

IN-CONFIDENCE

FILE No:

C 23 /

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

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TITLE ALLEGATION No 10

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5-11	A. Phelan	14/8/86								

FILE NO. **C.23**

MEMORANDUM RE MATTERS NUMBERED 4, 5, 7, 8, 9, 10, 12, 17, 19,
21, 22, 28, 29, 30, 31, 32, 34, 35, 37, 38, 41.

Matters Raised with Counsel Assisting but not Drawn as Specific Allegations in Precise Terms.

This memorandum deals with 21 matters which in the opinion of those assisting the Commission could not or, after investigation, did not give rise to a prima facie case of misbehaviour within the meaning of Section 72 of the Constitution. It is therefore proposed that these matters not be drawn as specific allegations in precise terms and that there be no further inquiry into them.

Matter No.4 - Sala

This matter involves an allegation that the Judge, whilst Attorney-General, wrongfully or improperly ordered the return to one Ramon Sala of a passport and his release from custody.

All the relevant Departmental files have been examined as also has been the official report of Mr A.C. Menzies.

The available evidence supports the conclusion of Mr Menzies that there was no evidence of any impropriety on the Judge's part. While it is true to say that there was room for disagreement about the directions given by the Judge and that the Australian Federal Police objected to the course taken, the action by the Judge could not constitute misbehaviour within the meaning of Section 72 of the Constitution. We recommend that the matter be taken no further.

Matter No.5 - Saffron surveillance

This matter consisted of an allegation that the Judge, whilst Attorney-General and Minister for Customs and Excise, directed that Customs surveillance of Mr A.G. Saffron be downgraded. The gravamen of the complaint was that the Judge had exercised his Ministerial powers for an improper purpose.

This matter was the subject of a Report of Permanent Heads on Allegations in the National Times of 10 August 1984. That Report pointed out, as an examination of the files of the relevant agencies confirms to be the case, that apart from one document entitled "Note for File" prepared by a Sergeant Martin

on 30 January 1975 there was no record of any Ministerial direction or involvement in the matter. That note for file attributed to a Kevin Wilson the statement that the A-G had directed that Saffron was not to receive a baggage search. When interviewed by the Permanent Heads Committee, Mr Wilson said that in all his dealings with the matter he believed that the direction came from the Comptroller-General. The conclusions of the Report of Permanent Heads appear at paras 45 and 46. Those conclusions were that the decision to reduce the Customs surveillance of Saffron to providing advice and travel details was reasonable and appropriate and that it was more probable than not that the decision to vary the surveillance of Saffron was made by the then Comptroller-General. This, it was concluded, did not rule out the possibility that the Minister spoke to the Comptroller-General who may have reflected the Minister's views when speaking to a Mr O'Connor, the officer in the Department who passed on the directions to the police.

It is recommended that the Commission proceed in accordance with Section 5(3) of the Parliamentary Commission of Inquiry Act and, having regard to the conclusions of the Permanent Heads Inquiry, take the matter no further.

Matter No.7 - Ethiopian Airlines

This matter was the subject of questions in the Senate in late 1974 and 1975. The contention was that the Judge, whilst Attorney-General, behaved improperly by accepting free or discounted overseas air travel as a result of his wife's employment with Ethiopian Airlines. Investigation revealed nothing improper in the appointment of Mrs. Murphy as a public relations consultant nor in the fact that in lieu of salary she acquired and exercised entitlements to free or discounted travel for herself and her family.

Whatever view one may take as to the propriety of a law officer accepting free or discounted travel in the circumstances set out above, the facts disclosed could not, in our view, amount to misbehaviour within the meaning of Section 72 of the Constitution and accordingly we recommend the matter be taken no further.

Matters No.8 and 30 Mrs Murphy's diamond; Quartermaine - Moll tax evasion.

These matters were the subject, in late 1984, of questions in

the Senate. It was alleged that the Judge had been involved, at some stage during or prior to 1979, in a tax avoidance scheme in Western Australia involving one Christo Moll, Murray Quartermaine and others and that Mrs Murphy had either purchased or been given a diamond by Moll.

Material was provided to the Commission in support of these claims and consisted of two diamond valuation certificates, a cheque butt of Moll's with the name Mrs L Murphy and a letter dated 18 June 1979 allegedly written by a Dr Tiller, one of the participants in the scheme, to Quartermaine, implicating the Judge in their activities.

These matters were investigated by the Commission and those investigations confirmed the conclusion to which the Australian Federal Police had earlier come that the documentation provided in relation to the alleged diamond was unreliable and in all likelihood false and that the letter from Dr Tiller was probably false and possibly written by Moll to discredit Quartermaine.

In the light of these circumstances it is in our view impossible to conclude that there is any prima facie evidence

of misbehaviour within the meaning of Section 72 of the Constitution and we recommend that the matters be taken no further.

Matter No.9 - Soviet espionage

Two individuals jointly made the claim that the Judge was a Soviet spy and a member of a Soviet spy ring operating in Canberra. This allegation was supported by no evidence whatever and rested in mere assertion of a purely speculative kind.

We recommend that the Commission should make no inquiry into this matter.

Matter No.10 - Stephen Bazley

Information was given to those assisting the Commission that Stephen Bazley had alleged criminal conduct on the part of the Judge. The allegation was made in a taped interview with a member of the Australian Federal Police and was that the Judge wanted Bazley to "knock out" George Freeman. Bazley said that the request had been passed on to him by a named barrister on an occasion when, according to Bazley, he and the barrister went to the Judge's home in Sydney.

The New South Wales Police had investigated this allegation in 1985 and the staff of the Commission was given access to the relevant New South Wales Police records.

Those records showed that the conclusion of the police investigation was that the allegation was 'a complete fabrication' and that further enquiries would be a 'complete waste of time'. These conclusions were based on Bazley's lack of credibility, his refusal to assist the New South Wales Police in their inquiry into this allegation, his refusal to adopt the statement he had made to the Australian Federal Police and the clear and comprehensive denial by the barrister in a signed statement that he had or would have spoken to Bazley in the terms alleged. Indeed the barrister said that he had met Bazley only twice, once when he had acted for him and once when Bazley had approached him in public and the barrister had walked away.

There being no material which might amount to prima facie evidence of misbehaviour within the meaning of Section 72 of the Constitution we recommend the matter be taken no further.

Matter No.12 - Illegal immigration

It was alleged that the Judge had been involved in an organisation for the illegal immigration into Australia of Filipinos and Koreans. It was not made clear in the allegation whether the conduct was said to have taken place before or after the Judge's appointment to the High Court. No evidence was provided in support of the allegation.

Those assisting the Commission asked the Department of Immigration for all its files relevant to the allegation. Examination of the files provided to the Commission revealed nothing to support the allegation; neither did inquiries made of the New South Wales Police which had made some investigations into the question of the involvement of Ryan or Saffron in such a scheme.

There being no material which might amount to prima facie evidence of misbehaviour within the meaning of Section 72 of the Constitution we recommend the matter be taken no further.

Matter No.17 - Non-disclosure of dinner party

This matter involved an assertion that the Judge should have come forward to reveal the fact that he had been present at a dinner attended by Messrs Ryan, Farquhar and Wood once it was alleged that there was a conspiracy between Ryan, Farquhar and Wood. It was not suggested that what occurred at the dinner was connected with the alleged conspiracy; neither was there evidence of a public denial by any of Messrs Ryan, Farquhar and Wood of the fact that they knew each other.

