

IN-CONFIDENCE

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

FILE No.

C. 40

ARCHIVAL ACTION

FORMER PAPERS

LATER PAPERS

TITLE

ALLEGATION NO 27

Related Papers

[illegible]

FILE No.

C. 40

1

REPORT ON ALLEGATION NO. 27 - LUNA PARK

Allegation

*Draft - received 12/8.
after departure of Peter Morgan
CWS.*

That Morgan Ryan arranged for Mr Justice Murphy to intervene on behalf of Abe Saffron in order to gain the lease for Luna Park in place of the Reg Grundy Organisation which had been allegedly awarded that lease. It is said that a Saffron related organisation ultimately acquired that lease.

Scope of Investigations

Enquiries to date have involved discussions with Mr Michael Lynch of the New South Wales Corporate Affairs Commission and collection and analysis of various records that were obtained from the National Crime Authority. Mr Lynch is involved in a special investigation into various aspects of the Luna Park matter pursuant to the special investigation provisions of the companies legislation. Also various witnesses have been identified and their present whereabouts sort. To date none of those witnesses have been interviewed or contacted.

Investigation Findings To Date

This allegation relies on evidence given by Mr Egge of the New South Wales Police Force to the Stewart Royal Commission. Mr Egge gave evidence to that commission regarding the contents of a telephone conversation which he says was reduced to writing from the so called "Age tapes". Mr Egge makes a reference to this matter in a supplementary statement dated 7th August 1985. A preliminary analysis of the Age tape material has failed to identify the transcript referred to by Mr Egge.

Particulars of Allegation

That in the early months of 1980 Mr Justice Murphy agreed to a request by Morgan Ryan that he (Murphy) intervene with the Premier of New South Wales, the honourable Neville Wran, in an attempt secure a lease over the Luna Park site on behalf of a company that was known by the Judge to have connections with Abraham Gilbert Saffron, a known or reputed criminal. Further, that the honourable Mr Justice Murphy did intervene with the Premier on behalf of the company in question and subsequently informed Morgan Ryan that their efforts had been successful.

It is alleged that such conduct would be contrary to the accepted standards of judicial behaviour.

INVESTIGATION FINDINGS TO DATE

Background

On 27th May 1981, the New South Wales Government granted a lease over the Luna Park site for a term of 30 years, to Harbourside Amusement Park Pty Ltd. Luna Park had been occupied for some years by Luna Park (N.S.W.) Pty Ltd pursuant to a lease in that company's name. On 9th June 1979 a fire occurred at the Luna Park and several people died in that fire. There had been discussions between the Premiers Department and the former lessee (Luna Park (N.S.W.) Pty Ltd) concerning a new lease for the area but no decision had been reached at the date of the fire. After the fire tenders were invited for the future lease of the area.

Tenders closed on 23rd November 1979 but on 17th January 1980 the New South Wales Government that all six tenders received had been unsatisfactory and that further negotiations would continue with the Grundy Organisation which had come closest to meeting the governments requirements for the lease.

On 12th March 1980 an advertisement appeared in various newspapers calling for further tenders. The closing date for these was 17th June 1980. An inter-departmental committee was established to assess the tenders received. The committee eventually recommended that the tender 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.

Some problems arose in the attempts to register that name with the Corporate Affairs Commission so a shelf company named Balopa Pty Ltd was used. The name of this company was subsequently changed to Harbourside Amusement Park Ltd. which ultimately entered in to the lease for the Luna Park area.

Documents lodged with the Corporate Affairs Commission (N.S.W.) show that on the 7th October 1981 Mr 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. This firm regularly acts for Saffron related companies. In 1982 a return of directors for the company shows that Samuel King Cowper, a nephew of Saffron, had been appointed secretary of the company.

