Just leaping ahead again I haven't forgotten what I want to come back to um. For Lewington to of heard tapes um presumably he would not of just wandered in off the street and listened to a tape. Someone must of um access those tapes and told him about it.

L: He used to come in regularly - whether they told him about the tapes or what was on the tapes, I don't know. I didn't have day to day hands on in that situation.

P: I see..

L: ...they were subordinates but way down the bottom of the ladder. He would come in quite regularly, sit down and listen to the tapes ah sometimes I assume the tapes would be put on for him other times he would I suggest put them on himself.

P: How many tapes were you talking about?

L: I wouldn't have the faintest idea. He could he could probably give you a better idea than that. As in The Age

L: Tape Inquiry I collected off [REDACTED] maybe one or two - but then other people and I, (sounds like..) type of people collected them and I got right out to the side, I wasn't directly involved so..

P: Was there an officer appointed to have custody of these tapes in the B Division?

L: Ah, custody, control. Tim Robinson who was one of our Surveillance Officers used to collect them ah Elizabeth Harrison ah and or Charmaine (sounds like Harking) at the start he used to listen to them, now whether they were edited tapes before we got them, this is one of the debates, ah I'm not sure about. I had a feeling that they might have been but I can't really say whether they were edited and what we were getting was only for our consumption and it was designed that way that there wasn't alot of other things on them. I don't really know ah Harrison or Harking very early in the piece would listen to them and extract what was relevant to our particular needs ah. Towards the end I don't think anyone was listening to them except Lewington and Jones because they took over that Inquiry, that's a - [REDACTED] and company knew that's what tapes he was working on. Lewington and Jones ah that's why I in the back of my mind I've got a feeling that they were edited, they were edited to the point that they only refer (sounds like..the main) to Immigration Racket type material.

P: Such possible for example and again leaping ahead, tapes that Lewington heard and I tell you now that he said that they were edited or he only heard snippets of them.

L: Yeah.

P: ..and could of been ah the only snippets on those tapes ah
..

L: ..relevant to what they were giving us..

P: ..Yes what NSW provided you..

L: ..yes..

P: ..was in totality what he heard perhaps.

L: ..Sure..

P: ..It's a possibility..

L: ..yes it is..

P: ..I see.. Allright then well look I might jump um back a bit..

L: ..sure..

P: ..um to [REDACTED] that's [REDACTED]. Ah can you ah outline how you first came across that fellow.

L: Yes, once again we're not sure who introduced who or when or where ah, and that wasn't clarified by Mr Justice Stewart either. It was sometime in '79/'80 and he was introduced, he sought me out, or he sought us out, um, how he did that I don't know. You will have to acquire that out of him. But I don't think he was able to clarify that either.

P: You don't know where he is now do you?

L: No, no.

P: OK.

L: Ah he would be very scarce I suggest wherever he is um and he he came to me and as a matter of fact I met him at a park on the first occasion I believe Belmore Park ah, I knew of him. I knew that he worked in the BCI I knew that I knew the internal politics of the NSW Police very very well ah I knew who I could trust in the NSW Police, who I worked with on the day to day basis and who would work with me. Ah, I knew that ah having worked in that sort of environment all those years you you you do get to hear who is right and who is wrong and he he volunteered little bits of information. He did communicate with me either over the phone every now and again I would get a phone call and say "listen I thought you might like to know that Joe blogs is meeting with Fred Nerk or that they have met and this is what they discussed" and that went on for quite some time. Some things were relevant to what we were doing, some weren't. In the main what he was supplying me was relative to the Morgan Ryan Saffron type area. As a matter of fact what was put to me too was put to me in the Age tapes ah if we'd have had that at the time then we'd have made alot more impact with Saffron and a couple of others than we did. He obviously had that but he obviously, he wasn't giving me that, he was giving me more to do with the Morgan Ryan type of thing in the Immigration area which he obviously thought was what we wanted.

P: Can I just have a look at that sheet again. The um. I'm just going through the running sheet of Operation Trident.

L: Trident.

P: That's right.. Where you have Reporting Officer down at the bottom right hand corner, was that of being the officer who received the information at the time?

L: Well it would depend ah there was, there can be three three areas that information could of come from. The Officer

L: could of researched themselves of their own investigations. (Sounds like...Festival Records), for instance, whether they were doing something there or it may well of come from [REDACTED] verbally to me and I would of made a note of it put it into the Investigating Officer who would of put it in this format or it could of even come from a tape itself.

P: I see.

L: The Officer may of generated that themselves like their own investigation draws by those other two men.

P: There were for example, It says [REDACTED] had heard that Ryan is dealing with a man named Herbert. That could of either have been ah a direct conversation between [REDACTED] and the Reporting Officer or a conversation between [REDACTED] and some other officer.

L: [REDACTED] and me, or it may even of come off a tape.

P: I see.

L: I don't think any of that was really clarified either by Stewart who, whether it would of come to us verbally or whether it was on the tape.

P: I see. Well looking at the one dated the 18th of the 3rd '80. Was that [REDACTED] told you that, is that the case?

L: Yes, I said there that I met with him, yes, he used to ring up and say: "I'll meet you downstairs", or "I'll meet you on the corner" then he make a statement, you know he ...

P: On a number of occasions he gave you some tapes as well.

L: That was towards the end, the end of our association when

L: they were actually gave me a couple of tapes ah then I handed him over to Tim Robinson ah, who in this whole period I was also acting in a position up here, so I used to spend a couple of days a week in Canberra, 2 or 3 days in Sydney um and I really wasn't running the shop down there ah I was trying to do both jobs, so I I really had a, I was a long way from the workface of the job in Sydney ah, he probably rang and we went to the coffee shop downstairs or I met him out in front of the building or on the corner. But it was written in that format that to the best of my memory I would of met him and he would of verbalised that and I would of made a few notes and that's the end result.

P: Allright. So...

L: He did speak in shorthand and it of have to, and it's peculiar to police officers (sounds like skirt around each)

P: What he ...

L: ..He'd never go. He had a eyesight. He obviously had it.

P: Yes.

L: But he was still...

P: With the, with these notes you took, would it be possible given the fact that he was speaking shorthand and you were taking notes standing on a street corner or something, that ah some of these details would be wrong. For example, paragraph 2: Lionel Murphy rang Morgan Ryan. Could it then a possibility that Morgan Ryan phoned Lionel Murphy or ...

L: Could well of been. But that's how I would've, that's how I would've interpreted it. Alot of it would be ah at the

time I would've made very basic notes depended upon where we were and the rest would of been memory.

P: I see.

L: And then I would've come back and drafted a ah notes for one of those Officers to put into that form.

P: So when you say to notes at the time, um, notebook, diary?

L: No, no just basic notes from a piece of paper. You're standing round in the street with a official police notebook in your hand, you're not going to get very much on the (sounds like ...corner).

P: I might just ask at this point did Police in B Division pick notebooks that were returnable to the Police Force or.

L: I assume the working Detectives wouldn't, ah diaries they would of certainly. An officer is not required to have either.

P: Alright. So of or above the rank of Inspector?

L: Yes.

P: So that if this Tim Robinson for example was the Detective at the time?

L: Yes. He would have a diary, whether or not he'd particularised in the diary that he was picking up illegal tapes off (sounds like [REDACTED]) in front of a building is another matter.

P: But he might well have recalled what he'd heard in tapes if he listened to them.

L: Well I don't know whether he listened to them either.

P: Yes.

L: Ah, I would doubt that he would of ah. I said we've never had our heads together to make sure our stories are right and we've all got the one pattern ah, I've avoided that for a variety of reasons ah, I don't really know what he told Stewart and I don't really know whether he, I can't recall whether he listened to them or whether he didn't ah, certainly Elizabeth Harrison and Charmaine Harten would of listened to some probably half of them ah Leatham and Jones would of listened to the last few, how many there were, I don't know.

P: And you didn't listen to them yourself?

L: No. No you see... I'd be in there forever.

P: Where's Robinson at the moment, do you know off hand?

L: Tim was in Sydney. He runs the most of the bugging section of the (cannot understand what he said there)

P: OK. We wont need to take a tape recorder there. (laughs). Allright then well look I might now jump to the Lewington, what's come known as the Lewington Allegation itself. Now, just to fill you in he says, you'd probably be aware of it anyway that he was invited in at some stage, or he came in of his own recall and whatever and he listened to three tapes or extracts from 3 tapes. As I recall I'm not quite sure at this stage, ah it may have been 3 separate occasions that he came to those tapes and on one of those occasions he feels that he recognises the voice of Mr Justice Murphy speaking to Morgan Ryan. Can you recall listening to any tape of that nature?

L: No, certainly not.

P: You can't recall or did or did you not?

L: No, no I've heard that somewhere but I think it's come out in the same vein as you're bringing it out now whether it was at the Age Tape Inquiry or whether it was at the Senate or whether it was Lewington told us after the event or where it was I don't know. They have heard that.

P: Heard the allegation.

L: Heard the allegation but certainly not the tape.

P: I see. Did um, I think in the what I describe as the Brown we did record of interview, number one: you mentioned that ah the first day, you mentioned that ah I think you recall that Lewington may have mentioned the conversation that he heard to you at that time.

L: Yeah. I don't really know. I couldn't you know in looking back in hindsight now and we've all 20/20 vision in hindsight ah whether (sounds like Leeton) said it to me then or whether he said it to me after if you could ask me to rely on my memory now, I really can't say. I have heard yes.

P: So he could have mentioned it to you several years after the event?

L: Yes. It wasn't. It's not something now of course its you know, at all surprising, you know I've heard it that many times now I don't really whether it was then or whether it was at that interview or whether it was, whether it was the day after he actually heard it, or whether it was the same day I don't know.

- P: Just to perhaps provoke your memory a bit, what if someone had come to you some other officer had come to you and said "I've just heard a voice of a High Court Judge speaking to a Solicitor who is of interest to me, speaking about enquiries as to whether I'm straight". What would your reaction have been at the time.?
- L: I would have certainly remembered it in that vein. Whilst he didn't report to me, I would've assumed that he would've beaten someone's door down getting them to report that officially you know within the system.
- P: Yes. But if, if he didn't, did you didn't see a report though would you have followed it up on your own initiative at that stage?
- L: Well he didn't, that'd meant me buying into someone else's someone else's domain I would've certainly certainly you know reported it to my own knowledge ah but he, as you could appreciate, he wasn't part of our team, he wasn't part of my structure, he wasn't part of my group. How he run that investigation was a matter for his superiors and I would assume that that's where the reporting process was...
- P: Yes. Alright um .
- L: That sort of, that sort of statement in a police context is not unusual.
- P: What sort of statement?
- L: That um we hear it here and almost everyday in our legal (mumble) which is under my control ah that they're going to get this cop. We hear policeman being bribed ten times a day so that sort of except for if it was His Honour that would obviously create a different sonario a different attitude.

P: I guess from that point of view then if if it would've been a fairly unusual that ah could you say or could you not say that you would, if you would heard that from Lewington at the time, you would now be able to recall that he told you at the time?

L: Well I don't know. I can't recall him telling me at the time.

P: Yes I think that would possibly answer my question. Could you recall his offsider at the time, I think Jones.

L: Bob Jones.

P: Yes. Can you recall him speaking about it?

L: No not really. I, I you see they would come in and whilst it's a big office I was Inspector, their Senior Constable, that you you (mumble) Jones would see a Constable (mumble mumble as a Sergeant that you don't wear a sort of paramilitary disclipine sort of thing. He just wouldn't wander into my office and tell me that. You just don't do that in our sort of sort of service.

P: Was there someone within your division that you may of spoken to?

L: No, no I doubt it because he was from some other Inquiry he had come into where he had to do or get out. I don't think he had any real close friends in there or any...He may well could, but I certainly didn't see ... The only other fellow that was there that would've been there most of the time when Lewington and Jones would've come in because of the particular things that we've worked on with Brian Carter. Brian would've been, Brian would've been there all the time that Lewington would've been there.

P: Do you know where he is at the moment?

L: Brian is in Sydney in the same unit.

P: I see. Just one final error. I don't know ah on this what describes the Lewington Allegation um with all Police of B Division have been able to play the tape equipment. Was it a generall access sort of thing or

L: No he would've went to either the 2 girls or Tim Robinson. But I still can't say that that happened. But that's what it normally would've been.

P: So the girls were again?

L: Elizabeth Harrison, Detective Sergeant Elizabeth Harrison and Detective Senior Constable Charmaine Hart?

P: And I think one of them is in Western Australia at the moment?

L: Ah yes, Harrison is in Western Australia. Hart is here but she's not she's in Melbourne. She's working on a job in Melbourne. She'll be there for a month or so.

P: Um. I might have to talk to her at some later stage. She works to you now does she?

L: Yes she does. Harrison does too but from afar (sounds like but if you wanted her there).

P: Fine alright. I think one of our Officers is going to try and contact her ..(hard to hear what's said). So they're the only 3 who would've had general access to the tape recording equipment to...

L: Well I can't really say that either because people have

access to the equipment as they needed it to do their own thing. This, specifically this, I'd say if they weren't there, someone else would've said "Well yeah, you want the equipment, there it is." It wasn't limits that they were the only people that access to those (sounds like tapes).

P: I see fair enough. Allright. Well I hope that concludes what I have to ask about ...

L: ...I think it would be fair to say that ah Lewington working alongside of him in that situation that he was one of sub-ordinates up here ah I don't doubt if Lewington said he'd heard that. He heard...

P: ..fine. I might just finish this tape so we can change over now.

Side B of Tape 1

P: I'll turn now to the what's being described as the Morosi break-in at um that is the break-in by one Felton and perhaps others at the Gladesville residence of Juni Morosi in early 1975. Can you tell me what you were doing at that point in time. Were you posted...

L: '75 I was a Sergeant in the Major Crime Squad in Sydney.

P: Who were you answering to at that time?

L: Inspector Bill Tolmie.