In the absence of such suggestion or denial there would be no impropriety in the Judge not coming forward to disclose the knowledge that he had of such an association. The absence of action by the Judge could not constitute misbehaviour within the meaning of Section 72 and we recommend that the Commission should do no more than note that the claim was made.

Matter No.19 - Paris Theatre reference, Matter No.21 - Lusher reference, Matter No.22 - Pinball machines reference

These matters came to the notice of the Commission by way of

the so-called Age Tapes transcripts (Volume T1A, p.22 - 20 March 1979, Volume T1B, pps. 107-108, 7 February 1980). On the hypothesis that the transcripts could be proved, there were several conversations between the Judge and Morgan Ryan which included observations by the Judge first, that there was something in the newspaper about the Paris Theatre and that Ryan should know "what's bloody well on"; second, a conversation in which a discussion occurs about "every little breeze" and "the Lush or is it going to be the three board of ..."; and, third, a conversation where Ryan asked the Judge not to forget those " pinball machines ... ".

These three matters, to the extent they suggest a continuing and close relationship between the Judge and Ryan are covered by Allegation No.40.

These conversations could also lead to the inference that the Judge was involved in various kinds of sinister activities with Ryan. However, since they consist only of cryptic references not capable of investigation as allegations of substance, it is recommended that, except as part of Allegation No.40, these matters should merely be noted by the Commission but not investigated further.

Matter No.28 - Statement after trial

This matter was referred to in the House of Representatives (see pages 3447-8 of House of Representatives Hansard of 8 May 1986).

It was suggested that the Judge's comments, made immediately after his acquittal, that the trial was politically motivated constituted misbehaviour.

We submit that the conduct alleged could not on any view constitute misbehaviour within the meaning of Section 72 of the Constitution and that the Commission should merely note that the matter was brought to its attention.

Matter No.29 - Stewart letter

This matter was referred to in the House of Representatives (see p. 3448 of the House of Representatives Hansard of 8 May 1986).

Mr. Justice Stewart, in the course of the Royal Commission of

Inquiry into Alleged Telephone Interceptions, sent a letter to the Judge which contained seven questions. The letter was sent to the Judge in March 1986 shortly before the Judge was due to be re-tried. It was suggested that the Judge's failure to respond to that letter constituted misbehaviour.

The view has been expressed (Shetreet, Judges on Trial, p 371) that the invocation by a judge of the right to remain silent "was an indication that his conscience was not clear and he had something to conceal. Such a judge could not properly continue to perform his judicial functions without a cloud of suspicion." Nevertheless, we submit that in the particular circumstances of this case the conduct alleged did not constitute misbehaviour within the meaning of Section 72 of the Constitution and that the Commission should merely note that the matter was brought to its attention.

Matter No.31 - Public Housing for Miss Morosi

It was alleged that in 1974 the Judge requested the Minister for the Capital Territory to arrange for Miss Morosi to be given priority in the provision of public housing.

We submit that the conduct alleged could not on any view constitute misbehaviour within the meaning of Section 72 of the Constitution and that the Commission should merely note that the matter was brought to its attention.

Matter No.32 - Connor view of the Briese matter

(See attached memorandum of M. Weinberg and A. Robertson dated 16 July 1986).

Matter No.34 - Wood shares

This matter consisted of an allegation that in the late 1960s the Judge, whilst a Senator, was given a large parcel of shares by another Senator, Senator Wood. The inference the Commission was asked to draw was that there was something improper in the transaction.

The allegation was supported by no evidence whatever. As the former Senator who allegedly gave the Judge the shares is now dead and the shares cannot be identified, we recommend that the Commission should do no more than note that the claim was made.

Matter No.35 - Soliciting a bribe

It was alleged that in 1972 or 1973 the Judge, whilst Minister for Customs and Excise, solicited a bribe from Trevor Reginald Williams. Williams was at the time involved in defending a customs prosecution and he asserted that the Judge offered to "fix up" the charges in return for the payment of \$2000.00.

Williams was interviewed but the facts as related by him did not, in the view of those assisting the Commission, provide any evidence to support the claim.

There being no material which might amount to prima facie evidence of misbehaviour within the meaning of Section 72 of the Constitution we recommend the matter be taken no further.

Matter No.37 - Direction concerning importation of pornography

There were two allegations concerning the same conduct of the Judge whilst he was Attorney-General and Minister for Customs and Excise.

The allegations were that in 1973 the Judge had issued a direction that Regulation 4A of the Customs (Prohibited Imports) Regulations, as they then stood, should be ignored with the result that pornography was imported without any written permission and thereby contrary to the regulations.

Investigations showed that the direction emanated from a meeting in June 1973 between the then Senator Murphy and senior officials of his Departments, the Attorney-General's Department and the Department of Customs and Excise. The direction given was under the hand of a G E Sheen for the Comptroller-General and was in terms that "customs resources engaged in screening imported goods should be primarily concerned with the detection of prohibited imports other than material which offends Regulation 4A ... For the time being there are to be no prosecutions under the Customs Act for offences involving pornography."

The direction resulted from the Attorney-General agreeing with proposals in a departmental paper on censorship policy. At that time it was proposed by the Government that the regulations be amended to correspond with Government policy.

It was noted in the Minutes of the meeting in June 1973 that the Attorney-General agreed that it would be necessary to compromise in the implementation of policy in order to meet the requirements of the current law.

The direction was continued until the amendments to the legislation were made in February 1984.

We submit that there is no conduct disclosed which could amount to misbehaviour within the meaning of Section 72 of the Constitution. We recommend that the matter be taken no further.

Matter No.38 - Dissenting judgments

A citizen alleged that the Judge through "continued persistence in dissenting for whatever reason, can engender towards him such disrespect as to rank his performance to be that of proved misbehaviour".

We submit that the conduct alleged could not on any view constitute misbehaviour within the meaning of Section 72 of the Constitution and that the Commission make no inquiry into this matter.

Matter No.41 - Comment of Judge concerning Chamberlain committal

In answer to questions put to him in cross-examination during the Judge's second trial, Mr Briese SM gave evidence that the Judge had commented on the Chamberlain case. The context of the comment was that a second coroner had, that day or recently, decided to commit Mr and Mrs Chamberlain for trial on charges relating to the death of their daughter. The Judge's remark was to the effect that the decision by the Coroner was astonishing.

It was suggested that this conduct by the Judge might amount to misbehaviour in that it was a comment upon a matter which might, as it did, come before the Judge in his judicial capacity: it was therefore, so it was said, improper for the Judge to make known to Mr Briese his view of the decision to commit for trial.

We submit that the Chamberlain case was a matter of general notoriety and discussion, that the Judge's comments were very

general in their terms and that therefore the Judge's conduct could not amount to misbehaviour within the meaning of Section 72. We recommend that the matter be taken no further.