Egge also told the Stewart Royal Commission that Morgan Ryan, Lionel Murphy were all involved in having the lease over Luna Park site granted to a company associated with Abe Saffron. Further he claimed that Sir Arthur George was a front man for Saffron. Egge also claimed that the transcripts and information relating to these tapes did not find ~~there~~ way into the CIB dossier on Saffron because they were regarded as "Too Hot". Egge told the Stewart Commission that the source of the information contained in his supplementary statement was the transcript of conversations intercepted on Morgan Ryan's telephone. Egge also told the Stewart Commission that in relation to the Luna Park site Abe Saffron rang Morgan Ryan and told him that he was interested in gaining the lease for Luna

Park. Morgan Ryan said to Saffron that it was going to be given to the Reg Grundy Organisation. Saffron said "Well I want the lease". As a result of the conversation Morgan Ryan got in contact with Mr Justice Murphy, Murphy said leave it with me. Shortly after Murphy rang Morgan Ryan back and said that he spoken to Neville and that Neville was going to try and make some arrangements for Abe to get the lease. Then the next day or shortly after 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 7 or 14 days. Egge was not sure of the period. Reference E854-55.

Egge also remembers the name Baffsky was quite prominent in his enquiries. He alleged that Sir Arthur George was the front man for a company for which Saffron had a interest, he based this allegation on information contained in a BCI file that Sir Arthur George had been seen in Saffron's company and upon his own research into companies into which Saffron had a silent interest.

This information by Egge emerged after the majority of material witnesses had already given evidence in the Royal Commission. To witnesses at the Commission who followed Egge recalled similar conversations. One of these was Sergeant Treharne. Treharne recalls conversation between Saffron, Morgan Ryan and Durie in relation to the lease. He recalled a number of conversations during which Morgan Ryan felt that he could swing the lease. The other witness was Sergeant M.K. Ogg. Ogg recalls some of the conversation and a friend of Morgan Ryan's, Colbron. Ogg recalls having a feeling that Ryan had made representations to Mr Justice Murphy.

Colbron may be Warick Colbron. Indeed there is evidence that Warick Colbron was involved in the tenders for the lease over Luna Park.

In letter from the Grundy Organisation dated 8th January 1980 and addressed to Mr J.B. Holliday Under-Secretary Department of Services. It is stated that a new company named Camingo Pty Ltd would acquire the right to use the name Luna Park and operate the lease. It is also stated in the letter that the new company would have paid up capital of \$200,000. The share holders would be Grundy Organisation Pty Ltd, sixty percent, institutional lenders (to be determined) fifteen percent, Warick Colbron (as nominee for a company to be formed) fifteen percent and Comac (on behalf of John Hamilton Andrews) ten percent. The directors of this company would be Ian George Holmes as chairman, Reginald Roy Grundy, Barry Irvin Weston, Warick Archibold John Colbron and John Hamilton Andrews (Architect). The Grundy Organisation letter is signed Barry Weston for and on behalf of Camingo Pty Ltd.

In a letter dated 16 April 1980 under the letter head Warick A.J. Colbron, Hutchinson and Co. Solicitors and Attorneys addressed to the Hon. L.J. Ferguson M.P., Deputy Premier and Minister for Public Works and Parks, Colbron advises "I am associated with the Grundy Organisation in connection with our tender for Luna Park which was submitted under the name of Camingo Pty Ltd, that being the corporate vehicle chosen to unify the development consortium." The letter goes on to advise that the Grundy Organisation would be retendering for the Luna Park lease

from the Premiers Department that were obtained from the National Crime Authority by us indicate that tenders closed for the second time on 17 June, 1980. These tenders were considered by a special committee which comprised Mr J B Holliday under Secretary, Department of Services, Mr K P Stevens, Deputy Secretary, Premiers Department, Mr F Byrd, Valuer General, Mr B R Davies, Under-Secretary for Lands and Registrar General, Mr A Andersons, Principal Architect, Department of Public Works and Mr H Massey, Regional Manager, Planning and Environment Commission.

The tenders that had been submitted by Australasian Amusements Associates Pty. Limited; Stanley Robinson Edwards, Warwick Colbron and John Andrews as Nominees for a Company to be incorporated; Karl J Cotto; Far East Hotels and Entertainment Limited; Camingo; opinion - Project Analysis Pty. Limited; Luna Park (NSW) Pty. Limited and E.T. Short, JP. The decision to call for new tenders was apparently made by the NSW Cabinet on 12 February, 1980. Cabinet documents indicate that the decision to call for fresh tenders was based on the following factors:

The Policies and Priorities Committee that had been formed to assist in selecting a tender had recommended that a meeting on the 4 February, 1980 that fresh tenders should be called. That Committee considered that certain difficulties had arisen in relation to the earlier call for tenders. For example, there was a scarcity of information provided by the Government to prospective tenderers; there was a need to clarify the criteria for tendering; a number of prospective tenderers had protested strongly at the scarcity of information provided and the insufficient time allowed for preparation of tenders; difficulties had arisen in relation to the inspection of the site by tenderers.