P: Tolmie. Is he still in the Courts?

L: I don't think so, he's retired.

- P: I see. And um who was the, I think above that was LLOYD Farmer I think wasn't it?
- L: Yeah, Lloyd Farmer I think was a Chief Inspector of Major Crimes Squad and above him would've been Allan Wattle as a Superintendent I believe..
- P: And they were part of the CIB?
- L: Yes in Sydney.
- P: Was Thomas a head of the CIB there.
- L: Thomas was the head of the Criminal Intelligence Area there.
- P: Who was Head of the CIB?
- L: I think it was Farmer.
- P: Farmer. So the chain of command would've been, from you, would've been Tolmie, Farmer to the I suppose the Assistant Commissioner...
- L: ...no I think it would've been to Watt I think then. Watt the Superintendent then to ..
- P: Davies being Assistant Commissioner (voice fades out). Can you describe how he first became involved in this break-in. Assessment of course, the investigation, the stake out and so on?
- L: Well as you can appreciate I didn't even know when it was. I couldn't recall it was 1975. If I was relying on my own memory, I would've said early than that, about 1970. Um and I didn't remember the offender's name until you just mentioned it being the Felton. So my recall is very very sketchy, except the specific things that I do recall. The

rest of it is rather vaguely. I've, as far as my memory goes ah one morning or one afternoon, not sure morning or afternoon, ah Tolmie called me into his office and said that we, I was going to do a job with him at the direction of Assistant Mr Davies and that it would revolve around Junie Morosi and Cairns. He didn't go into any detail. I don't think he knew what the detail was. Whether it was the same day or the next day I'm not sure we ah, he said that we were going down town to the Attorney-General's office for a briefing ah, and that's where the Assistant Commissioner was he was being briefed, ah we went down to Elizabeth Street I believe, the Ministerial Offices in Elizabeth Street I'm not sure. They used to be there somewhere I think and we went into an office. We didn't see the Attorney-General. We didn't see ah who was in the office, we waited out in the, out in the foyer. The Assistant Commissioner was in there, we assumed that we were going in there at some stage, that never eventuated ah we then went back to ah back to our Headquarters. The Assistant Commissioner briefed us that what was said I just don't recall but there was going to be a break-in in Junie Morosi's house or flat and that ah there was an informant involved and the informant was [REDACTED] who I also knew. I didn't know him personally but knew of him, seen him..

P: Davies said that [REDACTED] was the informant in this case.

L: Well I believe so, I can't really say that because I've had access to the papers since then and I certainly haven't got any notes of it now.

P: In fact I think I might have the Statement.

L: Yeah there would be on a brief.

P: Is there anything in there on...

L: Um as my memory serves me it was that [REDACTED] had been approached by the offender in this case (mumble) um to locate a locksmith who was prepared to open the door of something and ah go into..I think even at the time as they were going to knock off or attempt to steal some sensitive Commonwealth papers or something of that nature, ah and it was going to happen at a certain time and that ah [REDACTED] would be in the vicinity and he was the informant. We put surveillance on the premises itself um we went to the premises and that ah at that particular time and the offender turned up with the locksmith and proceeded to ah then we arrived up I believe was the garage door, picked the garage door, entered the premises and as they were I believe picking up something, whatever they were after, I put me hand on his shoulders and gotcha.

P: Did you see [REDACTED] at this stage?

L: [REDACTED] was at the rear of the premises and I think ah Frank Ward may have surveillance the lock. I don't know. Frank, the Surveillance people were looking after the rear of the premises. [REDACTED] was leaving as I can recall seeing him, I didn't speak to him, I can recall seeing him.

P: He's not mentioned in any of the reports, is that because he was the informant?

L: Yes, well probably so..That that, I didn't speak to him. I didn't know he was the informant. I believe that he was only because Phil told me and the (.....) told me.

P: I see.

L: I've got something in the back of my mind that suggests he may have been he may of been at that meeting down at ah.. I didn't see him, I just it's just something that suggests he may of been there.

P: Do you recall what suggests in your mind?

L: No, no I can't really because I don't .. we didn't see who was behind the door. I just have a feeling that he might of been.

P: Yes. Now the...

L: ...Davies can clear that up.

P: The..Alright then..so is there any reason why if Morosi had these sensitive Commonwealth documents presentable.....Were any steps taken to ensure that the sensitivity of the Commonwealth information was off the premises at the time?

L: I didn't see any Commonwealth sensitive information in there. I think what did he have, that's in the statement, what did he take...

P: Indexes...

L: He took indexes and stuff like that....I don't think it was Commonwealth property at all. I think it was all private property.

P: Yes. At your knowledge was there any steps taken to by police to ensure to make a search to find out whether there were any documents

L: No. As a matter of fact I didn't see any in the house at all.

P: Yes. Alright then...

L: ...I don't think there was any there.

P: Were the NSW Police informed of this break-in.

L: Certainly not by me. I was, as you see, I was the junior boy in the team, I, I, certainly not by me.

P: Was it usual for an Inspector and Sergeant to do these sorts (sounds like of jobs).

L: Certainly not, not usual for an Inspector. Um, well I suppose it would've been usual given the Attorney-General was in some way involved. I suppose I can see the ah, the need for having someone of a senior rank to ensure that it was running right. Because at the time of course we were answerable to the Attorney-General's Department and so it would've been having an Inspector looking over my shoulder I suppose or leading the investigation. The normal break and enter or a normal theft ah, certainly not.

P: Yes. In these sorts of situations where the Commonwealth Police get a tip off about a break in if involving Commonwealth allegedly Commonwealth property or targetted at Commonwealth property um, was it usual that the NSW Police be informed.

L: No, it's not an unusual occurrence, but once again this one perhaps the only answer by Davies - we were doing as we were told.

P: Sure. Now there was the locksmith, Wigglesworth as it was known and he was released at the police station that night fairly early in the piece. Do you recall who made the decisions release at that...

L: ...Did I interview Wigglesworth, I don't think I did. I've got a faint suspicion that he that he was there on the basis that Felton lived there and he wanted to get back into his house I think. Isn't that the story.

P: Allright. I think that was one of his stories. The, with the..Did you have any part in the briefing of the Commonwealth Crown Solicitors Office..

L: ..I would of done. I would've purely and simply on the facts I would've went down to either Terry Griffin or one of those people who were there at the time and said this is what we've got there's the thing. They knew about it, they were ahead of us in terms of knowledge that the memory certainly, that would certainly right that they may of even been briefed beforehand but certainly not by me but they knew - I got the impression that bearing in mind also that they at the time were answerable to the Attorney-General's Department so a chain reaction down the system. I suggested they might've been hopping around too.

P: You weren't responsible for telling (mumbling) for mentioning to Ford I think around the Prosecution at the time.

L: (sounds like I dont know who he is)

P: John Ford. It was just I think stood at the first hearing and raised some remarks and got alot of media.

L: Oh (sounds like I sure would) no no they no, certainly not. He was ...the Sergeant wouldn't be preparing the briefing for someone like John Ford.

P: Who were responsible for selecting the actual charges against...

L: I think once again DCS would've been.

P: Because it seems unusual to me that he was charged with larceny simple rather than break enter with intent.

L: DCS would've formulated those charges.

P: I see. (Sounds like And even at the stage) the charging at the Police Station?

L: Yes.

P: Why how was that. Would there have been a phone call through to DCS.

L: I don't know I would've, bearing in mind there were State charges and procedures and State charges that they would've formulated.

P: I see. That would've been difficult though wasn't it - I mean if someone's taken to the police station...

L: Yeah, well we've got a few hours there from interview...

P: Oh yeah..

L: ...from the start to the end of the interview to fingerprinting to photographing. It's not just a matter of that you do it yes, come on now you're charged, that's a, there's a time break involved.

P: Yes. So someone would've phoned ah...

L: ...someone may of even walked into the office (.....) that's the charges.

P: Yes.

L: Then I dare say that now in hindsight that Assistant Commissioners and Attorney-Generals and others would've been talking backwards and forwards quite freely.

P: Yes. But you didn't select the charges...

L: No no.

P: Did you speak to DCS in relation to...

L: ..I would've spoken to DCS on the bail application and things like that but ah what I would've had to say in relation to this, this wouldn't have much effect anyway. Now in hindsight, I don't think they were in hindsight they were too concerned about me. I think the instructions might have been coming from a higher authority.

P: Is it unusual that the person, in your experience as a police officer, that the person was charged with larceny instead of a break enter?

L: Now..

P: Yes.

L: In hindsight. Perhaps yes.

P: It seemed to me anyway.....

L: ...no, well yeah your right ah, but you know at the time ah given the people that were involved ah there's the charges.

P: Yes. Allright. Anything else ah of relevance to the break-in.

L: There's alot..now in hindsight about that but that ah makes me in danger of association with Morgan Ryan..all that it's just....

P: What do you know of that association?

- L: Ah in the main from the [REDACTED] type environment that was an ongoing one that they conferred quite frequent, quite regularly. I was discussed with some of them, um, myself Nigel (sounds like Haskish) who works, he's the boss of that unit, as much in the same vein as they were talking about Lewington. They couldn't get at me, they tried to get around me.
- P: And ah. You don't know any direct evidence of an ongoing relationship between Morgan Ryan...
- L: ..no but I - once again I suggest that's NSW Police. I refer to that for you.
- P: Yes. [REDACTED] and his friends were the key issue.
- L: VCI.
- P: VCI. Was there anything else you wanted to ask about the break-in.
- M: Yes. Did you have anything to do with Felton at the time of the arrest did you talk to him at all?
- L: Talked to him off the record.
- M: No. Officially on the record or off the record.
- L: No I asked him certain questions obviously.
- M: Right.
- L: ..he appeared to me to be a fellow who just said yep OK, I'm here, I've done it ah I don't know whether he gave reasons as to why he didn't do..did he? He ah wasn't your normal run of the mill criminal ah far from it ah.

P: He later went public in relation to it.

L: Is that right.

P: Yes. He wrote an article on

M: Did he speak to you off the record ...

L: No I I. He ah he obviously was given hindsight I I think he believed he had been set up but how only he could tell because he knew - he was the only one that really could give that relationship between him and the informant of it.

P: Did you know Bruce Myles at the time or have you heard of Bruce Myles?

L: Oh yes I knew Bruce Myles alright.

P: And he is alleged to have turned up after the arrest.

L: Umm.

P: Do you know how he felt there.

L: No, no I didn't ah you'll notice he didn't stay very long.

P: Yes. He was acting I think for Wigglesworth at the time.

L: Yeah. I gave him short shift

P: (sounds like didn't he talk))

L: I don't know who he talked to initially ah but I saw, like I could still see him standing at the end of the corridor. (sounds like I tried to get out of the corridor).

M: When ah, just getting back to the scene of the crime um when Wigglesworth and Felton were arrested, do you know who searched them or were they searched?

L: Oh yes they would of been. I don't know. There was a team of police officers there I I

M: Do you know anything about the keys that were supposed to have been used to get in?

L: Well all I can say they would have been seized as exhibits but who did that I don't know. I don't recall the police officers that the other police officers that were there assisting. The only, I can really recall was Tommy. Who was on the interview with me. Who sat for the interview....

M: Marshall, (flicking through papers) ..telling you he spoke to Wigglesworth. Marshall. (flicking again).

Part of conversation hard to understand

L: No that's all there was.

P: (faded)I think it (.....)

L: (faded)Tolmie and not me.

P: Allright.

L: I assisted him.

M: (faded)Have you seen him lately do you know

L: He lives in Sydney somewhere. He lived up the North Shore up out Beecroft somewhere...

M: (faded)Fine. talk to him he might be able to tell us.....

L: I was corroborating Tolmie now see.

M: Do you know if Felton was (sounds like had a coat on) when he was arrested?

L: Oh gees that's years ago. I wouldn't have the faintest idea.

M: (faded) Was there a coat in

L: I wouldn't have the faintest idea. some of the Surveillance fellows might be able to - there may be photographs is there anything on the files, photographs on the files.

P: No. I dont think we'll bother about that at this stage....broader issues. Do you want to ask anymore about that.

M: No.

P: Alright. Well I might move on now to something completely different um in the um early 1980's I think you approached or were approached by Don Thomas in relation to a forthcoming lunch between Thomas and Morgan Ryan. Can you recall the circumstances to that?

L: Ah. Thomas contacted me and whether he rang me or saw me I can't recall.

P: He was a - just to set the scene as well, you were in B Division then and he was...

L: in charge of the CIB on the other side. I didn't report to him or through him.

P: Yes.

L: I went via Dick Anderson, Farmer back into Commissioner.

That's the concept you lock it in and you don't the normal run of the mill detectives and or police agency is not part of the, not aware, or not supposed to be aware, certainly Thomas did because he came ah, not aware of what you're working on - plugs the gaps and allegedly stops leaks. Thomas was totally removed from our division.

P: Right. So he contacted you...

L: Yes...

P: ..And said he was going to have lunch...

L: ...He said look he said I know you're doing something on Morgan Ryan which is which was you have an interest in Morgan Ryan - that was again a surprise...

P: ...that he knew about it.

L: That he knew about it. But then again he probably knew about the (sounds like lead) to the Inquiry. Not in any depth - he probably knew about it. So that's what may well of - and obviously he at the time didn't want to fall into one of our surveillance jobs and find himself on the receiving end of us. I didn't acknowledge whether we were or weren't that was (sounds like common) practice. He said he was going to have lunch the next day. I said well why are you telling me. He said, so if you see me around you don't get the wrong idea and I said well what are you going for - we had a general conversation - and said I don't know. I said well are you going to wear something, meaning a wire he said no. I said it would be very advisable to and we had a debate then about whether he should or he shouldn't. You could see he wasn't going to - I then spoke to Farmer and says, look I think we should, I was an Inspector, Thomas was a Chief Inspector and said that if he's rang me and said he's going to meet with him I need

someone to water him to wear it and ah Farmer said you tell him that I said you'd got to wear it. So I went back and said look if you intend on going ah then your under instructions to wear a wire and I'm conveying that instruction. I said come down here and we'll fit you with one of ours which we did. We were in the hope of course that he that he, there was two tapes of the conversations as you're probably aware ah, you'll hear my comments on one because I had another one running off the side - what we were really hoping for was Morgan Ryan to offer him a bribe and ah there's words of encouragement from myself and the other tape recordings you'll hear come along but he just wouldn't go that far. He'd come to the edge and walk about back a bit. Thomas put the wire on, Tim Robinson monitored it from the other side of the street in the building opposite, ah there's the original tape and this other one running in parallel so I could ring the boss up here and let him know how it was going so I could pick that tape and go into the other room (sounds like and bring it up).