[REDACTED]

S. Charles

M. Weinberg

[REDACTED]

A. Robertson

[REDACTED]

D. Durack

[REDACTED]

P. Sharp

[REDACTED]

A. Phelan

21 August 1986

MEMORANDUM RE ALLEGATION NO 32

We have been invited to draft an allegation based upon the views of Mr Xavier Connor in his report to the second Senate Committee in 1984. In that report, Mr Connor suggested that even if it could not be shown that the Judge intended that Briese approach Jones with a view to inducing Jones to act otherwise than in accordance with his duty, the mere act of inviting Briese to make enquiry of Jones as to how the case against Morgan Ryan was progressing might amount to misbehaviour within the meaning of Section 72 of the Constitution. The difficulty which we have in drafting an allegation along those lines arises from Section 5 (4) of the Parliamentary Commission of Inquiry Act 1986. That sub section provides the Commission shall not consider -

- a) the issues dealt with in the trials leading to the acquittal of the Honourable Lionel Keith Murphy of certain criminal charges on 5 July 1985 and 28 April 1986 and, in particular, the issue of the Honourable Lionel Keith Murphy's guilt or innocence of those charges; or

- b) whether the conduct to which those charges related was such as to constitute proved misbehaviour within the meaning of Section 72 of the Constitution except to the extent that the Commission considers necessary for the proper examination of other issues arising in the course of the Commission's inquiry.

It is plain that there is a difference between the version given by Briese of the relevant conversation and that given by the Judge. That difference was fully explored during the course of the Judge's trials. It is impossible to know whether the jury which acquitted the Judge at his second trial did so merely because they were not satisfied that he had the requisite intent to pervert the course of justice, or because they were not satisfied that Briese's version of the conversation was correct. On any view the content of that conversation is central to the charge as laid against the Judge and ultimately disposed of by his acquittal. It seems to us that to raise this matter as a specific allegation in precise terms is to breach Section 5 (4) in that the matter in question is "an issue dealt with in the trial leading to the acquittal" of the Judge in the relevant sense, and to consider it would be


to consider "whether the conduct to which those charges related" was misbehaviour. We consider that the Commission is not empowered to consider the Connor view of the Briese matter except to the extent that it considers it necessary to do so for the proper examination of other issues arising in the course of the inquiry. We recommend that Allegation No 32 not proceed.

[REDACTED]
M Weinger /

[REDACTED]
A Robertson

16 July 1986

11


Mr Andrew Phelan
Director of Research

Re: Allegation No 10 -
The Stephen Bazley Approach

On Thursday 14 August 1986 I spoke with Superintendent Drew of the NSW police in relation to an allegation made by Stephen Bazley to an AFP officer that Justice Murphy had asked him to kill George Freeman.

I was not permitted to take the police file away, however, I read all the relevant material while in Superintendent Drew's office and took notes from that material.

The conclusion of the NSW police following their enquiries is that Bazley's allegation is a total fabrication. Having read the material I am inclined to agree.

As can be seen below, Bazley's allegation about visiting Justice Murphy's unit at Darling Point in the company of Sydney barrister, Patrick Leary, is vague and it is denied by Leary in a signed statement.

Set out below are the relevant sections from the transcribed recorded interview between Bazley and an AFP officer in Cowra on or about 31.3.83;

"Taylor died a natural death, and George Freeman was supposed to move in and take over the Cross. I was taken upstairs to an apartment in Rose Bay area. I can pin point it now, and met Mr Justice Murphy in his dressing gown and slippers while the barrister took me up there Emil ... not em ... that the New Zealand one um Leary the ... spoke with him about me being the likely bloke to knock out Freeman and to get me out if ... and I would do it. They're all ... without my consent, without my knowledge and when he came back from ... we sat in the corner while Lionel Murphy got dressed, he said look I'll put it on the line with you, I told you that it's worth a lot of money to you and he said you can get a go of it ... anything you want to do, girls, you can run this, you can run that.

H(AFF) Are you saying you're committing this to this High Court Judge at that time.

B He's still a high court judge, Lionel Murphy, Right. That's ... how high a judge. I mean how do you think I f... felt mate. And now i'm here to give you all of this on paper, thats only a fraction of it and you can't even guarantee what you can do with it.

.....
.....
.....

B I've got changes taking place which are permanent changes. Muscle heads are going out. When I went up to Lionel Murphy's apartment that night, there were three men in the foyer to meet us who were, at one and the same time, three of the coldest guys I had ever seen, nicely dressed

✓ (S12)

in dark tuxedos, white shirts and box ties. Flunkies. But they were intelligent flunkies mate.

H Dangerous ones?

B My bloody oath. Kill you as quick as look at you.

B And there was no way that we're making that lift until it was called from up above. You couldn't operate this lift from down below - it was operated by ... Remote control type of thing (overtalking)

B Yeah. Very much a controlled lift mate. There's no way you could get up to that apartment unless you were f.... invited from the top. So when we went into the lift, no one pressed a button. We went into the lift with one of the flunkies, the door closed and up it went. And er - you know the sorts of changes that are taking place are both sinister, high level and permanent, and intelligence is taking over up there. Their feed in of information is great, their feed back from what's happening in police circles is great. You know whose gonna be raided before it ever happens.

.....
.....
.....

Andrew Waring, very interesting man, he had so many different changes as he went bankrupt. Papers back in and he got ... right on the swing again. Andrew Waring took me out to meet - took me up to meet Lionel - Lionel Murphy offered me a contract ...

H Well put it this way - what did you - you said you went up there - you said it three times with consistency ... what the hell do you think he was doing, do you think he must have been in it.

B Why do you think he's where he is? Why do you think now that politics, connections, well - found that out (overtalking)

N.S.W. Police Enquiries

On 23 February 1985 Bazley in the company of his solicitor, Clive Jeffreys, was interviewed by Detective Inspector Hodges of the NSW Police in relation to the alleged meeting with Justice Murphy. Bazley was not prepared to make any comment and even declined to adopt the transcribed conversation set out above. The interview lasted 12 minutes.

On 22 October 1985 Patrick Leary was interviewed by Detective Inspector Wilson. (Leary is the Sydney barrister who Bazley said accompanied him to Justice Murphy's Darling Point unit)

Leary provided a signed statement to the effect that he had met Justice Murphy at social functions and did not know him well. He said he had also met Bazley on two occasions, the first being when he approached him for advice on how to obtain finance for a business and secondly, when Bazley approached him while he (Leary) was drinking with a friend at a bar. Leary says he did not have the alleged meeting with Bazley and Justice Murphy.

Conclusions of the NSW Police

The opinion of Detective Inspector Wilson (expressed on the

file) is that the allegation of Stephen Bazley is a complete fabrication and that further enquiries would be a complete waste of time. Detective Inspector Wilson's recommendation of no further action was agreed to by Assistant Commissioner R C Shepherd (Internal Affairs) on 9 December 1985, who said that he too was satisfied that the allegation was without substance.

Conclusion

Bazley is known to the NSW police to be a criminal and someone "who handles the truth rather carelessly". The file material points out that Bazley's transcribed discussion with the AFP amounted to 262 pages, it resulted in 26 investigations, and action was possible in only one of these (papers not more specific).

The only currently available evidence remains the abovementioned vague recorded statements by Bazley. He does not provide the date of the alleged discussion with Justice Murphy and the attempt by the NSW police to gain more specific information has been unsuccessful.