In a letter dated on or about 19 December, 1979 Mr L J Ferguson, Deputy Premier of NSW advised Mr Crabtree the then Minister for Services that the Policies and Priorities Committee had recommended that all tenders be rejected and negotiations should be entered into between Camingo Pty. Limited and a committee of officials.

During the time when the second tenders were being considered the original tender by the Grundy Organisation was changed slightly as follows:

- (a) it appeared in the name of Australasian Amusements Associates Pty. Limited and,
- (b) the Grundy Organisation was no longer attached to it. Although Colbron was still shown as part of the development team.

Further Action Required

Before definite conclusion can be reached in relation to this particular allegation a number of witnesses would need to be interviewed. These witnesses include Warwick Colbron, Members of the Committee who decided upon the lessee, members of the Grundy Organisation and the former directors of Australasian Amusements Associates Pty. Limited, Sir Arthur George, Michael Edgeley, Brian Treasure, Harold Goldstein and Colman Goldstein. To date only attempts to locate Mr Byrd and members of the committee had been carried out Mr Byrd's address has been determined, he is now retired. Other members of the Committee could not be located and one of them Mr Stevens, is presently working in London.

Conclusion

In view of the incomplete state of this particular Inquiry, no conclusions can be drawn one way or the other regarding any impropriety by Mr Justice Murphy.

P Myers

8.8.86

0185M

Mr Morgan Ryan
141 Elizabeth Street
SYDNEY NSW 2000

Dear Mr Ryan,

Re: Parliamentary Commission of Inquiry

I refer to the summons which has been served on you pursuant to section 11(1) of the Parliamentary Commission of Inquiry Act and note that your attendance is required on 5 August 1986.

However, I would appreciate it if you would contact the Commission and advise a telephone number upon which you can readily be reached in order that a date other than the 5 August 1986, for your attendance, can be communicated to you.

Yours sincerely,

J F Thomson
Secretary

25 July 1986

COMMONWEALTH OF AUSTRALIA

Parliamentary Commission of Inquiry Act 1986

SUMMONS TO APPEAR BEFORE THE COMMISSION

Mr Morgan Ryan
141 Elizabeth Street
SYDNEY NSW 2000

I, Sir George Hermann Lush, a member of the Parliamentary Commission of Inquiry appointed under the Parliamentary Commission of Inquiry Act 1986 hereby summon you, pursuant to sub-section 11(1) of that Act

- (a) to appear before the Commission at the hearing to be held in the Hearing Room, 8th Floor, 99 Elizabeth Street, Sydney, on Tuesday 5 August 1986 at 10.00 a.m. to give evidence in relation to the matters into which the Commission is inquiring; and
- (b) to attend from day to day unless excused or released from further attendance.

Dated 25 July 1986


.....
Presiding Member

Sinnott

The Hon Mr N K Wran QC
Level 20
Aetna Life Tower
Cnr Elizabeth and Bathurst Streets
SYDNEY NSW 2000

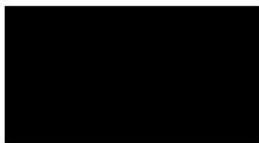
Dear Mr Wran,

PARLIAMENTARY COMMISSION OF INQUIRY - MR JUSTICE L K MURPHY

As you may be aware the Parliamentary Commission of Inquiry established pursuant to the Parliamentary Commission of Inquiry Act 1986 has commenced its task of inquiring into and advising the Parliament whether any conduct of the Honourable Lionel Keith Murphy has been such as to amount, in its opinion, to proved misbehaviour within the meaning of section 72 of the Constitution.

Mr S Charles QC, Senior Counsel assisting the Commission, has informed me that he would be assisted by having a discussion with you in relation to some aspects of the Commission's Inquiry. Accordingly, I should be glad if you would contact Mr Charles on telephone number (02) 232 4922 to arrange a suitable time for an appointment to be made.