P: Yeah.

L: Ah that ah there's a transcript done of the tape. The tape and the transcript were sent up to Sir (sounds like Connell) Woods. I believe that he discussed it with someone in AG's and other people - ah the TCS ah in hindsight with the Age material now the Age tape material perhaps there wasn't enough to charge Morgan Ryan but on its own there and then at that time - that of Wood's opinion and Lloyd Farmers and likewise mine there's (noise in background).....

P: When did Thomas either then or at some later date I mentioned to you a previous

L: ...no, no that was all news to me.

P: News when it came out very recently?

L: Yes.

P: Ah do you think that's surprising in view of what's alleged at an earlier (sounds like lunch)?

L: That that conversation took place is that surprising or...

P: (interrupting)..that he didn't tell you, given that he phoned you in relation to his luncheon the next day, you didn't mention that he had a previous luncheon where Ryan was present, His Honour was present...

L: Sure...

P: ..So does it now surprise you that (sounds like he mentioned) to you.

L: It doesnt..well, if one said yes it does, but it doesn't surprise me knowing the individual and knowing looking at Davies and others it doesn't surprise me that they wouldn't tell me.

P: Yeah, well what about Thomas. Does it surprise you that he didn't...

L: Yeah. Well he - it doesn't really surprise me ah ..

P: Why?

L: Well ah I think perhaps I was regarded as a bit too straight .

P: Do you think Thomas was part of the link with Morgan Ryan in some way or (sounds like know of him) or ..

L: Well I have the suspicions. Not so much Thomas.

- P: But ah you see we have Thomas phoning you to say that I'm going to have Morgan Ryan to lunch or going to have lunch with Morgan Ryan tomorrow I don't want you to get the wrong idea. But he doesn't mention that he's ...
- L: ...Already has previous.. No I I think he, well he obviously did know that someone was messing around Morgan Ryan at that time, was working on Morgan Ryan at that time, was working on Morgan Ryan at time and he didn't want to blunder into it.
- P: Yes..
- L: ..where as at the previous luncheon, perhaps he knew that they weren't.
- P: Yes..
- L: ..or that that ah perhaps you - I don't know the circumstances leading up to the previous lunch, did he know that that's who he was going to lunch with I don't know. There may be other circumstances that ah ..
- P: Wasn't it unusual that he ...
- L: (interrupting) ..Oh yes. The whole thing was unusual.
- P: But he doesn't say look I didn't, I had lunch with, I thought I'd mention, ah I'm going to have lunch with him tomorrow, I had a previous lunch with him..
- L: ..I don't I - that doesn't surprise me that he didn't tell me - it's unusual.
- P: Does it surprise you why because of the individual or ...
- L: Well because if you look at the groups that he's with, he's with Morgan Ryan, with Davies ah you wouldn't you know in

hindsight ah that's a bit smelly but at the time perhaps he was keeping it quiet ah ..

P: The first time that you ever heard of a earlier lunch was ah ...

L: ..with a newspaper, when it came out recently.

P: Yes. So ah alright. Davies had by then retired I gather.

L: At that lunch?

P: No at the second lunch.

L: Oh yes, yes he went off - he went shortly after the amalgamation. Just how long before that lunch I don't know but he knew perhaps.

P: When was the almagamation?

L: '79 I think '79.

P: Might have to get a precise date at some stage.

L: November I think '79

P: Alright. Any other questions you want ask in relation to that. Alright I think that just about does us ah we're just covering a number of leads...

L: ...sure.

P: Now we'll wander on our way now and start talking to a few other people.

L: Good on you.

TAPE ENDS

0128M

Jones

RECORD OF INTERVIEW BETWEEN DETECTIVE SUPERINTENDENT ARTHUR BROWN AND ROBERT ALLAN JONES CONDUCTED AT THE OFFICES OF THE INVESTIGATIONS DEPARTMENT, UNIT 5 BARTON, MONDAY 5 MARCH 1984

TIME COMMENCED: 8.40AM

PRESENT: Detective Superintendent A.BROWN
Detective Chief Inspector A.M.WHIDDETT
Mr Robert Allan JONES

Q. 1 As I have already explained to you Detective Chief Inspector A.M.WHIDDETT and I are investigating allegations of illegal telephonic interception reported in the Age newspaper on 2 February 1984. Circumstances are that Mr R. BOTTOM, investigative journalist, gave a quantity of tapes and transcripts to the Age newspaper and it has been alleged that they are a product of telephone interceptions conducted by a member or members of the New South Wales Police. In view of what we have already been told by Detective Station Sergeant David LEWINGTON, I now intend asking you a series of questions about this matter in the form of a record of interview. I want you to clearly understand that you are not obliged to answer ~~your~~ my questions unless you wish as anything you do say will be recorded and may be given in evidence. Do you understand this.

A. Yes.

Q. 2 Do you agree that prior to the commencement of this interview I told you that I intend to ask you further questions about this matter in the form of a record of interview.

Yes.

Q. 3 Do you agree that I also told you that the questions I asked you together with any answers you gave would be recorded in type as the interview took place.

A. Yes.

Q. 4 Do you agree that I also told you that at the conclusion of the interview you would be given the opportunity of reading it and signing it.

A. Yes.

Q. 5 For the purposes of this interview what is your full name, date of birth and your present position.

A. Robert Allan JONES, 22.10.44, Clerk Class 8 Department of Immigration and Ethnic Affairs.

Q. 6 Do you agree that you were formerly a member of the Australian Federal Police and worked with Detective Station Sergeant LEWINGTON on the Korean Inquiry of 1980-81.

A. Yes.

Q. 7 Detective Station Sergeant LEWINGTON has told us about an arrangement whereby he met with then Detective Inspector P.LAMB during his Korean investigation. I would like you please to explain to me the circumstances of your involvement with Inspector LAMB.

A. On 21 April 1980 Detective Sergeant LEWINGTON and I were attached to the Department of Immigration to investigate what became known as the Korean Inquiry. This inquiry centred on spurious job offers and work references, both from the Republic of Korea and businesses mainly within NSW. It required us to carry out a systematic appraisal of some four thousand odd Immigration files and the collation of certain information from them. The end result of this stage of the inquiry resulted in us getting down to about four hundred files of Korean nationals in which there were certain common

CONTINUED...

PAGE TWO (2)..

A. 7 continued... denominators. One such strand involved a Miss Chang SHIN BOK a locally engaged staff member of the Australian Embassy Seoul and a Korean national by the name of Kim Min Sik employed by Sam Yang Immigration Foundation. In brief it was believed by Detective LEWINGTON and I that these two persons had conspired to produce false Korean work references so as to enable intending Korean migrants to come within the National Need Trade Policy of Australia. In other words, if the Koreans were seen to have work qualifications that were in short supply in Australia they would be eligible for consideration for migrant entry to Australia. Detective LEWINGTON and I travelled to Korea, however, our inquiries there were not fruitful due to a lack of co-operation by the Government of South Korea. The second stage of the Korean inquiry as I have previously mentioned involved spurious work references and job offers presented by or on behalf of Koreans who had entered Australia as visitors and were applying for change of status to that of Permanent Resident on the basis of trade qualifications. From examination of the files that we retained it became evident that the syntax and typeface of certain documents produced on behalf of the Koreans were identical, yet the firms on whose letterheads this similarity was detected were so diversified that we suspected a fraud.

It was also ascertained, whilst we were trying to establish a common factor between the Koreans, the work references and the firms, that a solicitor named Morgan RYAN represented the Koreans in their dealings with the Department of Immigration. As a result of the receipt of a number of surveillance photographs and copies of job offers similar to documents we had on Immigration files, it became more evident, after reading the surveillance report, that Morgan RYAN was more involved than we had previously imagined. These documents and photographs were forwarded from Detective Inspector LAMB to Mr BROWN who was then Director of Special Reports Section of the Department of Immigration; he in turn handed them to Detective LEWINGTON and I. I cannot recall the precise date that we obtained these documents, however it was evident that RYAN had become a target for police surveillance prior to our own involvement.

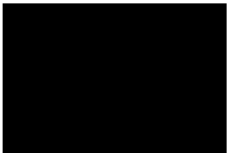
Arrangements were eventually made for us to meet with Inspector LAMB in Sydney at B DIVISION, early in 1981. I cannot recall the precise instructions we had in relation to this meeting, it may have been that you, Mr BROWN, advised us to contact him, as he may have information which could be useful in our inquiries.

Q. 8 When you and Sergeant LEWINGTON first met with Inspector LAMB, what was discussed.

A. Whilst I can't recall specific conversation, we did in fact discuss the surveillance documents that we had been sent and we requested from him, and ultimately received, police statements and original documents that had been obtained from an address in Billyard Street, Potts Point by the surveillance team. These documents, from recollection, were on the letterhead of a car company - I think Vogue Car Company.

Q. 9. When you went to B DIVISION, did you believe you were going to obtain any information which had been obtained unlawfully.

A. Under no circumstances did I believe that the information that might be forthcoming from B DIVISION would be obtained in any other way other than lawfully. In fact, we have, as far as I am concerned, received no information which was illegally obtained.



Q. 10. Did Inspector LAMB, at any time, either tell you something or infer to you in any way that information he was providing to you was obtained by unlawful means.

A. No, he did not.

Q. 11. Did any other member of B DIVISION tell you that you were obtaining information which was obtained unlawfully.

A. No they did not.

Q. 12. What would you have done if you had realised that you were being given information which had been obtained unlawfully.

A. We would have, and I can say this without fear of contradiction, have distanced ourselves from the source of that information and the matter would have been reported to our superior officer.

Q. 13. Sergeant LEWINGTON has told us about visiting B DIVISION and listening to portions of tape recordings of Morgan RYAN and other persons in conversation. Would you please explain to me your knowledge of this.

A. We went to B DIVISION - and as far as I can remember we were always together - and heard selected portions of recordings of Morgan RYAN speaking to other people. I can't recall the number of times exactly, it may have been two or three times, that we heard tapes, and we only heard them counternumber to counternumber. In other words, it appeared to me that a police inquiry was underway in respect of RYAN and that we were only allowed to hear that part that pertained to our own inquiry. We were never told why RYAN was specifically of police interest.

Q. 14. Had either yourself or Detective LEWINGTON requested to hear tap recordings of Morgan RYAN.

A. No, in fact we did not even know what his voice sounded like.

Q. 15. Well, who told you that it was Morgan RYAN talking on the tape.

A. I don't remember, it might have been Inspector LAMB or another member of B DIVISION.

Q. 16. At the time you heard these tape recordings, did you form an opinion as to how they were obtained.

A. Not initially. They were very clear and could have been consistent with having a listening device placed in a room. It wasn't until later when we heard comments from the parties speaking on the tape, to the effect "we shouldn't talk about this on the 'phone", that I realised that they were telephone intercepts.

Q. 17. When you first realised that you were listening to telephone interceptions, did you not either believe they were illegal interceptions, or suspect they were illegal interceptions.

A. B DIVISION has, to my knowledge, been involved in covert operations of a sensitive nature into such things as organised crime, drug trafficking and the more serious types of crime that is not investigated by other sections of the police force. It was made aware to Detective LEWINGTON and I that the house in Bilyard Street, in which RYAN and a Korean named Choi Ba YEUL were observed tearing up documents was in fact owned by Abraham SAFFRON or one of his sons. From knowledge I have obtained over the years, it has been suspected that SAFFRON or his sons have been involved in, amongst other things, drug trafficking. And with this in mind I had no reason at all to doubt the legality of the tapes or the authenticity of those parts that we listened to.

Q. 18. Did Inspector LAMB or any other member of B DIVISION, either tell you or hint to you that the telephone interceptions tapes you were listening to had been obtained illegally.

A. Not at any time.

Q. 19. Was it only Inspector LAMB who was present when you listened to the tapes, or were there other members of B DIVISION present.

A. As I said earlier, other members would enter the room from time to time. I can't recall who they were. On occasions we were just sat at a desk and told to listen to this. Sometimes we just sat alone and listened until someone came back and turned it off.

Q. 20. Mr JONES perhaps we can take a break for a cup of tea. Are you agreeable.

A. Yes.

INTERVIEW SUSPENDED: 10.03AM FOR PURPOSES OF TEA BREAK

INTERVIEW RESUMED: 10.25AM

Q. 21 At the time you heard the tapes at B DIVISION, did you recognise the persons speaking with Morgan John RYAN.

A. Not at the time. It was not until later on that I could identify voices. By that I mean having been told the name of a particular speaker on the tapes and speaking to that person in person I recognised that voice.

Q. 22. Did you at any time report your meetings with Inspector LAMB to any senior member of the Australian Federal Police.

A. Only insofar as reporting progress of what we did from week to week.

Q. 23. Can you tell me why you failed to report details of your meetings with Mr LAMB.

A. Firstly, I believed that the recordings we were allowed to listen to were obtained legally and I knew that the provisions of the Telecommunications Interceptions Act prohibited us from passing on information obtained as a result of a 'phone interception.

Q. 24. Besides the couple of occasions when you heard tapes, portions of tapes, can you explain to me any further contact you had with Mr LAMB, or any member of B DIVISION.