Bazley says that Leary spoke with Justice Murphy about him being "the likely bloke to knock out Freeman" It is not said whether this conversation was overheard by Bazley or whether Leary merely told Bazley that he had this discussion with Justice Murphy. (Although it does suggest that

Leary and Justice Murphy held the alleged discussion in his (Bazley's) presence. Bazley says that Justice Murphy then went to change his clothes and Leary allegedly said to him;

"I'll put it on the line with you, I told you that its worth a lot of money to you and he said you can get a go of it ... anything you want to do ... girls ... you can run this, you can run that."

It should be remembered, of course, that this conversation is denied by the barrister concerned and he has provided a signed statement and says (in his statement) that he is prepared to give evidence on the point. Further, Bazley has no credibility as far as the NSW Police are concerned. Also the second part of the conversation was not held in the presence of Justice Murphy (if held at all). Importantly, as can be seen by the abovementioned material, at no stage did Justice Murphy speak directly to Bazley and no words of the Judge are quoted. It is clear therefore that Justice Murphy did not ask Bazley to do anything. Although Bazley formed the view that the Judge wanted him to kill Freeman.

Agree. My knowledge of B is such that I consider him to be a man of no credit whatever.
[Redacted] 19.8.86.

Recommendation

In all the circumstances the conclusion of the NSW Police that this allegation is a total fabrication seems an appropriate one. Accordingly, it is recommended that no further action be taken in relation to this matter.

N. Jordan

14 August 1986

Notes of Ned Jordan
Note: then Davis Thursday. 14/8/86.

* Not to quote from material in the NSW Police report without obtaining the material by summons

Segment of transcript from Conn Police Tapes.
H. is the Federal Police Officer:

... Taylor died a natural death, and George Freeman was supposed to move in and take over the Cross. I was taken upstairs to an apartment in Rose Bay Area, I can pin point it now, and met Mr Justice Lionel Murphy in his dressing gown and slippers while the barrister who took me up there Emil ... not em ... that the New Zealand one um leaving the ... spoke with him about me being the likely likely to knock out Freeman and to get me out of ... and I would do it: They're all ... without my consent, without my knowledge and when he come back from ... we sat in the corner fucking while Lionel Murphy got dressed, he said look I'll put it on the line with you I told you that it's worth a lot of money to you and he said you can get a go of it cost have

anything you want to do girls you can run this you can run that.

H. Are you saying you're committing this to this High Court judge at that time.

B. He's still a high court judge, Lionel Murphy, right. That's how high a judge. I mean how do you think I fucking feel mate, and now I'm here to give you all of this on paper, that's only a fraction of it and you can't even guarantee what you can do with it.

I've got changes taking place which are permanent changes muscle heads are going out. When I went up to Lionel Murphy's apartment that night, there were three men in the foyer to meet us who were, at one and the same time three of the coldest guys I had ever seen, nicely dressed in dark tuxedos, white shirts and box ties, flunkies. But they were intelligent fucking flunkies mate.

H. Dangerous ones?

B. My bloody oath

H. I'll see you as quick as look at you.

B. and there was no way that we're making that lift until it was called from up above. You couldn't operate this lift from down below - it was operated by...

Remote control type of thing (controlling)

B. Yeah. Very much a controlled lift mate. There's no way you could get up to that apartment unless you were fucking initiated from the top. So when we went into the lift, no one pressed a button. We went into the lift with one of the flunkies, the door closed and up it went. And er - you know the sorts of changes that are taking place are both sinister, high level and permanent, and intelligence is taking over up there. Their feed in of information is great, their feed back from what's happening

in police circles is great - you
 know who's gonna be raided
 before it ever ~~happens~~ happens.

~~LET'S~~

Andrew ^{WARING} ~~Waring~~ very interesting
 man, he had so many different
 changes as he went bankrupt...
 Papers back in and he got... right
 on the money again. Andrew Waring
 took me out to meet - took me up to
 meet Lionel - Lionel Murphy offered me
 a contract - ...

F Well put it this way - what did
 you - you said you went up
 there - you said it three times
 with consistency... what
 the hell do you think he was doing,
 do you think he must have
 been in it

B. Why do you think he's where
 he is? Why do you think now
 that politics, connections, well - found
 that out (over talking).

~~LET'S~~

Bazley interviewed on 23/2/85
 (at the internal Police Security Unit
 67-69 Regent Street Chiffendale.)

By C.R. Hodge Det. Insp.
 also present: Det. Sgt. S.H. Walker (Typed)
 Clive Vaughan Jeffery (Interviewer)

Would not adopt transcript.
 address of Bazley: 9 Athol St. Bleyney.

born 15/11/35.

Tapes done over a number of days commencing
 31/3/83.

No comment by Bazley on any
 question.

Interview commenced 4.53 pm -
 ended 5.05 pm.

(MR LEARY Barrister)

? Leary allegedly said the way
 I'll put it on the line with you
 "... .. man that".

Bazley is said to handle the
 truth rather carelessly and
 therefore his credibility must
 suffer.

* Japes done at a Motel in Cowra
(262 pages of transcript) - ~~to investigate~~ only one inter actor possible
Patrick Andrew Leary interviewed
by Detective Inspector R.C. Wilson.
on 22.10.85. a

Leary [redacted] St Sydney
and a statement obtained.

met him briefly (for through
legal circles no close assoc.

- had met Stephen Bazley
New accompanied him to Mr Justice
Murphy's residence.

Opinion.
~~Conclusion~~ of the det. Insp. Wilson
that the allegations of Stephen
Bazley are a complete fabrication
which reflect seriously on his
credibility. - further enquiries
a complete waste of time.

Signed statement provided
by Leary

Days in 1970 knew Peter Bazley
who said his brother wanted to
see him about finance - Stephen
arrived at his Bazleys office
without appointment - after listening
to his request - said couldn't
help and suggested he seek advice
from a solicitor. (about 71 or 72).

Recommendations Men of NFA
agreed by British team (Internal letter)
H.C. Shepherd.

Shepherd says satisfied
no substance and NFA dated 9/12/85.

Extract from Weinberg/Phelan Memorandum
dated 3 July 1986 (full copy on File C51

ALLEGATION NO. 10 - THE STEPHEN BAZLEY APPROACH

We have been told that if asked, a gentlemen named Stephen Bazley will say that he was approached by Mr Justice Murphy in June 1983 with a view to enquiring whether he would be prepared to kill somebody for the Judge. It is thought that this Bazley was mistaken by the Judge for James Frederick Bazley, recently convicted of conspiracy to murder in Victoria. If this allegation is supported by Bazley, it would certainly amount to "misbehaviour" in our view though it might not amount to a criminal offence. It seems to fall short of any offence of conspiracy. It may be that Bazley would be in a position to add some specificity to it. For example, he might indicate who the alleged victim was to be. In that event, there might be a charge of incitement brought. We firmly believe that the odds against there being any substance to this allegation are enormous. Nonetheless, it seems to us that Bazley must be invited to speak to us. If he declines to do so, or does not make the allegation along these lines, then he should not be prompted. The matter should simply be referred to the Commissioners and again not proceed as an allegation. We understand that Bazley has a number of convictions which demonstrate that he would be a person of no credibility whatever.

Contacted Syst. Dev., New Police.
Mentioned Bazely allegation —
that CDAT was mentioned in
tapes by B given to New Police
Commissioner. Dev will advise
of B - whole range of B's
allegations with ISU. Dev is
to make enquiries + get back
to me.