A. Yes, Detective LEWINGTON and I had frequent telephone conversations with members of B DIVISION. These conversations were initiated in the main by us, so as to establish if any meaningful information had been obtained by B DIVISION in relation to Morgan RYAN. We would be told in a paraphrased way certain information, which made it difficult for us to ascertain RYAN's true demeanour. We were not sure of the source of this information.

Q. 25 Were the recordings you heard in cassette or openreel form.

A. It could have been on both, I am not sure.

Q. 26 During your visits to B DIVISION, were you shown any other material, for example transcripts of conversations, summaries or intelligence reports.

A. No.

Q. 27. Did Inspector LAMB or any other member of B DIVISION ever discuss with you the source of the material they were providing to you.

A. Not that I recall.

Q. 28. Do you know why Inspector LAMB allowed you to hear taperecordings of Morgan RYAN.

A. Not specifically. I can only surmise that a degree of trust had been established between us, we were all members of the Australian Federal Police and he knew we were professionals in our approach to the inquiry.

Q. 29. Can you recall hearing Morgan RYAN speaking to Justice Lionel MURPHY.

A. I can't recall if I heard portion of a tape containing the voice of Justice MURPHY, however, I do have a recollection of a discussion between RYAN and MURPHY in relation to the obtaining of the services of a female, but I'm not sure whether I was told that by a member of B DIVISION or heard it on a tape.

Q. 30. Was the material you acquired from listening to taperecordings of Morgan RYAN in B DIVISION used as evidence in the prosecution of Morgan RYAN.

No, none of the information obtained from listening to tape recordings or receiving verbal summaries from B DIVISION were used in the prosecution of Morgan RYAN, with the exception of documents which were obtained by the surveillance team from Billyard Street, Potts Point.

Q. 31. Can you tell me the circumstances of how you and Sergeant LEWINGTON came to liaise with the New South Wales Police Crime Intelligence Unit.

A. I can't recall the precise date, however it would be in our running sheets. It came as a result of Sergeant LEWINGTON and I being quote the proverbial meat in the sandwich.

It was arranged through Deputy Commissioner KENNEDY that we liaise with Detective Superintendent Bob BLISSETT, who was then in charge of the NSW CIU. We established contact with Mr BLISSETT and made him aware of our inquiries. He stated that his unit might be in a position, from time to time, to give us information relating to the activities of Morgan RYAN. I do recall in fact Mr BLISSETT at some time telling us to be careful of RYAN in that if he was cornered he would strike back.

Q. 32. Can you tell me what information you obtained from the NSW Police CIU.

A. Initially we were shown a folder of sorts, like an archfile; I can't recall what it was titled. In it were press clippings, photographs. I seem to recall there was a photo in it of James MASON, an ex-NSW policeman who was one of RYAN's co-conspirators. There really wasn't much in this file that was of benefit to us.

Q. 33. What kind of photographs were in this file.

A. 33 They appeared to be surveillance photographs, but I don't know to what period of time they refer.

Q. 34 Did you form the opinion that Morgan John RYAN had been a target of the New South Wales Police Crime Intelligence Unit prior to your inquiries into RYAN.

A. I would have to say that from the press clippings on the file that RYAN had been of interest to the NSW Police prior to our inquiries.

Q. 35 During your contact with the CIU did you obtain any information which indicated to you that the New South Wales Police were illegally intercepting Morgan John RYAN's telephones.

A. No, we did not see any transcripts, nor hear any portions of tapes; all we received from the NSW CIU were summaries similar to that we received from B DIVISION. These summaries were provided by telephone.

Q. 36. Have you ever heard of an AFP Informer code-named [REDACTED].

A. No.

Q. 37. Do you know a member or former member of the New South Wales Police named [REDACTED].

A. I have heard that man's name, but I can't think where, or whether it had to do with the Korean inquiry.

Q. 38. Mr JONES, what I would like to do now is to show you two records of interview I conducted with Sergeant LEWINGTON on 22 and 23 February 1984. I invite you to read the contents of those interviews and at the conclusion of your reading I will invite you to comment on the interviews. But, I want you to know that you are not obliged to unless you wish. Do you understand.

A. Yes.

Q. 39. Are you agreeable to this procedure.

A. Yes.

Q. 40. What I will do now is to suspend the interview, give you an opportunity to read LEWINGTON's interviews, have lunch and then resume immediately after lunch. Are you agreeable to this.

A. Yes.

INTERVIEW SUSPENDED: 11.34AM JONES HANDED ONE RECORD OF INTERVIEW DATED 22.2.84 OF FIFTEEN PAGES BETWEEN BROWN AND LEWINGTON; and A SECOND INTERVIEW DATED 23.2.84 OF NINE PAGES BETWEEN BROWN AND LEWINGTON.

INTERVIEW RESUMED: 12.27PM

Q. 41 Have you read the two records of interview conducted between myself and Station Sergeant LEWINGTON.

A. Yes.

Q. 43 Do you wish to comment on these documents.

A. Yes. In relation to the record of interview you conducted on Wednesday 22 February 1984, consisting of 15 typed pages, I agree with what Sergeant [REDACTED]

PAGE SEVEN (7)..

A. 43 continued... LEWINGTON has said, with some exceptions. Obviously his personal observations are not the same as mine, and he has a rather better recall. In question 28 in relation to a conversation between RYAN and MURPHY, I am still unsure whether I heard that conversation from listening to a tape or whether I was told it. Having read this record of interview my memory has been refreshed to a significant degree.

Q. 44 Mr JONES, I now intend producing to you a number of tapes and a quantity of transcripts and summaries of which I would like you to listen to and read. At the conclusion of I will ask you certain questions regarding your knowledge or otherwise of these tapes and transcripts and summaries. Do you understand,

A. Yes.

Q. 45 The material I refer to is described as follows: four (4) tape cassettes TDK D90 - the first marked "COPYRYAN - FARQUHAR, CHRISTIE, MCHUGH", the second marked "COPY 2 SIDE B M-MCHUGH, M - PRAKASH, M - MILES"; the third marked "COPY 1 SIDE A; and the fourth marked "COPY *"; and three sets of photostat pages - the first marked "MORGAN JOHN RYAN" and "SUMMARY OF INFORMATION SUPPLIED BY INFORMANT IN RELATION TO SYDNEY SOLICITOR MORGAN RYAN", consisting of 44 pages; the second purporting to be a transcript of telephone conversations headed "MAD DOG", consisting of 106 pages; and the third purporting to be a transcript of telephone conversations headed "RABID", consisting of 97 pages. Do you agree.

A. Yes.

INTERVIEW SUSPENDED: 12.45PM

MATERIAL DESCRIBED IN QUESTION 45 PROVIDED JONES FOR REVIEW.

INTERVIEW RESUMED: 4.44PM

Q. 46 Mr JONES, do you agree that you have now completed reading and listening to all the material that was earlier handed to you for examination, referred to in Question 45.

A. Yes, and I can say that I have never heard the taped conversations before today, nor have I seen the transcripts and summaries that I have read, however, a number of the persons whose names are mentioned in the tapes, transcripts and summaries became known to me during the Korean inquiry.

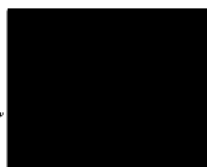
Q. 47 Is there anything else you would like to raise concerning any matter we have discussed today.

A. From reading the transcripts and summaries it is obvious that Sergeant LEWINGTON and I were not fully informed of all matters of an Immigration nature which obviously someone else had access to. But of course we were not in a position to dictate to anyone what information should be disseminated to us.

Q. 48 Are you now prepared to read each page of this record of interview.

A. Yes.

Q. 49 INTERVIEW SUSPENDED: 4.51PM INTERVIEW CONSISTING OF SEVEN PAGES HANDED TO JONES FOR READING.



INTERVIEW RESUMED: 5.03PM

Q. 49. Have you read this record of our interview.

A. Yes.

Q. 50. Do you agree it is a true record of our conversation.

A. Yes.

Q. 51. Were the answers recorded in this record of interview made of your own free will.

A. Yes.

Q. 52 Was any threat, promise or inducement held out to you to take part in this record of interview.

A. No.

Q. 53. Will you now please sign each page of this record of interview.

A. Yes.

Q. 54. Will you also initial any typing errors that may appear in this record of interview.

A. Yes.

INTERVIEW CONCLUDED: 5.06PM

[Redacted signature]

[Redacted signature]

.....
5. 3. 84

WITNESSES:

Arthur BROWN
Detective Superintendent

[Redacted signature]

A.M.WHIDDETT
Detective Chief Inspector

Received from Superintendent BROWN a copy of this eight page record of interview.

[Redacted signature]

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Mr Robert Allan JONES, Senior Investigation Officer, Department of Immigration and Ethnic Affairs, Belconnen, Australian Capital Territory, was sworn and examined.

CHAIRMAN - Thank you very much for your attendance at this meeting. Were you at any time a member of a police force of Australia?

Mr Jones - Yes, I was a member of the Australian Federal Police and prior to that the Australian Capital Territory police. I resigned from the Australian Federal Police on 27 May, 1983.

CHAIRMAN - You will be aware of the record of interview conducted between Superintendent Brown and yourself which you have signed. It was dated 5 March 1984. It is in relation to that record of interview that the Committee would like to address some questions to you. In particular, question 13 perhaps. If I may kick off: You went with Sergeant Lewington to B Division and listened to some portions of tapes. Is that correct?

Mr Jones - Yes.

CHAIRMAN - Can you acquaint the Committee with that particular event?

Mr Jones - The reason we went to B Division in Goulburn Street in Sydney was that Detective Lewington and I were seconded to the Immigration Department early in 1980 trying to tape what became known as the Korean affair or the Korean matter, which dealt with illegal Korean migration. We had a number of files to evaluate and during the process of the initial inquiry we were made aware that officers of B Division might have information which might be of assistance to us. It was arranged through our superior at that time, Detective Chief Inspector Arthur Brown, to liaise with Detective Inspector Peter Lamb of B Division in Sydney. This was ultimately done. We were informed by

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Inspector Lamb that information might become available from time to time which would assist us or might be of assistance to us. I cannot recall at what stage we actually were allowed to listen to tapes. We did listen to portions of tapes from time to time.

CHAIRMAN - And in the course of listening to some tapes, did you hear a conversation between two persons, one of whom was identified to you as Mr Morgan Ryan?

Mr Jones - Yes, sir.

CHAIRMAN - I understand from your evidence that at that stage you had no knowledge of his voice and therefore could not identify him as Mr Morgan Ryan yourself. Is that correct?

Mr Jones - That is right. It only became evident later on when we actually had contact with him.

CHAIRMAN - Do I understand there were three conversations you listened to, one between Mr Morgan Ryan and somebody subsequently identified as a Mr Banjo Bell?

Mr Jones - Yes. He is from Parkes.

CHAIRMAN - And one between Mr Morgan Ryan and somebody identified as Mr Jim Mason?

Mr Jones - That is so.

CHAIRMAN - And one between Mr Morgan Ryan and, shall we say an unidentified male?

Mr Jones - I vaguely remember there may have been a conversation between Mr Ryan and a solicitor by the name of Chris Murphy.

CHAIRMAN - Chris Murphy?

Mr Jones - Christopher Murphy.

CHAIRMAN - In your record of interview in answer to question 29, you were specifically asked:

Can you recall hearing Morgan Ryan speaking to Justice Lionel Murphy?

To which you answered:

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I cannot recall if I heard a portion of a tape containing the voice of Justice Murphy. However, I do have a recollection of a discussion between Ryan and Murphy in relation to the obtaining of the services of a female. I am not sure whether I was told that by a member of B Division or heard it on a tape.

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Mr Jones - Yes.

CHAIRMAN - So that when you were answering question 29 to Superintendent Brown you could not recall any actual tape conversation.

Mr Jones - No. It is such a long time ago and, as I said to Superintendent Brown, if I could remember I would remember. I do recall - I have had cause to reflect and, to be quite frank with the Committee, I cannot recall the specifics of any conversation with Mr Justice Murphy but I know that we did, Detective Lewington and I, at a particular time or particular date, express some disquiet to each other about the fact that the fix might be going in in relation to the job we were doing.

Senator CHIPP - Are you saying, as a trained policeman, an experienced policeman, that you could have heard the conversation of a High Court judge on a tape with a solicitor you knew to be crooked, discussing the services of a female and you could have forgotten it?

Mr Jones - I did not say I had forgotten that.

Senator CHIPP - That you could not recollect it.

Mr Jones - I do not know whether it went on a tape or I was actually told it.

Senator CHIPP - Have you ever heard any conversation on a tape that you believed or suspected could have been the voice of Mr Justice Murphy?

Mr Jones - I may have. I just cannot recall. If I could recall I would tell you.

Senator CHIPP - I put it to you again, as a trained policeman, is it possible that you could have heard the voice of a High Court judge on a tape with a crooked solicitor and not remember it?

Mr Jones - I suppose it is possible. We heard portions of tapes. I know that we did express some degree of disquiet about what we had heard on a particular occasion.

Senator CHIPP - You do not hear conversations of High Court judges on tapes every day of the week, do you?

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Mr Jones - I know you do not.

Senator CHIPP - Would it not be fair to assume that if you heard a High Court judge's voice on a tape discussing something that looked at least mischievous that you would remember that?

Mr Jones - I suppose so.

Senator CHIPP - How is it that you do not?

Mr Jones - I cannot recall the specifics, or whether I heard it on a tape or whether I was told something.

Senator CHIPP - I am not asking you to remember the specifics of the conversation. All I am asking you is, have you ever heard on a tape a voice which you believed at the time or suspected at the time could have belonged to Mr Justice Murphy?

Mr Jones - I cannot recall; I really cannot.

CHAIRMAN - Have you had any experience of hearing Mr Justice Murphy, I mean on radio or----

Mr Jones - Only on television or radio.

CHAIRMAN - Would you agree it is a distinctive style of expression and voice?