22/7/86

10

RECEIVED - 4 JUL 1986



National Crime Authority

CENTRAL OFFICE
GPO Box 5260, Sydney, NSW 2001
Telephone (02) 265 7111
Telex 23575

3 July 1986

The Secretary
Parliamentary Commission of Inquiry
8th Floor ADC House
99 Elizabeth Street
SYDNEY NSW 2000

Dear Sir,

I refer to the meeting of 17 June 1986 between Sir George Lush and Mr Justice Stewart, which was also attended by representatives of your Commission and the Authority, regarding information held by the Authority touching upon Mr Justice L.K. Murphy.

The following information is furnished pursuant to the notice dated 30 June 1986 issued under section 13(1)(a) of the Parliamentary Commission of Inquiry Act 1986 and the Commission's requests made pursuant to section 13(3).

1. Relationship between Murphy J. and A. Saffron

The only material on hand which was not supplied to the DPP, apart from that emanating from Mrs Opitz (see 2 and 4), is that contained in an interview by Authority investigators with James West, a former part-owner of the Raffles group. The relevant pages of the record of interview are enclosed as Attachment A. West lives at [REDACTED] [REDACTED] in Western Australia.

2. Mrs Rosemary Opitz

Mrs Rosemary Opitz has told Authority investigators that she is prepared to talk to the Parliamentary Commission provided she is introduced to it by Authority Investigators Baker and Reid. She also requested that she not be interviewed at her home and that Baker and Reid be present at any interview. No undertakings as to those conditions were given to her. Opitz has told the investigators that she was introduced to Murphy J. at Saffron's premises at [REDACTED] [REDACTED] 10 or 12 years ago.

3. James McCartney Anderson

The Authority understands that you have made arrangements to interview this person in New Zealand.

4. Anna Paul

All that is presently known of Anna Paul is information provided by Opitz that Paul was a girlfriend of Murphy J "in the period between his first and second marriages". According to Opitz, Paul is now a resident of England but was recently and may still be in Australia. Again according to Opitz, Paul would be able to confirm the fact that Murphy dined on a number of occasions with Saffron. The Authority is not in a position to arrange an introduction to Paul. It is a matter that the Commission might take up directly with Opitz.

5. Steven Leslie Bazley

The Authority is not in a position to introduce the Commission to Bazley nor is it aware of any information from or relating to him which touches upon Murphy J.

6. 'Age Tape' Witnesses

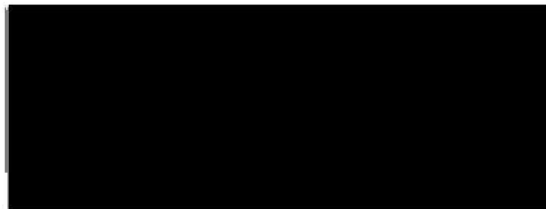
Enclosed as Attachment B is a list of persons who were attached to the New South Wales Police Bureau of Crime Intelligence and Technical Survey Unit during the periods when Morgan Ryan's telephone conversations were subjected to illegal interception. Some of those persons gave evidence to the Royal Commission regarding conversations involving Murphy J and those are identified in the Attachment. Others who were not questioned regarding the matter may be able to give evidence of such conversations.

7. Specific allegations

Enclosed as Attachment C is a document referring to information obtained by the Authority from the Royal Commission which relates to the 7 items referred to in the schedule to the letter of 25 March 1986 from Mr Justice D.G. Stewart to Mr Justice L.K. Murphy.

Please contact me if you require any further assistance in relation to these matters.

Yours faithfully,



D.M. Lenihan
Chief Executive Officer

-19-

- JW But er, I fell out with him because he wanted me to do a few bloody things for Abe, and I wouldn't do them, and I wouldn't be in them, no way.
- 197 IR Can you tell us what they were?
- JW No, I don't think I should really.
- 198 IR OK.
- JW No, it was to do with the police force, and I respect the police anyhow.
- 199 Mm. Is he still alive, this Bill Nielson?
- JW Yeah.
- 200 IR Still a policeman?
- JW No, he ... he was retired. He retired er ... Inspector CIB.
- 201 IR Mm. Do you know if Abe Saffron had a replacement in the Police Force for him?
- JW I don't know about that, I wouldn't, I would not be one little surprised about it.
- 202 IR No, but you don't know of it.
- JW No, I don't know if it Ian, no.
- 203 IR Sure, Probably none of us would be surprised, but if we don't know, we don't know.
- JW Yeah, that's true, quite true, yeah.
- 204 IR OK.
- JW Well, Murphy is a, you probably know, Murphy's Abe's man, that's for sure.
- 205 IR Which Murphy?
- JW The magistrate that's up now in all the bloody court
- 206 IR Oh, Lionel Murphy.
- JW Yeah, whatever his name is, I don't
- 207 IR Er, the Judge.
- JW Yeah, the Judge.
- 208 IR Yeah, right. How did that knowledge come to you?

- JW I met him over there with Abe. I used to go a year.
Met quite a lot of people to
- 209 IR Was that Lodge 44?
- JW Yeah, Lodge 44, that's, that's the headquarters.
- 210 IR Yeah. Did Abe ever talk of his association with Murphy?
- JW Oh yes, that's for sure he did, yeah. I met quite a lot of
the chaps there that from America to. No doubt
he's involved which, I don't think I've got to tell
you know that anyhow don't you?
- 211 IR Oh, yes.
- JW See what I mean Ian
- 212 IR Yes, we know it, for sure. Um, but we need, we need
specifics.
- JW Mm. Mm.
- 213 IR Can you tell us who those people from America were?
- JW No, I couldn't tell you. I know they were top Mafia men,
anyhow.
- 214 IR Do you know their names?
- JW No, off hand I don't, no.
- 215 IR No, OK. Are you prepared to tell us of what Abe said of
his relationship with Murphy?
- JW Oh, not really, because er, I didn't know Murphy that well,
I met him there with Abe, a few times, and um what
they did between themselves, I think Abe pays him and
that's it. You know he's involved in all the
gambling around bloody Kings Cross don't you?
- 216 IR Mm. Did it concern you being in business with such a man?
- JW Yes, it did concern me pretty bloody badly too to,
well I rather respect my family but he didn't like it
very much at all.
- 217 IR Did it ever annoy him that you were more straight than he
might desire?
- JW Yes, yes it did. Because I think he thought he could
wanted to convert me.
- 218 IR Yes.