Mr Jones - Yes, it is.

CHAIRMAN - If I can just give an example, it is not as though you heard Mr Justice Gibbs or somebody like that whose voice is unknown to the general public. If you were to hear Murphy's voice you would make a guess that it was indeed Murphy. It was known to you before you listened to this tape, or had this opportunity to listen to tapes, I should say, at B Division?

Mr Jones - Yes, when Mr Justice Murphy was a member of the Senate.

CHAIRMAN - My point being that you would not need to have somebody say 'That is indeed a High Court judge'. You would expect that if indeed it was Murphy's voice on a tape that you were listening to you would recognise it as such.

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Mr Jones - I suppose it is possible, but the clarity of some of the tapes or parts of tapes that we listen to is not consistent with the same degree of clarity we have here. And to be sat in a room and told 'You will listen from that counter number to that counter number', you might come in halfway through a conversation.

CHAIRMAN - I put it to you that there have been three conversations you listened to: One between Ryan and Bell; one between Ryan and Mason; and then I said Ryan and an unidentified male. And you said you had a recollection of hearing a conversation between Ryan and Chris Murphy. Could it have been that that third conversation you heard was indeed between Ryan and Murphy, that it could have been a conversation with Chris Murphy rather than Mr Justice Murphy? That may account for your----

Mr Jones - Christopher Murphy has a young voice. He is about my age or maybe younger, and Mr Justice Murphy is an elderly man.

CHAIRMAN - So when you heard some tape between Ryan and a person you believed to be Chris Murphy, you were listening to a conversation at least between Ryan and somebody who you would take to be a young----

Mr Jones - Yes. He was identified as Christopher Murphy at that stage.

CHAIRMAN - When you say he was identified, at what stage. In relation to what conversation?

Mr Jones - In relation to the conversation that I do recall that I have heard Christopher Murphy speak on the phone, or speak to a Mr Ryan and he was identified as Christopher Murphy to us. I did not know him prior to that.

CHAIRMAN - But the three conversations you heard in B Division that day, could it be that they were between Ryan and Bell, Ryan and Mason and Ryan and Chris Murphy, and that there has been some----

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Mr Jones - No, not with having met Christopher Murphy.

CHAIRMAN - What was the significance of your saying that you heard conversations between Ryan and Chris Murphy?

Mr Jones - I mentioned it because it might be of assistance to the Committee because Murphy represented a number of Koreans that we wanted to speak to in relation to the Ryan matter.

Senator LEWIS - Mr Jones, you appreciate that this is not a court of law, so we can hear hearsay evidence. I am interested in your opinions. I recognise that you are not able to recall details of conversations as to why you might have formed particular opinions, as to whether it was from advice that people have told you and whether that was hearsay or second or third hand, but had you formed any views at that time or since about Mr Justice Lionel Murphy in relation to you and Mr Lewington, or in relation to any matter which could concern this Committee for that matter?

Mr Jones - I would have to say that my opinion would probably be tainted by what has been in the Press.

Senator LEWIS - You cannot take your mind back to this time when you were investigating this Korean matter and before it all became public knowledge and say whether you formed any opinions about His Honour at that stage?

Mr Jones - Mr Justice Murphy was a friend of Mr Ryan's, as evidenced by what was obtained on search warrant from Ryan's house.

Senator LEWIS - What evidence was that?

Mr Jones - The diaries and teledexes.

Senator LEWIS - Yes.

Mr Jones - Which would not be uncommon. Mr Ryan was in the legal profession and Senator Murphy was before that.

Senator LEWIS - I am not asking for justifications and explanations. I was just trying to obtain an expression from you as to conclusions and opinions you had formed at that time, before all of this hit the Press.

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You have told us that there was an association between Ryan and Murphy; you were aware of that. Did you think that that association was in any way improper? Had he formed an opinion that it was in some way improper?

CHAIRMAN - I think the most the witness can tell us is fact. I do not think it is for him to give an opinion as to the propriety of an association.

Senator LEWIS - I am not asking for his opinion for matters for this Committee, I am trying to get to what conclusions he had formed in his own mind at that stage.

CHAIRMAN - I do not think it is right.

Senator CROWLEY - In answer to question 13 you said that: 'As far as I can remember, Sergeant Lewington and I were always together', that is, that you and he listened to those tapes at the same time.

Mr Jones - Yes.

Senator CROWLEY - Do you recall whether you listened to them once, three times, or 10 times?

Mr Jones - I think it was only the once through, each time.

CHAIRMAN - When you listened to those tapes was it always in the company of Sergeant Lewington or did you hear them separately?

Mr Jones - We listened to them together.

CHAIRMAN - In question 43 in your response to Superintendent Brown, having read the transcript of the record of interview between Lewington and Brown, you said:

Nevertheless, I am still unsure whether I heard that conversation from listening to a tape or whether I was told it.

That still remains the case?

Mr Jones - Yes.

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CHAIRMAN - So at all times you were present with Sergeant Lewington when you listened to the tapes which he recalls but you do not have the same recollection that he does?

Mr Jones - Yes. He is notoriously good with his memory. I can say that; I have worked with him for some period of time.

CHAIRMAN - Yes. I still find it remarkable you do not remember if there had been the voice of Murphy. Thank you very much.

Committee adjourned

JONES.

CONVERSATION BETWEEN ROBERT JONES AND ANDREW PHELAN

PETER MYERS

Tape dated 21/07/86
Side A Tape (1)

Unconnected

P: Just for the purpose of this conversation could I have your full name?

J: Robert Allen Jones, Principal Executive Officer with the Department of Primary Industry in Canberra.

P: Right. We'll leap over a lot of all the guff so to speak. Just getting straight to this recollection that you have or may not have in relation to the suggestion or allegation by David Lewington that he heard a tape with the voice of Lionel Murphy on it can you elaborate on ~~anything~~ ^{every} thing you have to say in relation to that matter?

J: Well as I've said ~~before the Senate Committee and Justice Stewart and Arthur Browne~~ ^{before the Senate Committee and Justice Stewart and Arthur Browne}, I do have a recollection of the conversation between Ryan, that's Morgan John Ryan, and Lionel Murphy (the substance of it I'm not quite sure, you know, the exact phraseology that was imparted to me) but it was to do with whether we could be bought.

P: By we you mean?

J: Lewington and myself when we were doing the ^{Korean} ~~Correen~~ Inquiry involving Ryan. In other words the fix was going ⁱⁿ or you know someone, Ryan was trying to get the fix into us. ~~As~~ ^{As} it turned out an offer was made at a later time; it had nothing to do with Murphy as far as I ^{was aware} ~~knew~~. I can not recall that I heard it on a tape at B Division in Sydney or I was told it. On a number of occasions we would go to B Division and listen to tapes or parts of tapes and on other occasions we would phone up or they would ring us and say we have got something for you.

J: continues - We would get a message when we came back into the office, ring B Division or ring a name and away we'd go. I do ~~we~~ recall that we discussed it on a particular night. I can't recall the exact night but it would have been the day that we heard it or I heard it. I presume we heard it together, that we discussed, I can tell you where in fact we discussed it. It was in the Aquatic Club, in the bar in the Aquatic Club in Greenview Avenue Potts Point because we stayed at the Manhattan Hotel which ^{was} ~~is~~ just across the road. And ^{we} ~~dicussed~~ the ramifications of the fact that ~~of the fact that~~ a High Court Judge had allegedly entered ^{the} ~~the~~ melly (sounds like) with Ryan and I recall, it wasn't drunken talk either, who the bloody hell do we go to the Prime Minister or the Governor General? Given that at that time also, I don't think I've been all that over dramatic, in what I consider we didn't trust anybody, when we were doing that Inquiry, did not trust anyone.

P: I can imagine.

J: Because Ryan's ^{sphere} ~~feare~~ of influence was such that ~~x~~ (we were told that from various people, from Peter Reid (sounds like) from the New South Wales CIU ~~x~~) he had fingers in every pie around the town. And even extended down to Canberra.

P: Had you heard Murphy's name mentioned prior to that?

J: Yeah there was something about, he was interested, it was a thing to do with females, girls you know youngish. I'm not talking about pre-pubesent birds but it was a thing about, someone arranging a bird for him.

P: Right. But that's the only?

J: An Andrew I'd love to help you and I make no bones about it, I'd love to be able to say without fear of contradiction that may conscience was straight that I heard that on a tape.

P: But it was either, from what your saying then that you discusseed it with David Lewington

J: Yeah we discussed it that night.

P: continues, on that particular night. It was either you heard it on tape or he told you that he had heard it.

J: Or we heard it or we were told about, a number of possibilities, now David has a better memory than I have and I make no bones about that at all, I've said it before. In fact his memory is quite outstanding. We either heard it together in which case we were both at B Division, I can't recall any times that we went to B Divison we weren't together.

P: Right.

J: Or he heard it and I suppose I was door (sounds like 051) which is rather remote or we were told it over a phone call, face to face with somebody from B Division. We dealt with an number of people from B Division.

P: Yes.

J: I mean we would ring up and speak to Peter Lamb, there was Carter, Brian Carter, a couple of others who's names I just can't recall right now. But we would ring up and the same thing applied when we moved from dealing with them to the New South Wales CIU. Just ring up and ask for so and so and we would speak or he'd ring us.

P: Did you ever use a tape recording, thats a tape but did you ever use a tape recorder to play back a tape in B Division?

J: No. I'm mean we would listen to tapes.

P: But they were always operated by

J: Yeah, they'd come in and they'd you know set the machine up and they had a room that had a lot of equipment in it. There were people in that room most times. And they'd just set the machine up and there was probably one or maybe two occasions when the clarity of the tape wasn't real good and we had head phones.

P: Right

J: But you know there is counter to counter from that number to that number and that's it.

P: Right

J: So we didn't get to hear the whole conversation on that particular tape.

P: How many occasions did you listen to tapes at B Division?

J: I don't know.

P: 10 less than 10?

J: Less than 10.

P: Right.

J: We could go there and we might hear, we wouldn't just hear just one segment of tape. So may be on a reel there could have been three or four bits that were applicable to us and they would run it through bzzz you'd hear that then we would miss all the bits in between that obviously didn't relate to what we were doing.

P: Do you know who operated the machines when

J: No. It could have been anyone of them.

P: Was it a woman?

J: There was a bird, there was a female there, there was a couple of females but there was a bird there, Pearce was it Liz somebody or other. I think the last time I saw her was when we went to the Royal Commission and she was at the Barristers Office and I think she may have. I'm just stuck with names now, it was some years ago but I can picture in my minds eye who they were or who it could have been who turned the machines on.

P: We'll follow that up. Getting back to this discussion you had with David Lewington in the Aquatic Club.

J: Ironic it was a pub, a club set up devoted to water sports, Solicitor for which was Morgan Ryan and the money in it came from Abe Saffron so it was quite a riot in a way.

P: What did, you decided obviously not to mention anything at that point in time?

J: Yeah we just didn't we discussed it, it was rather, it concerned us both that his fear of influence, i.e. Ryan's fear of influence would extent to a High Court Judge. I mean they are untouchable or they were as far as I was concerned until that time. And that's the way they should be. We discussed it you know well if the fix does go in you know who do you tell as I said the Prime Minister or the Governor General.

P: Did you record it anywhere?

J: No. At that time and there was no sense in beating round the bush, I'd been before the Royal Commission and told Justice Stewart what went on.

J: continues: We had funny ideas about tapes and things and apart from that at that stage when it was B Division I thought everything was cosh (sounds like 95) with tax and even you were not supposed to be blabbing your mouth off about you know, Hey we listened to a tape and it was at such and such a party. But then you know given the fact we only listened to parts of the tape that there was obviously some interest it wasn't just there for our benefit. Thats what I thought initially, obviously got other things in mind for Mr Ryan. But to be quite frank I other than that discussion you know and the concern it did raise with it we did not take it any further but B Disision's got the tapes and whoever else is involved with it surely somebody's going to do something about it or keep an eye on it.

P: Who was ... at the time were you working for Peter Lamb?

J: Not really we were an autonomous unit completely, the Fraud Squad here I'm surconded (? 108) to Immigration for Arthur Brown.

P: Yes.

J: We really .. Arthur Brown was our nominal here but I suppose sort of developed a quasi relationship if you like of sorts with Peter.

P: Brown left after a while didn't he Immigration

J: That's right and them we were in effect leaderless, like orphans.

P: But you were part of the Fraud Squad battalion?

J: Yeah, that's right but we were reported to Reg Kennedy

P: That's the Assistant Commissioner

J: continues: he was Deputy Commissioner of the ALP (?).

P: Right so ...

J: He is now retired.

P: Did you think of contacting him at the time.

J: No.

P: Why not?

J: I don't know we just didn't discuss it, I don't think we we used to discuss things with him our liaison with him became more, more prevalent when we stopped liaising, we didn't liaise as much with B Division as we did with the New South Wales CIU. Because he knew, he personally knew Bob Blisset

P: Yes

J: continues: who was in charge of the CIU and we discussed certain things with him but I don't think, recall that we actually said we listened to tapes or we did this or we did that we might say in general terms, but I don't recall it was raised with Kennedy.

P: When the a

J: He was information that we were privy to, it wasn't done for our benefit from my way of thinking. Well I suppose if you see something happen, you should say I'll report that. We adopted the attitude that, or I did, they've got the bloody tape and I thought to original how wrong I was that somebody's going to do something about it. I mean we just heard it we haven't got any proof, we just heard it, now somebody's got that bloody tape now that tape existed or that information came from a tape these got to be a transcript for it.

J: continues: Now the ones who had the tapes were the New South Wales Police, now if they, I bet you I know where they went, they were deep six because Neville Wran blew his mouth up about what he was going to do with the Police. He was going to take on, don't worry about the separation of powers, he was going to go all the Police involved. And I'd say there was an over reaction on certain Police Officers parts and they deep sixed the gear. But I can tell you the Age tapes that I heard which I had to hear and the transcripts that I read, I had never heard or seen of them before. But the stuff that we heard in B Division and the information that was passed into us from New South Wales CIU that wasn't part of the Age tapes. So I mean it was a mass of raw intelligence if you like available to the New South Wales Police and the AMP that if it hasn't been deep sixed which I'm let to believe it has, from information that I heard at the Royal Commission you know that was the opinion of Council that it had been deep sixed. But someone's got it, now surely the guys who put the tap on it who were doing the transcribing would know exactly when that was.

P: Yes don't worry we are going to have to

J: And you'll find a battle with them because they were pretty tight at the Royal Commission.

P: Yes

J: Because they said no way we don't know anything about it, I mean here we are, we are the bloody meat in the sandwich. I mean I'll tell you the truth.

P: Yeah what six years down the track.

J: Yeah I know. Well I had the same trouble with Justice Stewart you know trying to remember things. I'd say look your Honour I can't remember it's so long ago.

P: If I can just jump ahead a bit then. There was a ... you weren't approached it was Lewington who was approached by Shore was that right?

J: Yeah. I was doing exams. Andrew I can't remember the date.

P: No that's fine.

J: I can't remember the date but I know it was the time I was doing Sergeant's exams and they were spread over a week, Monday, Wednesday, Friday and I came back, say Monday was the exam day and I came on the Tuesday and Dave said something like, Had a phone call from Ron Shaw.

P: Did you know Ron Shaw.

J: Yeah, we used to drink with him, I met him through David and Shawey at that time was with the Corporate Affairs Office, he was out posted from the Fraud Squad and I on socialable occasions with Shawey and I considered him a reasonable sort of guy and I was quite surprised when David told me that he put, he'd made a approach on behalf of Doc Lowes or John Lowes (sounds like) or whatever his name is. You know about the Morgan brief and that we would be looked after, you know I mean you could have pushed me over with a feather. I said oh no not Shawey. Yeah. He said I've put him on paper reported it. I said right oh. So what happened then was, David put the report through Nick Lucas who was in charge of Fraud Squad and it initially went through the superintendant and I don't to my way of thinking it was badly handled from the point of view of a lot of procrastination and around to be quite frank and it was open shut. And there was blame from this end somebody, and I've got my opinion as to who it was and so has David, but somebody, theres the file, that's the file, and its marked from the Superintendent to someone else for them to take some action with it and they read it and next thing a phone call gos through.

J: continued: And short of Shawey being Physic that the only way it could have happened. So somebody, through what I'm told was probably misguided loyalties and I think thats wank.

P: What's his name?

J: I won't say it, you'll have to edit this tape, the, so it was misguided loyalty it was put down to. But anyway Shawey rang back and I was there on that particular day that he rang back and we were set up with a tape and party line phone and Ron said that he'd heard, he asked David how he was with him, that was alright. And he rang up from down the street, he went away, that's right, he said I'll call you back and he got out of the station. I think he was at Cronulla or Sutherland or somewhere down that way at that time, he rang up from a pay phone any way he said to David that he'd heard that David had put him on paper the discussion, you know, didn't happen. And that basically was what the phone call was about, anyway I listened to it we had it on tape and consequences to that I took the tape to Bates, Brian Bates.

P: Did you have a think (sounds like 196) when you heard that, about this offer from Bo Lewington and the later phone call from Shaw to you, did your mind then cast back to what you had been told or heard in relation to Ryan?

J: No. I've got no conscious still to that. Not at this time. You know, we were told that we were getting close to him. I forget who told me. We were told, you know, watch out the fix dose not go in.

P: Close to Morgan Ryan?

J: Yeah, you know, might have been Peter Lamb or Bob Blisset or someone from the CIU, it was just a general watch out for the fix. I mean he tried a number a avenues to get support (sounds like 205) through Bruce Miles his solicitor, his solicitOR as he used to call him. Bruce made a number contacts with us, Morgan came down to Canberra, Morgan was on interview to have a meeting with David at one stage, there were a number of calls, a number of attempts like even to the no bill applications. You know lets get this scotched, he tried all the way, I mean he's still dam well trying. He won an appeal.

P: What's a .. prior to had you prior to hearing or have you been told this conversation between Murphy and Ryan had you been aware of any inquiries made through the CIB down here in relation to David, Lewington, yourself on the Korean (? 217) Inquiry?

J: There might have been a contact between, I think Bruce Miles and Nick Lucas in the Fraud Squad, Nick was actually the boss of the Fraud Squad at the time.

P: Yeah

J: See you see, when the Canberra R.S.L. some years ago, there was a guy named John O'Rourke, he was also another relation to the fraternaty (? 223) identity. He was the Secretary Manager of the Canberra R.S.L. at the time and there was a fraud committed on the ? poker machine rip offs omitt to account and that sort of stuff. Morgan Ryan's friendly representative O'Rourke and Nick Lucas had in fact met Morgan or Bruce Miles. I've got a sneaking suspicion that maybe there could have been contact with Nick at the time but I couldn't say for certain.

P: What about, did you hear of any contact through say Charles Kildar?

J: Charley Kildar, the ex-Chief Magistrate.

P: Yes

J: Charley features up prominently in the tapes.

P: But when a

J: He featured on the tapes in relation to us.

P: Right. In which way?

J: Discussions with Morgan about us. Close courses of action.

P: Did you hear him speaking on the

J: We didn't know who it was to start with I think he was nick named the Black Prince.

P: Right. Tell us about those conversations.

J: Andrew you're really straining a bonza friendship now, no I can't recall. I do recall oh snowdust. There is some company down in Canberra Snowdust trading as it's a kids nursery type centre, something like Donald Duck Nursery ...

P: Nipperville or ?

J: Nipperville thats it, Nipperville. Stardust I think or Snowdust was the, it might have been Snowdust P.L. trading as Nipperville. I don't know when we heard about that we thought it was a launder place but I think Charles had some things with that.

P: Can you recall

J: Charley also represented made contact on with us when we wish to speak to persons who Ryan did not wish us to speak to, he was extensively representing our prospective witnesses.

P: In the Korean Importation, know which witnesses they were?

J: Yeah there was one, there was one at Old South Head Road, Harry's, David I think it was David Choey's brother, David Choey's brother he was supposedly a butcher and there was this guy, it was in the same street I think that David Choey and he was a co-conspirator with Ryan, lived with, David Choey lived with his wife Doreen Old South Head Road, it might have been Harry's better meats or something (sounds like 266) but sure enough when we went one day as it turned out the day we were there bloody Doreen Choey walked in on us and we were there to find out about this alleged job offer.

P: Was the job offer from any

J: It was a job offer or work reference submitted by, allegedly by this butcher for Choey, something I think it was David Choey's brother. Now Kildar I know featured in representations to that also theres one down the south coast.

P: He lives down the south coast.

J: He had a practice down that way somewhere. There's another one down the south coast.

P: Don't worry about it specifically at this time. Can you actually recall him speaking with Morgan Ryan or listening to a tape where he's spoken to Morgan Ryan or someone in connection with getting a view or?

J: No not specifically. I think I have heard conversations when I've been talking with Ryan but I really can't say what that point of view is (sounds like).

P: You didn't hear any, him making inquiries to the CIB as to your whereabouts or David Lewington's whereabouts, what you were working on

J: Some reason or other I think if Harry Taswell ...

P: Harry Taswell ...

J: Harry Taswell was the clerk of the court here at one stage but maybe that's wrong. Yeah I think that's wrong, maybe it might have been when they were trying to find out through a legal side of things. You know someone in the legal fraternity we thought of Harry Taswell, that's just come to mind now. But Harry Taswell, was only the clerk of the court he wasn't actually in a position to influence anybody all he did was sign documents and stamp warrants.

P: Yes.

J: See Charley had a fair following behind him because he was a Chief Magistrate.

P: Was

J: Yeah well was anyway, he did that office a fine degree of good service on his activities that I'm aware of.

P: What?

J: Just some things, nothing quite underhanded but he's just on the crypt of criminal activity more than his job should really require.

P: Right.

J: You become a bit disheartened, I wasn't born a cynic, I say this often, I developed that way.

P: Yes, I've met a few recently. Just harping back one final thing about this conversation, the alleged Murphy, Ryan conversation that you either heard or were told about, what was the gist of that again the

J: Just as the whether we could be got at, whether we were amenable type to approach, these are my words now, amenable to an approach.

P: Was this either related to your innocent who as Morgan Ryan speaking or

J: Ryan and Murphy.

P: And who was asking?

J: I don't know but I obviously we can assume it was Ryan and Murphy, that Ryan was asking Murphy could we be got at and Murphy find out for him. I mean as I said before I make no bones about which way my allegiance lies in relation to the High Court and if I could say yes quite categorically that I heard that on a tape I would say it.

P: Right, alright.

J: And I make no bones about at all.

P: OK. I think thats about it isn't that's all I wanted to know, just get your version of the events.

J: Sorry I haven't been much help.

P: Oh well every little bit counts.

OTHER POLICE IN B DIVISION

completed ✓

Discussion between Sergeant Elizabeth Anne Harrison (AFP) in Perth on 24/7/86 with N. Jordan covering illegally recorded tapes she may have heard during the course of her attachment to B Division. Also present M. Howard.

Jordan: You have already been interviewed of course some time ago in 1984 by Detective Chief Inspector Whiddett?

Sgt Harrison: Yes

Jordan: In relation to matters on your involvement in B Division. Really what we want to do is to test your memory again on various matters that did not come out then, obviously because the focus of the discussion that Chief Inspector Whiddett had with you related to obviously different matters.

Sgt Harrison: Right

Jordan: We've got allegations that we need to deal with in relation to his Honour Mr Justice Murphy and from that, we've got key words, I suppose, that we want to put to you and test whether you might have heard anything of that nature. I don't propose to set out the nature of the allegations that we've got in relation to his Honour but those words that I put to you are key words in those issues. Could you tell me please when you joined B Division?

Sgt Harrison: 26th November 1979.

Jordan: Until what period were you with them?

Sgt Harrison: 30th February 1981

Jordan: During the course of the that period of employment did you have access to particular tapes, recorded tapes that you heard or transcribed?

Sgt Harrison: During the last month I should say.

Jordan: Were there many tapes that you heard?

Sgt Harrison: It's really hard to remember now, but to the best of my recollection there was about five that I listened to.

Jordan: Can you recall the nature of those, who were involved in the discussions, the people in those five tapes?

Sgt Harrison: Why, I think the main person was Morgan Ryan.

Jordan: Was it his telephone that was recorded?

Sgt Harrison: It would appear to be that one. And therefore it was conversations between numerous people, plus his family.

Jordan: In any of those tapes did you hear references to Luna Park?

Sgt Harrison: I can't recollect that.

Jordan: To Australian Amusements Pty Ltd?

Sgt Harrison: I can't recollect that.

Jordan: Did you ever hear the word Harbour-Side Amusements?

Sgt Harrison: I can't recollect that.

Jordan: The name Sir Arthur George mentioned in any of those discussions?

Sgt Harrison: I can't recollect that.

Jordan: Firm of Solicitor's named Simons and Bafsky?

Sgt Harrison: I've heard the name, whether I heard the name from my knowledge or from the phone I really wouldn't know.

Jordan: A Mr Cowper?

Sgt Harrison: Don't know that one.

Jordan: Eric Jury?

Sgt Harrison: Yeah I know that name one.

Jordan: You do recall that?

Sgt Harrison: Yes.

Jordan: Can tell me in which context you heard the name Eric Jury?

Sgt Harrison: I think he may have cropped up but I really can't remember what I heard on the phone or whether it's just that I know that.

Jordan: In relation to Jury, discussions with perhaps Morgan Ryan in relation to a lease.

Sgt Harrison: May have been.

Jordan: But you have no specific recall ?

Sgt Harrison: No. I think that when I was interviewed before perhaps it may have came up.

Jordan: Warick Colbron?

Sgt Harrison: No.

Jordan: Who is a Solicitor from A.J. Colbron, Hutchinson and Co.

Sgt Harrison: No.

Jordan: Central Railway was that mentioned during the course of any of the discussions you heard?

Sgt Harrison: I can't recollect that being any particular highlight.

Jordan: Right oh. The name Computer Terminal Pty Ltd?

Sgt Harrison: No.

Jordan: In relation to Central Railway, it concerns a redevelopment programme in relation to Central Railway. Nothing of that sort.? Again Eric Jury I've tested you on that. Paris Theatre?

Sgt Harrison: No.

Jordan: Gandarli Holdings?

Sgt Harrison: No.

Jordan: Lusher.

Sgt Harrison: I can't remember, I mean I've heard of him of course.

Jordan: Yes, Mr Briese?

Sgt Harrison: I don't think so.

Jordan: Any reference to Casinos?

Sgt Harrison: Yeah there probably was at one stage.

Jordan: No recall of specific details?

Sgt Harrison: I can't recall exactly what it was now. It's very hard because there has been so much publicity in the paper and everywhere, so to recollect what I heard on a tape is all sort of blurred, with whats gone since.

Jordan: Robert Yuen?

Sgt Harrison: Yeah.

Jordan: Can you tell me what you recall of discussion concerning him.

Sgt Harrison: No I really can't recall a discussion I know we did some work on that in B Division but so whether it was the telephone or whether it was just from my knowledge of it.

Jordan: Pinball machines.

Sgt Harrison: (Laughs)

Jordan: I can assure you that these are relevant issues
....

Sgt Harrison: I can't remember if that was mentioned on the
phone. It probably was.

Jordan: Rofe.

Sgt Harrison: May have been.

Jordan: But you can't recall any detail, who may have
mentioned that?

Sgt Harrison: I mean I know

Jordan: Know in a rough manner perhaps? ^(Sgt Harrison needs agreement) Danny Sankey?
Popular often mentioned name.

Sgt Harrison: I can't recollect.