The following is a list of witnesses before the Royal Commission who were attached to the BCI and TSU during the periods that Ryan's telephone conversations were intercepted:

BCI

Anderson	Robert Charles
Aust	Bernard Frederick
Beaumont	Gary William
Brett	Mark Christopher
Cahill	John Edward
Calladine	Anthony Mervyn
Carrabs	Vincenzo Gino
Chambers	Warren Thomas
Champion	Alan Maurice
Choat	Jennifer Anne
Crawford	Ross Maxwell
Donaldson	Leonard Stuart
Dunn	Barry Wentworth
Durham	John Bruce Robert
Egge	Paul Leonard
Finch	Ian Charles
Foster	James Frederick
Francisco	John
Gilligan	Dennis Martin
Harvey	Rodney Graham
Jones	Albert John
Lauer	Anthony Raymond

McDonald	Kevin Edward
McDowell	Geoffrey Neil
McVicar	Brian Roy
Meadley	John Bradford
Morrison	Ross Page
Ogg	Michael Kevin
Owens	Geoffrey Richard
Palmer	John Ferdinand
Pryce	Bruce David
Rudd	Allan Leonard
Schuberg	Geoffrey Esmond
Shelley	Geoffrey
Shepherd	Robert Charles
Slade	George Walter
Sweeney	John Peter
Tharme	Michael
Treharne	Robert Ian
Vickers	Geoffrey William
Walter	Paul Thomas
Wares	Ian Neville
Whalan	Peter David
Wiggins	Ronald David
Williams	Terrence John
Withers	John Fenton
Wooden	James Edward

TSU

Brown

Kevin Robert



Huber

Kerri Lynne

Johnson

Richard Anthony

Kilburn

Roger

Lewis

John Darcy

Lowe

Paul Thomas

McKinnon

Warren James

Slucher

Regby Francis

Smith

Grahame Phillip

Stanton

Warren Sydney

Information available from the Royal Commission material supporting the seven items referred to in the Schedule to the letter of 25 March 1986 from Mr Justice D.G. Stewart to Mr Justice L.K. Murphy

Item 1, Robert Yuen: Casino

This matter is dealt with in detail in Volume Two of the Royal Commission Report at paragraphs 2.31 to 2.51. The references to the source material are in endnotes 40 to 60 on pages 88 to 89. Most of the material has been provided to the Parliamentary Commission. The balance of the material is available for inspection.

Item 2, Luna Park Lease

This matter arises from the supplementary statement and evidence of P.L. Egge which have been furnished to the Parliamentary Commission. Some background information was obtained by the Royal Commission. The facts appear to be as set out below.

On 27 May 1981 the New South Wales Government granted a lease of Luna Park for a term of 30 years to Harbourside Amusement Park Pty Ltd. Luna Park had been occupied for some years by Luna Park (NSW) Pty Ltd, initially pursuant to a lease and later on a tenancy from week to week, until 9 June 1979 when a fire occurred at Luna Park resulting in several deaths. There had been discussions between the Premier's Department and Luna Park (NSW) Pty Ltd concerning a new lease for the area, but no decision had been reached by the time of the fire. After the fire, tenders were invited for the future lease of the area. Originally the tenders closed on 23 November 1979 but on 17 January 1980 the NSW Government announced that all six tenders received had been unsatisfactory but that negotiations were continuing with the Grundy Organisation, which had come closest to meeting the Government's requirements. (TI/384)

On 12 March 1980 an advertisement appeared in newspapers calling for further tenders, the closing date for which was 17 June 1980. An interdepartmental committee was established to assess the tenders. The committee eventually

recommended that the tender, then in the name of Australasian Amusements Associates Pty Ltd, should be preferred. The Directors of Australasian Amusements Associates Pty Ltd included Sir Arthur George and Michael Edgley. The company experienced difficulty in obtaining registration under the name proposed and indicated that a new name would be chosen. In the meantime Australasian Amusements Associates Pty Ltd operated through a shelf company named Balopa Pty Ltd. The name of the company was subsequently changed to Harbourside Amusement Park Ltd which entered into the lease for the area. In 1981 the return of Particulars of Directors lodged at the Corporate Affairs Commission showed that on 7 October 1981 David Zalmon Baffsky a solicitor, was appointed as a director of the company. Baffsky is a member of the Sydney firm of solicitors, Simons and Baffsky, who regularly act for Saffron's companies. In 1982 the return of Particulars of Directors for the Company showed that Samuel King Cowper, a nephew of Saffron, had been appointed Secretary to the company. (TI/384)

There is no apparent reference to these matters in the documentary material, including available transcripts of tapes, or the tapes resulting from the interception of the telephone conversations of Ryan which were obtained by the Royal Commission. Sergeant P L Egge said that he recalled that Ryan had been involved in influencing the grant of the lease. In his supplementary statement Egge said: (Ss.342-343)

There is another matter which relates Saffron which I can't recall. I think this matter was also referred to on the transcripts that I do not precisely recall. After the fire at Luna Park a lease was to be granted the Reg Grundy Organisation. A draft lease was sent to the Grundy Organisation. Saffron then rang Ryan and said that he wanted the lease. Lionel Murphy was contacted by Ryan and requested to speak to Wran. So after this there was an announcement by the NSW Government that the lease was to be reviewed. The lease was then granted to a company which had a name like "Harbourside" of which Sir Arthur was the "front man". Based on the information which I gained from the transcript I believe that this was a Saffron owned or controlled company. Saffron's companies were incorporated by the same firm of solicitors. I cannot now remember a name of the firm. Some of these matters would not find their way onto the CIB dossier on Saffron as they were regarded as "too hot".

When giving evidence before the Commission, Egge said that the source of the information contained in his supplementary statement was the transcript of conversations intercepted on Ryan's telephone.

(E.854) He also said:

Well, in relation to it, Abe Saffron rang Morgan Ryan and said he would be interested in gaining the lease for Luna Park and Morgan Ryan said to Abe that it is going to the Reg Grundy organisation and Abe said, "Well, I want the lease". As the result of the conversation Morgan Ryan again got in contact with Mr Justice Lionel Murphy ... Mr Justice Lionel Murphy said, "leave it with me" and then after a short time Mr Justice Lionel Murphy rang back Morgan Ryan and said that he had spoken to Neville - only refer to as Neville - and said that he's going to try and make some arrangements for Abe to get the lease and either the next day or shortly therein after Mr Wran said that the Government is going to review the lease to Luna Park and a decision on the lease would be made by the Government within seven or fourteen days. I'm not sure of the period. (E.854-55)

When asked for the name of the solicitor to whom he was referring in his supplementary statement as regularly appearing for Saffron, Egge said that he could not remember clearly, but that the name Baffsky was familiar. Egge's allegation that Sir Arthur George was the 'front man' for a company in which Saffron had an interest was based, according to Egge, upon information contained in a BCI file that Sir Arthur George had been seen in Saffron's company and upon Egge's own research which he said he conducted into companies in which Saffron had a silent interest. In his original statement (S.538-545) Egge had explained that on his transfer to the BCI on 14 September 1979 he was utilised as a collator and analyst. Among the material available to him was a file of about 500 pages of transcript of intercepted telephone conversations involving Ryan, to which he frequently had reference as it 'formed the basis of Organised Crime in NSW'. It should be noted that although it may appear on a reading of Egge's evidence that he actually heard some telephone conversation as they occurred, this was not the case. (see E854)

The information provided by Egge emerged after the majority of material witnesses had given evidence and the Royal Commission did not recall those witnesses to establish whether they had any recollection of the conversations described by Egge. Two witnesses who followed Egge, however, said they recalled similar conversations.

Sergeant R I Treharne recalled similar but not identical conversations which he said he had listened to on tapes resulting from the interception of Ryan's telephone conversations. He had joined the BCI in January 1980 and had attended the offices of the TSU from time to time to transcribe tapes of conversations intercepted on Ryan's telephone service.