Jordan: Any references to the conspiracy case involving
Sankey and Rofe Q.C.?

Sgt Harrison: No.

Jordan: Milton Morris?

Sgt Harrison: May have been mentioned but I couldn't comment on
that.

Jordan: But you recognise the name through some context
...

Sgt Harrison: Yeah

Jordan: whether it be documentation you might have dealt with in that period, or ...

Sgt Harrison: Or subsequently....

Jordan: But no recall of discussions and words that might have said any party concerning that...? *(Sgt. Harrison nods is unclear No)*

Jordan: John Mason?

Sgt Harrison: Possibly but I really can't recollect.

Jordan: Again no recall on detail of discussion. Roy Cessna?

Sgt Harrison: Might have been but I can't recollect it.

Jordan: Timothy Milner?

Sgt Harrison: Don't think so.

Jordan: Don Thomas?

Sgt Harrison: I don't think so.

Jordan: Senator Grimes?

Sgt Harrison: Don't recollect him.

Jordan: John Donnelly Davies?

Sgt Harrison: Don't recollect him.

Jordan: Any recall in relation to, Arirang Restaurant.

Sgt Harrison: I know the restaurant, but there again whether I heard it on the phone I really can't remember.

Jordan: Greek Conspiracy case or matters relating to that however expressed.

Sgt Harrison: I don't think so.

Jordan: Discussions that might have touched in any way on Korean Immigrants, Koreans.

Sgt Harrison: Yes, certainly there were discussions on Koreans but I can't recollect any details.

Jordan: Presumably if was was a subject of discussion on any of the tapes that you heard it would have been Morgan Ryan discussing it with some other person.

Sgt Harrison: Yeah.

Jordan: Just in a general way, were all the tapes that you had access to or heard, were they discussions of Morgan Ryan, between Morgan Ryan and other people? Or were there

Sgt Harrison: Yeah except there were obviously other members of his family.

Jordan: Jegarow, Wadim Jegarow?

Sgt Harrison: No.

Jordan: Or Bill Jegarow?

Sgt Harrison: No.

Jordan: Lewington?

Jordan: I think during the course of your discussion with Detective Chief Inspector Whiddett that matter was raised. Do you recall any reference on those tapes to either Mr Lewington or Jones?

Sgt Harrison: I really can't remember them. I mean I know they were given access to the tapes but that was because of their interest in the Police.

Jordan: Again in the course of your discussion with Chief Inspector Whiddett there was ^a question put to you concerning discussions you may have had with Detective Lewington or Jones concerning things that they may have heard on the tape that related to or referred to them. Do you recall any discussion they may have had with you over matters they heard?

Sgt Harrison: No.

Jordan: Can I ask you whether there are any specific matters that you do recall on the tapes?

Sgt Harrison: No not really, I mean, there was just so much conversationI remember all the betting more than anything else. He spent half his life taking bets. You know people ringing him up and may^be having a bit of a conversation, placing a bet, bit of a yack about what ever.

Jordan: Do you ever recall his Honour Mr Justice Murphy being mentioned during the course of discussions or specific calls that his Honour may have made to Morgan Ryan.

Sgt Harrison: No.

Jordan: And no persons, who ever they may have been, discussing his Honour?

Sgt Harrison: (No audible answer) *(Needs No)*.

Jordan: Ok.

Mark: I don't know whether this has been handled in other interviews. Did the police ^{make} records in any day notes or diaries what they may have heard on the tapes?

Sgt Harrison: When I was listening to the tapes I made notes and later on the relevant things we make up in to information reports, which are typed up and I think that after that I shredded my notes.

Jordan: You don't have now, or know now the location of, any of those notes or diaries or documents you might have created at that time.

Sgt Harrison: They would be at B Squad. That's all been through. I've been shown interview and information reports that I had raised at that time and they are the only documents, so far as I'm aware of, I'm not aware of what the bosses may have.

Jordan: I don't think there is anything else that I need to raise with you other than perhaps whether you can recall or nominate any member of B Division or anyone associated with the activities of that Division at that time who may have had greatest access or be most likely to be able to provide information of what was on those tapes.

Sgt Harrison: I was the only person actually listening to them at that stage and when I left Sharmaine Harten took over that job.

Jordan: Sharmaine Harten, is she an officer of the Australian Police.?

Sgt Harrison: Yeah, she's in Canberra

Jordan: Oh, Thank you.

Sgt Harrison: Obviously, I'm not quite sure whether Inspector Lamb or Superintendent (not audible).

Jordan: Do you recall any other officer who did hear the tapes or discuss anything on the tapes that might have knowledge of them apart from the officer you mentioned?

Sgt Harrison: No, nobody else had access.

Jordan: So there was Mr Lamb, ...

Sgt Harrison: I'm not even sure whether Mr Lamb listened to them or not.

Jordan: Can you generally

Sgt Harrison: I just point~~ed~~ out anything that was interesting.

Jordan: ~~Right, in terms with the mention of security associated with it~~ Can you tell me again those people who did have access or were entitled to have access, their was yourself obviously, Mr Lamb.

Sgt Harrison: Well Mr Lamb gave me the tapes.

Jordan: Right.

Sgt Harrison: And I can't now recollect whether he ever listened to the tapes or whether I told him points of interest and when I left B Division I'm aware that Sharmain Harten took over the listening.

Jordan: Sergeant Bill Taylor?

Sgt Harrison: No. He was my immediate Supervisor but he did not have access, he wasn't listening to the tapes.

Jordan: Mr Carter?

Sgt Harrison: No.

Jordan: Not have access to the tapes?

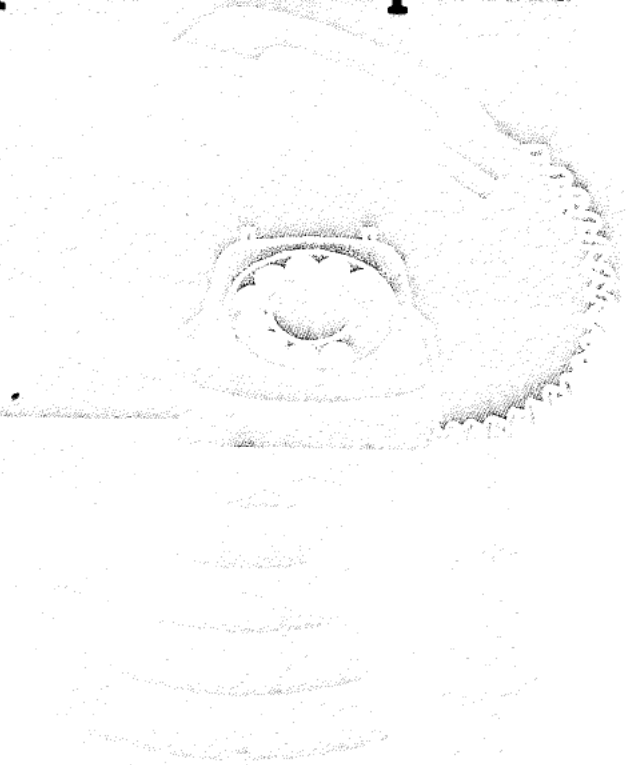
Sgt Harrison: No.

Jordan: Ok, I think that's the lot, thank you.

EXTRACT - VOL 2 #1
' STEWART



Royal Commission of Inquiry into Alleged Telephone Interceptions



CHAPTER 10 OTHER ORGANISATIONS INVOLVED IN UNLAWFUL TELEPHONE
INTERCEPTIONS

10.1 The involvement of the Victoria Police in telephone interceptions conducted in conjunction with the NSW Police is described in the previous Chapter. This Chapter deals in part with the involvement of the AFP in telephone interceptions carried out by the NSW Police [paragraphs 10.4-10.20].

10.2 The Commission also received evidence that officers of the Federal Narcotics Bureau and the JTF had unlawfully intercepted telephone conversations in New South Wales and these matters are also reported upon in this Chapter [paragraphs 10.21-10.68, 10.69-10.82]. In addition the Commission heard evidence relating to the illegal interception by a private inquiry agent of conversations where one of the parties was speaking over a mobile car telephone. This matter is also dealt with below [paragraphs 10.83-10.92].

10.3 Where tapes or transcripts arising from particular operations have survived and are in the possession of the Commission the offences or possible offences disclosed in such material are dealt with in Volume Two of this report.

Australian Federal Police

10.4 There were three operations involving the interception by the TSU of conversations passing over the telephone service connected to the home of Morgan John Ryan at Neutral Bay in Sydney. The first two operations, code named 'Mad Dog' and 'Rabid', were conducted in 1979 and 1980 respectively. The third operation was conducted on behalf of the AFP in the period January to March 1981 [see paragraphs 8.46-8.56].

10.5 The 1981 operation grew out of an association between Inspector P J Lamb of the AFP and [REDACTED] of the TSU. Previously Lamb

had been in charge of a group of Commonwealth Police officers which had conducted investigations given the code name 'Gaslight' for the Williams Royal Commission until its cessation in 1979. In 1978 while engaged on operation 'Gaslight', Constable C S Foster, a Commonwealth Police officer, received a telephone call from a detective in the Victorian BCI who told him that an officer of the NSW Police wished to furnish information in relation to drug trafficking. Foster was not aware of the identity of the officer until a meeting was arranged with him in Belmore Park, Sydney. The officer was [REDACTED] and Foster later introduced him to Lamb.¹ [REDACTED] furnished information to Lamb during 1978 and 1979.

10.6 When B Division was established by the AFP in November 1980, it included Lamb and several other officers who had previously been attached to operation 'Gaslight'. [REDACTED] and other staff of the TSU assisted in the provision of technical specifications for a portable radio system to be installed by B Division.² B Division concentrated its investigations upon the activities of certain alleged criminals and their associates. During the course of an investigation into a particular target, Morgan John Ryan was identified by the AFP as an associate of the target.

10.7 [REDACTED] continued to provide information to Lamb during 1980. To protect the identity of the source of the information, Lamb arranged within the AFP for [REDACTED] to be registered as an informer in an AFP register in Sydney kept for that purpose. The code name for [REDACTED] who was unaware of this arrangement, was [REDACTED].³

10.8 There was a number of meetings between Lamb and [REDACTED] during 1980, although there was conflicting evidence from witnesses before the Commission as to when and where these meetings occurred, and precisely what was discussed. In particular there was conflict between NSW Police officers on the one hand and AFP officers on the other as to a meeting said by some witnesses to have taken place on 5 March 1980. The preferred view, based, inter alia, on a contemporaneous document prepared by an AFP officer, is that one particular meeting took place early in the afternoon of 5 March 1980 at the Commodore Hotel in Blues Point Road,

McMahons Point. The meeting, which had followed an urgent telephone request from [redacted] to Lamb, was attended by Lamb and Sergeant B J Carter of B Division, and [redacted] Sergeant R Kilburn and Constable G P Smith of the TSU.⁴ On balance it would appear that [redacted] gave Lamb a single page document headed 'From a reliable source' which contained information concerning Ryan obtained from the interception of Ryan's telephone conversations.⁵ [redacted] said in evidence to the Commission that he had no recollection of the document.⁶ The contents of this document and the subsequent action by the AFP are described in the confidential Volume Two of this report.

10.9 Documents produced to the Commission by the AFP record that in March and July 1980 Lamb had further meetings with [redacted] who provided information obtained from the interception of Ryan's telephone conversations relating to the period February 1980 to 6 June 1980. An extract from a file note prepared by Lamb in relation to a meeting on 11 July 1980 states:

I met with informant [redacted] at 7.30 am on Friday, 11 July 1980 and the following are notes that I made during our conversation. Certain documents were also viewed.⁷

10.10 The remainder of the document summarises conversations between Ryan and other persons. The summaries contain information which was the product of the interception of conversations passing over the telephone service connected to Ryan's home. Further accounts of the conversations so summarised appear in the transcript of Ryan's intercepted telephone conversations in the possession of the Commission.⁸

10.11 In mid 1980 the interception operation known as 'Rabid' ceased [see paragraph 8.52]. AFP records indicate that no information was received in 1980 after the meeting between Lamb and [redacted] on 11 July referred to above.⁹ The precise details of the arrangements whereby the interception of Ryan's telephone conversations resumed in 1981 are unclear. According to [redacted] officers of the AFP wished to obtain more information about Ryan for the purpose of a particular inquiry.¹⁰ Hawthorn and Sergeant W S Stanton told the Commission that the staff of the TSU were unhappy at being directed to terminate operation 'Rabid',

which they felt was producing valuable information, and were willing to resume work on Ryan.¹¹ Indeed there is evidence that [REDACTED] approached Sergeant M K Ogg of the BCI seeking to have the operation resumed from premises [REDACTED] had rented in Neutral Bay.¹²

10.12 At one meeting between Lamb and [REDACTED] at a coffee shop in Sydney the question of resuming the Ryan operation was discussed. [REDACTED] said in evidence that he understood from this conversation that Lamb was requesting resumption of the operation for the benefit of the AFP.¹³ Lamb in his evidence to the Commission did not dispute this interpretation.¹⁴ [REDACTED] sought time from Lamb to consider the matter and to discuss it with other members of the TSU who were apprehensive about the prospect of carrying out an operation for the AFP in breach of Commonwealth legislation.¹⁵ Eventually it was agreed that the operation would be resumed from premises which had been leased by [REDACTED] as his residence at Kurraba Road, Neutral Bay, near Ryan's residence in Baden Road, Neutral Bay. As the AFP was requesting the operation, the arrangement was that that organisation would bear the cost. This included the provision of blank tapes to record telephone conversations and payment of part of the rent on [REDACTED] premises.¹⁶ The payment of rent accorded with the practice within the NSW Police in cases where police used their own residences for surveillance purposes.

10.13 Lamb sought approval for these arrangements from Deputy Commissioner R Farmer of the AFP in Canberra and Farmer in turn discussed the matter with the Commissioner, Sir Colin Woods. Farmer told the Commission that Sir Colin approved the receipt of tape recordings of conversations obtained from the interception but directed that AFP officers should not themselves carry out the interception. Farmer communicated this decision to Lamb and also approved payment of money to [REDACTED].¹⁷ The payments were said by witnesses to be in the order of a total of \$160 to \$200,¹⁸ but the AFP was unable to produce to the Commission any records of payment.¹⁹

10.14 Sir Colin Woods did not give evidence to the Commission but provided a sworn statement. In that statement he said that when he was approached by Farmer and Lamb to approve receipt of the material there

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was 'some doubt as to whether the material had been obtained illegally from a telephone intercept or from some other form of listening device'.²⁰ He later formed the view that the material could only have come from illegal telephone interceptions. He decided not to launch an investigation into the illegal activity because he concluded that there would be little likelihood of identifying NSW officers involved and because the public interest was better served by adopting the course which had been recommended to him.²¹ He believed that the activity was beyond his capacity to influence or control and that worthwhile information could be gained from the interceptions. In his sworn statement he stressed that 'the interceptions did not come through AFP initiatives although AFP responded readily to initiatives of others'. He said that the arrangements could be held to be in breach of the Telecommunications (Interception) Act 1979.²²

10.15 [redacted] stated that he informed Inspector R C Shepherd of the NSW Police of the operation.²³ The installation of the interception device was not effected in accordance with the procedures at the time whereby the Superintendent in Charge of the BCI approved all requests for telephone interceptions [see paragraph 7.35]. Superintendent B Blissett, then Superintendent in Charge of the BCI, was not informed of the arrangement and for some time was unaware that there was a third operation in relation to Ryan.²⁴

10.16 In January 1981, as a result of the arrangements made between Lamb and [redacted], members of the TSU installed an interception device on the telephone service connected to Ryan's home at Neutral Bay using a similar method to that used in the 'Rabid' operation. A voice activated recording device was installed in one of the two bedrooms in [redacted] flat. [redacted] removed the tapes from the recorder each morning and on his way to work delivered them to Lamb, and later to Constable T P Robinson, outside premises in Sydney occupied by B Division of the AFP.²⁵ These officers gave the tapes to Constable E A Harrison, and later to Constable C C Harten, who listened to them and recorded information relevant to B Division inquiries in the form of information reports.²⁶ The reports related to the period 14 January 1981 to 12 March 1981.²⁷

10.17 By the time this third interception operation commenced, Sergeants D J Lewington and R A Jones had been conducting inquiries into certain allegations concerning Ryan for over eight months.²⁸ Within a week of the first receipt by B Division of the information from the interception operation carried out from [REDACTED] flat, Lewington and Jones were instructed by Chief Inspector A Brown of the AFP to meet with Lamb.²⁹ They were also instructed by Deputy Commissioner R Kennedy to meet with Superintendent B Blissett.³⁰ The meetings duly took place, with Lamb on 27 January 1981 and with Blissett on 29 January 1981. Although the fact of the meetings is recorded by Lewington and Jones in their notebook the substance of the discussions which occurred is not.³¹

10.18 At the NSW BCI Lewington and Jones were introduced to Blissett by Sergeant P L Egge whom they had met previously.³² The nature of the AFP inquiry was explained and Blissett provided certain information by reading from a dossier on Ryan. Lewington and Jones were later shown some documents relating to the background of Ryan.³³

10.19 During subsequent meetings which Lewington and Jones had with Blissett and Egge, it was arranged that the BCI would obtain information by means of the interception of Ryan's telephone conversations. Information was to be provided to Lewington and Jones by telephone and Egge was assigned to provide the information. At a later stage Sergeant W T Chambers carried out this function. Blissett, who approved this arrangement, was unaware that the interception was already in place following the arrangement between [REDACTED] and Lamb.³⁴

10.20 Egge and Chambers attended the offices of the TSU in January, February and March 1981 and listened to tapes provided by [REDACTED] and others.³⁵ They conveyed relevant information obtained from the tapes to Lewington and Jones by telephone on a daily basis. Lewington and Jones continued to liaise with Inspector Lamb during the period of the interception. During attendances at the B Division offices Lewington and Jones were provided with material taken from information reports and played selected excerpts from the recorded conversations.³⁶

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Royal Commission of Inquiry into Alleged Telephone Interceptions

FINAL REPORT

Volume 2

Commissioner: The Hon. Mr Justice D. G. Stewart

Photocopy prepared in the
Department of the Prime Minister
and Cabinet on 27 May 1986.

April 1986

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2.293 Other references to telephone conversations involving Ryan's activities in relation to immigration matters are to be found in the notes and information reports contained within the operation 'Trident' file held by the AFP.³⁴¹

2.294 The Commission is of the view that there is a basis for finding that Ryan, William Lee, John Yuen, Brian Boyd, Gary Boyd and Robert England may have been involved in possible offences against the Migration Act 1958 by misleading officers of the Department of Immigration and Ethnic Affairs, and against the Crimes Act 1914 of forging and uttering documents and of conspiring contrary to section 86 of the Crimes Act to effect a lawful purpose by means that are unlawful under laws of the Commonwealth.

2.295 The Commission recommends that it would be appropriate if all the material relating to Ryan were to be examined for entries relating to other conversations which may be relevant to the Crown case against Ryan.

Attempt to Interfere in an AFP Investigation

2.296 Volume One of this report deals with the involvement of the AFP in the illegal interception of telephone conversations carried out by members of the TSU [see paragraphs 10.4-10.20]. Those paragraphs describe meetings between Inspector P J Lamb of B Division of the AFP and Sergeants D L Lewington and R A Jones of the AFP which occurred early in 1981.

2.297 Lewington stated in a recorded interview with Superintendent A Brown of the AFP conducted on 22 February 1984 that during one of his attendances at B Division he was played a tape of what he believed to be a telephone conversation between Ryan and Mr Justice L K Murphy although he could not positively identify the latter. During that conversation, according to Lewington, Ryan inquired whether Murphy had been able to find out whether Lewington and Jones were approachable. Lewington and Jones were then conducting an inquiry into an alleged immigration conspiracy involving Ryan. According to Lewington, Murphy replied that they were not approachable as 'they were both very straight'.³⁴²

2.298 According to Lewington, in July 1981 he was approached by two members of the NSW Police and 'an offer was made to (him) in the terms of it would be worth (his) while to drop the charges or make the charges less severe against Morgan Ryan'.³⁴³ The matter was reported by Lewington and after an investigation by the NSW Police Internal Affairs Branch, the two police officers involved were the subject of disciplinary action which the Commission considers to have been surprisingly lenient under the circumstances.³⁴⁴

2.299 Lewington's recollection of the conversation he said he had heard between Ryan and the person he believed to be Murphy, was not corroborated in any material particular by other persons or by material held by the Commission.

2.300 Put at its highest it could be that Ryan sought from Murphy information as to whether police officers who were investigating his part in an alleged conspiracy could be corrupted to act otherwise than in accordance with their duties and that Murphy advised Ryan that they could not. Such a conversation does not of itself constitute an offence by either party. It may well be that an offence was committed by the NSW Police officers but there is nothing to connect that with the conversations recorded in the material before the Commission except the suspicions of Lewington.

2.301 This matter was put to Mr Justice Murphy in the Commission's letter to him of 25 March 1986.³⁴⁵ For the reasons set out previously Mr Justice Murphy was not called to give evidence to the Commission and declined to respond to the matters raised in the Commission's letter [see paragraph 2.43].

2.302 The material held by the Commission relating to this matter has been brought to the attention of the Director of Public Prosecutions.

2.303 The Commission recommends that the New South Wales Commissioner of Police examine the question of whether any criminal charge can be preferred against the two NSW Police officers who approached Lewington with a view to having him drop or lessen the charges against Ryan. This

Commission is aware of material, which was earlier passed to the National Crime Authority by the Police Commissioner which indicates that there were good grounds for investigation of these police officers' actions.

Endnotes

- 1 T1A/37
- 2 TI363 folio 61
- 3 T1A/39
- 4 TI296 Part 1 folio 18
- 5 T1A/11, 15
- 6 T1A/15
- 7 TI363 folio 61
- 8 T1A/19
- 9 TI363 folio 61
- 10 TI296 Part 2 folios 200, 203, 211, 215
- 11 T1A/19
- 12 T1A/45
- 13 T1A/91
- 14 TI363 folio 60
- 15 T1A/91
- 16 T1A/96
- 17 TI363 folio 61
- 18 TI296 Part 2 folios 153, 200, 202, 215
- 19 T1A/96-99
- 20 T1A/100-01
- 21 T1A/102
- 22 T1B/106-155
- 23 T1A/11, T1A/15
- 24 T1A/12, 39, 96, 97, 98
- 25 T1A/99
- 26 T1A/36
- 27 ibid
- 28 ibid
- 29 T1A/53
- 30 TI363 folio 60
- 31 T1A/53
- 32 T1A/61
- 33 T1A/96
- 34 T1A/98
- 35 T1A/102
- 36 ibid
- 37 T1A/104
- 38 TI363 folio 61
- 39 TI363 folios 75, 84
- 40 T1A/40
- 41 T1A/53
- 42 T1A/54
- 43 T1A/54-55

POLICE OCCURRENCES

No. 135.

Date and Time	Report of Occurrence	Action Taken
15.7.81.	<p>On duty Canberra. Office duties. Phone enquiries re caretakers of 44 York St, Sydney re Kevin YOUNG.</p> <p>Phonecall received from Morgan RYAN stating he would be in Canberra on Friday and requesting a meeting with Det LEWINGTON re various matters relative to the enquiry. Wants to meet alone. Contact Sen Const ISSELMAN. Contact Sen Const ANDERSON re position with documents for brief. Decision should be known by Friday. Contact A/Dep Comm JOHNSON per phone, re report and HOUGHTON. Speak to Det Insp Jim SEEDSMAN (Task Force) Sydney 3571798 re HOUGHTON, RYAN and SAFFRON. Info is that MR appears quite often in their enquiry. Det Insp LAMB unable to meet this date. To meet tomorrow. Attention to brief on Dennis CHU etc.</p>	<p>"Off the record talk"</p>
16-7-81	<p>On duty Canberra. Office duties. Attention to briefs on CHU, CHOI AND RYAN. To Legal Services confer with Station Sergeant KIRK, Senior Constable SAUNDERS and WILDE - re Morgan RYAN brief.</p> <p>Speak with Insp. LAMB. Further attention to briefs.</p>	
17-7-81	<p>On duty Canberra. Office duties. Attention to briefs of evidence. To Barton - confer with Insp. LAMB Spoke with Morgan RYAN per phone at 0915hrs. He stated that what he wished to speak with me about also concerned his 'associates' and he wished to speak with them first. Sought to change the time of appointment to Monday 20th. This agreed to and RYAN to contact me A.M. that date for appointment time. Further attention to briefs the confer with PENKETHMAN Dept. Immigration. Office - ring Ron</p>	

D33/F79 PC2/15

POLICE OCCURRENCES

No. 136

Date and Time	Report of Occurrence	Action Taken
17-7-81	<p>SHAW, Cronulla Detectives. He passed on message from John LOWE that was said to originally come from Morgan RYAN that any consideration I could give to RYAN would be made very much worth my while. Notes of conversation made, informed St. Sgt. LUCAS and Det. Insp. POTTER. Also advised the Dep. Commissioner per telephone.</p>	
20-7-81	<p>On Duty Canberra. Prepare report and statement re offer of bribe and submit same to Det. Chief Supt. DAWSON. Confer with Det Supt DAWSON re same. Spoke with RYAN per phone. He confirmed his arrival in Canberra today and that he would see me at City Police Station at 2.0p.m. and go somewhere quiet for a cup of coffee. Liaise with Senior Constable ISSLEMAN re electronic surveillance gear. Confer with Supt. DAWSON re same matter. To Hobart Coffee Lounge with Morgan RYAN until 3.50p.m. Then confer with Senior Const ISSLEMAN and Supt. DAWSON.</p>	
21-7-81	<p>On duty, Canberra. Attention to Morgan RYAN brief then to Legal Services confer with Sen. Const P. WILDE re issue of summons for RYAN on charge of conspiracy - left copy of brief with same. Attention to briefs re Immigration matters.</p>	
22-7-81	<p>On Duty, Canberra. Attention to briefs - speak with Tom ORR of Doultons Plastics, Artarmon and With Alex WARD, Poon Bros. Pty. Ltd., Perth.</p>	

POLICE OCCURRENCES

No. 137.

Date and Time	Report of Occurrence	Action Taken
23.7.81.	<p>On duty Canberra. Office duties re briefs. Phone call received from Det Sgt SHAW in relation to report submitted by Det. LEWINGTON. Stated would ring back. Speak to Det Sup DAWSON re same. Obtain original report obtained from Det Sgt GRIFFITHS by Det Sup DAWSON and handed to Det LEWINGTON. Phone call received from Det Sgt SHAW in relation to the existence of the abovementioned report. Further conference with Det Sup DAWSON re same, then partics supplied to A/Assistant Commissioner BATES. Further duties re submission of briefs.</p>	
24.7.81.	<p>On duty Canberra. JONES to exams. Office duties re briefs. Contact Sen Const ANDERSON Sydney re state of doc examinations. Phonecall received from Morgan RYAN about 9.10am and again at about 12 midday re Bruce MILES coming to Canberra and being desirous of meeting. Further office duties. Phone call from Bruce MILES about 3.20pm stating he was in Goulburn and on his way to Canberra. Was told we would be unavailable. H. stated that perhaps MASON and CHOI would plead to their charges thus clearing Morgan RYAN of any complicity. He asked if this line of action could be considered.</p>	
7.7.81.	<p>On duty Canberra. Office duties re briefs. Then to DCS and speak to Mr J. McRORY re conspiracy briefs and possible involvement of Bruce MILES. He advised there was insufficient at this time. Return to office. Information received from Sen Const ANDERSON stating</p>	