(S.428-9, Ss.251) When he gave evidence and was asked whether he remembered any such conversations as described by Egge, he said that he recalled that there was 'a fair amount of discussion as to gaining control of that lease'. He said that the discussion was between 'Saffron, Morgan Ryan and Jury - although I am unsure (of) Jury's participation'. (E.1011)

His comment on Eric Jury arose because he had referred to him earlier as being a party to suspicious conversations with Ryan. Treharne was unable to recall the conversations relating to Luna Park with any precision and said 'I know there were a number of conversations about it and Morgan Ryan felt that he could swing the lease'. He was unable to recall any other person with whom Ryan spoke by telephone concerning the Luna Park matter. (E.1012)

The other witness who said that he recalled the matter was former Sergeant M K Ogg who left the NSW Police to conduct his own business in 1982. Ogg had been a member of the BCI from February 1975 (Ss.319-324) and had typed transcripts of the intercepted telephone conversations of Ryan. Ogg said that he recalled conversations involving Ryan and the lease of Luna Park. He said he had either heard tapes or had read transcripts of the conversations. His recollection was that Ryan was trying to make representations to get the lease for a friend of his. He said that the friend's name was 'Colbron or something like that'. Although he was unable to be precise, he said that he had a 'feeling' that Ryan had made representations to Mr Justice Murphy. When asked for his recollection of any conversations, he said:

I cannot possibly actually recall the exact conversation on what he was going to do but I remember along those lines that were going to try and get the government to agree to this Company receiving the favour and getting the license for Luna Park.
(E. 1208)

'Colbron' may have been a reference to a solicitor, Warwick Colbron, who practised as Warwick A J Colbron, Hutchinson and Co at Bilgola Plateau. (Warwick A J Colbron, Hutchinson and Co were involved in attempts to procure a contract for the redevelopment of the Central Railway site (see Item 3).) After the tenders for Luna Park were first called, the tender from the Grundy Organisation was given qualified approval and negotiations that followed were conducted in the main on behalf of the organisation by Colbron. Correspondence was received by the Minister for Public Works from him on 16 April 1980 confirming that the group would be retendering. He again wrote on behalf of the Grundy Organisation on 23 May 1980, but when the successful tender, which was then in the name of Australasian Amusements Associates Pty Ltd, of June 1980 was received by the Government, Colbron was shown on the development proposal documents as one of 'The Development Team'. (TI/384).

If the conversations occurred, it is probable they would have taken place in January, February, March or April of 1980, for which period the Ryan transcript material is obviously incomplete. The major part of the material available for that period is the summaries prepared by Sergeant B R McVicar. The summaries commence with a reference to conversation on 7 February 1980 and then appear to be continuous until 24 February 1980, whereupon there are no references to any conversations until 9 March 1980, from when they appear to be continuous to 10 May 1980. McVicar was not recalled to give evidence of his knowledge of any such telephone conversations. Former Sergeant J B Meadley, who spent considerable time while he was attached to the BCI involved in surveillance of Ryan and who had heard tapes of Ryan's telephone conversations at the TSU from time to time, had no recollection of hearing any references in the Ryan conversations to Luna Park. (E.1083)

Documents obtained by the Royal Commission from NSW Government Departments relating to the lease are available for inspection.

Item 3, Central Station

This allegation also arises from the supplementary statement and evidence of P.L. Egge, copies of which have been furnished to the Parliamentary Commission. The Royal Commission conducted some preliminary inquiries into the matter. The facts appear to be as outlined below.

In 1977 the Public Transport Commission of NSW invited proposals for the redevelopment and modernisation of Central Railway Station. The closing date for submission of proposals was 7 September 1977. On the following day the general manager of the Property Branch of the Commission, A T Clutton, submitted a report on the proposals for consideration by the Commission. He advised that the proposal submitted by Commuter Terminals Pty Ltd was the preferred of only two proposals which in any way approached the requirements of the Commission. On 12 September 1977 the Commission decided to deal exclusively with Commuter Terminals for a period of 12 months with a view to negotiating a firm lease, subject to satisfactory evidence being produced that funds were available for its proposal. (TI/0372)

On 25 October 1977, the Premier of NSW, the Hon. N.K. Wran, Q.C., M.P., wrote to the Minister for Transport, Mr Peter Cox, stating that he was in agreement with the desirability of proceeding with plans to modernise and redevelop Central Station. In the letter he suggested that any public announcement not refer to the identity of the potential developer. Mr Wran agreed also with the proposal by Mr Cox that the project be considered by a committee of officers representing the Public Transport Commission, the Ministry of Transport, the Premier's Department and the Treasury. He also said that he preferred to wait until the committee had the opportunity of making recommendations before negotiations with Commuter Terminals commenced. (TI/0372 Folio 7)

The interdepartmental committee had several meetings in 1978. On 18 August 1978 the Minister for Transport advised the Premier that the interdepartmental committee recommended that the Commission be authorised to pursue the matter further with Commuter Terminals to establish the full extent of the company's proposals. On 31 August 1978 the Premier agreed with this recommendation.

On 13 September 1978 Clutton wrote to Messrs Warwick A J Colbron, Hutchinson and Company, the solicitors who had submitted the proposal on behalf of Commuter Terminals Pty Ltd, advising that authority had been given to pursue the matter further with the company. Contact between Clutton and Colbron is recorded in the diaries of Clutton obtained by the Nugan Hand Royal Commission (#009547). In 1979 and 1980 discussion continued with Commuter Terminals Pty Ltd, but in the meantime the interdepartmental committee had resolved that the Public Transport Commission should undertake a modified program of refurbishment. On 18 September 1980 the State Rail Authority wrote to Messrs Warwick A J Colbron, Hutchinson and Co to inform them that it had been decided that the Authority itself would undertake a program of restoration at the station. In the end result, Commuter Terminals Pty Ltd received no contract for any part of the work eventually carried out. The proposal of Commuter Terminals Pty Ltd disclosed that it was merely a corporate vehicle to unify a group comprising John Andrews International Pty Ltd, A W Edwards Pty Ltd and Warwick A J Colbron, Hutchinson and Company.
(TI/0372 Folio 52)

When giving evidence Egge told the Commission that he recalled this matter because it was discussed in the conversations contained in the transcripts of Ryan's intercepted telephone conversations. He said:

there was no announcement of anybody getting the contract but Abe rang up and said to Morgan Ryan that he would like the contract to remodel Central Railway Station. Apparently tenders were being called for the remodelling of Central Railways Station and Morgan Ryan got in contact with Mr Justice Lionel Murphy and arrangements were made for Abe Saffron to get the contract ... Morgan Ryan contacted - after receiving the phone call from Abe Saffron he contacted Mr Justice Lionel Murphy and Mr Murphy said "leave it to me" and I am not sure whether it was a short time or a week later or a day later or when that Mr Murphy rang back and said that the contract would go to Abe Saffron. (E.858)

Egge stated that he was confident that the particular incident could be corroborated by other police who had had access to the tapes or transcripts. A number of police witnesses who had been involved in the Ryan interception had already given evidence and they were not recalled in order to ascertain their particular knowledge of any such conversations. However, Sergeant R I Treharne, who gave evidence after Egge, said that he recalled similar conversations which he had heard at the time on tape recordings of Ryan's intercepted telephone conversations. Although Treharne had made no reference to the matter in his statements, when asked while giving evidence whether he remembered any conversation conducted on Ryan's telephone concerning a contract for the renovation of Central Railway Station, he said:

Similarly, there was a matter of discussion between some close associates of Ryan including Saffron and I believe there was an intention by Ryan to speak to somebody to persuade the Premier to assist in that regard, and I think it was a redevelopment of the Central railway site and they wanted to gain control of the leasing. (E.1012)

Treharne said that his recollection of the outcome of the conversations was that they were not successful, although he could not be sure of that. When asked whether he could recall any other subject being discussed on Ryan's telephone, which had not appeared in the material which had been shown to him, Treharne said:

Only my recollection of him talking in general terms to Mr Justice Murphy and either asking him to inquire through his contact with the Premier of a particular item, or that Morgan Ryan would bump into the Premier at the races and perhaps talk to him, but I have no recollection of what the actual matter was (E.1012)

In Volume TIC, the summaries prepared by Sergeant B R McVicar, at page 180 in an entry noted as being from a tape of 31 March 1980 the following appears:

Morgan rings Eric Jury ... Morgan will be seeing 'Nifty' in a week (Nev Wran) talk about Nifty having a son which they did not know about. Talk about the big Central Complex and a solicitor doing the submission, Solicitor's name is Colbron, Morgan will help to get it through for a fee. Talks about Sir Peter Able trying to get in on the act. Worth reading in full see page (1) tape 95. (T1C/180/42)

In an entry said to be from a tape of 3 April 1980 in the same material the subject seems to be mentioned again:

Lional Murphy rings Morgan. They talk about the new Central Railway Complex, Lional is very guarded with his talk and during the talk Commuter Terminal Pty Ltd is mentioned together with the word champagne. Worth reading in full (page 2) tape 98. (T1C/182/66)

An entry for 5 April 1980 records 'Eric Jory rings Morgan Ryan and they discuss in length the new Central Railway Complex. Also the company involved'. (T1C/183/50)

In the entries for the following two days, references are made to conversations between Ryan and Jury which may relate to the same subject. In an entry for 6 April 1980 the following appears:

Morgan rings Eric Jury. Discuss meeting between Morgan and Wran at the races and his warm reception. Further that Wran might see Morgan again at the races. Talk about some business deal that "Abe" will have to say in the background complain about Abe being a slow payer. They agree Wran is not a crook, not game, Wran worked out a deal with Murdock for his support. (TIC/183/73)

In an entry for 7 April 1980, the following appears:

In from Eric Jury to Morgan, race talk, Morgan met Wran at the races and he is now overseas. Eric wants Morgan to get onto Wran about the inquiries to which Morgan replied that everything was all right. (TIC/184/14)

Again in an entry for 8 April 1980 the matter could have been the subject of discussion between Ryan and Jury, in that the entry is in the following terms:

Into Morgan from Eric Jory, they talk about Morgan getting into Nifty Nev (Wran) about the contract. It's suggested that Nifty drop the matter if their mob does not get the contract. (TIC/185/12)

There do not appear to be any further references in the material to conversations concerning this matter.

It should be noted that the Royal Commission expressed reservations concerning the reliability of the McVicar summaries (Volume One paragraph 14.72; Volume Two paragraphs 2.60, 2.84, 2.105, 2.267) and the evidence of Egge (Volume Two paragraph 2.83). The Commission, in general, was not convinced that any of the transcript material in its possession was wholly accurate (see Volume One paragraphs 14.68-14.71).

Documents obtained by the Royal Commission from the State Rail Authority are available for inspection.

Item 4, Milton Morris

This matter is referred to in Volume Two of the Royal Commission Report at paragraphs 2.78 to 2.94. The source material is referred to in endnotes 89 to 108. Material which has not previously been provided to the Parliamentary Commission is available for inspection.

Item 5, Wadim Jegerow

This matter is referred to in Volume Two of the Royal Commission Report at paragraphs 2.72 to 2.77. The source material referred to in endnotes 81 to 88 has been furnished to the Parliamentary Commission.

Item 6, Lewington/Jones

This matter is referred to in Volume Two of the Royal Commission Report at paragraphs 2.296 to 2.303. The source material is referred to in endnotes 342 to 345. Material which has not been furnished to the Parliamentary Commission is available for inspection.

Item 7, D.W. Thomas

This matter arises from the statement and evidence of D.W. Thomas. It was not further investigated by the Royal Commission as it had little to do with the subject of the Royal Commission's inquiry and because of the considerations mentioned in the Commission's report at paragraph 2.43 of Volume Two. A copy of the statement and evidence of Thomas has been provided to the Parliamentary Commission.

2

MEMORANDUM

TO: Mr Charles
Mr Robertson
Mr Durack
Ms Sharp

FROM: Mr Weinberg

SUMMARY OF DISCUSSIONS HELD ON 11 JUNE 1986

The morning discussions

Abe Saffron

1. The first matter raised for consideration was whether material would be available to support a finding that the Judge had a long standing association with Saffron. It was noted that Saffron had recently denied ever having met Murphy. The Judge is not known to have made any similar denial.

2. If an association of this nature can be established, it would be of considerable significance to the course of our inquiry. Certain actions taken by the Judge while Attorney-General would take on a new, and potentially sinister connotation. Two examples spring prominently to mind. The SALA affair would be seen in a different light given that it may be possible to establish a link between SALA and Saffron via SALA's residence at Lodge 44. Furthermore the instruction apparently given by Murphy that Saffron no longer be subjected to 100% Customs searches upon departing from and re-entering Australia would have to be re-assessed. At present, Murphy's actions as Attorney-General can be regarded as little more than "favours" done for a solicitor who happened to be a friend of the Attorney's, and who sought assistance on behalf of clients whose civil liberties could be said to have been infringed. If it could be shown that the Judge had an association not just with the solicitor, but with the client as well (using client in a very broad sense in the case of SALA) Murphy's actions take on a completely different aspect.

ascribed to Ms Paul in the morning). The book apparently asserts that Murphy had dined in the company of Saffron.

24. There was an allegation made that a person by the name of Stephen Bazely could give useful information. It appears that Bazely has provided a number of tapes which have been handed to the New South Wales Police Commissioner in which he alleges that in June 1983 he visited Murphy's house in Darling Point, and was told that Murphy wanted him to do a "hit job" on someone. It was suggested that Stephen Bazely was confused with James Frederick Bazely (recently convicted of conspiracy to murder Donald Mackay). We were told that there had been investigative work done by a journalist Graham Gambine regarding this matter.

25. We were also told that we should speak to John Avery the new Commissioner for the New South Wales Police and seek the files relating to Saffron which are currently held by three police officers who are conducting separate investigations into Saffron's affairs. The three officers named are Warren Molloy, Bob Clark and Rod Lynch.

26. We were told that the person who would have most useful information to give us was Andy Wells of the AFP. Wells would be in a position to explain the Central Railway allusion in the Age tapes.

27. We were also told that the Age is holding a transcript of a tape made by Anderson in which he suggests that Murphy is a silent party in the Venus room.

28. It was suggested to us that the circumstances under which Murphy took up his appointment to the High Court bench would repay careful consideration. We were told to look at the events of the Terrigal conference, and particularly the role of Mr Ditchburn and the Ethiopian Airlines connection.