Yours faithfully



Sir George Lush
Presiding Member

21 July 1986

MEETING WITH SUPERINTENDENT KEN DREW, CHIEF OF STAFF
TO THE NEW SOUTH WALES POLICE COMMISSIONER

At 2.30 on 16th of July, 1986 I met with Superintendent Drew at the 20th Floor of the Police Headquarters Building in College Street, Sydney. Also present were Patricia Sharp, Sergeant R Clarke of the Licensing Squad and Detective Sergeant R Lynch of the Breaking Squad.

I briefly outlined our function and said that we were seeking the co-operation of the NSW Police in relation to a number of allegations that had been made in relation to His Honour Mr Justice Murphy. We discussed briefly various provisions of our act.

As an opening gambit I suggest that the NSW Police Force must have collected a considerable body of intelligence on Abraham Saffron over the years. I asked whether any link between Saffron and His Honour had been uncovered at any time by the NSW Police. Superintendent Drew said that apart from what James McCartney Anderson had told Sergeant Warren Molloy (as to which see later) no link between Saffron and His Honour had come to light. That was confirmed by Detective Sergeant Clarke who from the early 1980's has been the Officer in Charge of the general licensing in the Kings Cross region; and by Detective Sergeant Lynch, who has been responsible for investigating the activities of Todor ('the Torch') Maximovich over the last few years. Sergeant Clarke said that Warren Molloy had a far more detailed knowledge of Saffron's operations because of his position as Special Licensing Sergeant in the Kings Cross region up until the time of the Bill Allen affair. Both Clarke and Molloy had at various times closed down The Venus Room, and Molloy is alleged to have a very detailed knowledge of the ins and outs so to speak of that establishment. Moreover, Molloy has been entertaining James McCartney Anderson in recent times. Apparently Anderson thinks that Molloy is a "good bloke" and is supposed to be singing like a canary to him. Molloy is overseas

until the 29th of July. Superintendent Drew is to arrange for us to meet Molloy as soon as possible after his return. He is also to arrange for us to see the people in charge of the Vice and Drug Squads in the late 70's early 80's. We were told that the Former Head of the Vice Squad, Ernie ('the good') Shepherd, may be able to tell us something about suggestions that Saffron procured females for His Honour. We were also told that the Vice Squad has been conducting a rather lengthy investigation into allegations that Phillipino girls were imported under some racket involving Morgan Ryan to work as prostitutes in The Venus Room. Details of that investigation are to be made available to us.

I then thought I would stir up the waters a bit by asking whether it had ever been explained of why when the NSW Police were busily tapping a fairly large number of known or suspected criminals in Sydney noone bothered to tape Abe Saffron's phone. There was an outbreak of mumbling by the police in the room at that juncture and I get the distinct impression that something very suspicious occurred at senior levels within the NSW Police Force to prevent such a tap being placed on Saffron's phone.

I then mentioned the statements by Egge to the Stewart Commission in relation to Luna Park and Central Railway, and the fact that very few of the other police examined by Stewart had been asked about those allegations. I gave him the attachment from the recent Stewart letter which listed all of the NSW Police Officers who'd worked for the BCI/TSU and asked Superintendent Drew to obtain for me the present location of each person listed therein. Superintendent Drew said he would do this (he complained of the logistics involved). He mentioned that the Police Commissioner had instructed police generally not to give evidence to other agencies without first being cleared by him. Superintendent Drew is to arrange clearance by the Police Commissioner. In any case, until that clearance is forthcoming, Superintendent Drew felt that none of the police would speak to us given that that instruction that is about not

speaking to outsiders had been drummed into them. I also asked Superintendent Drew to obtain, or at least locate, all of the diaries and notebooks of all of the people mentioned in that list for the relevant periods. He felt that those diaries may be with the National Crime Authority, but undertook to make enquiries. I specifically asked for the present location of [REDACTED] and Drew mentioned that he understood that [REDACTED] boat has recently been destroyed in a mysterious fire and he was not sure where he was presently hanging out.

I then said that with all of the information that was being gathered by the TSU/BCI there must have been some form of intelligence record created for each piece of information thus received. That is I felt it was an available inference that files would of been created within the BCI on His Honour if His Honour had been mentioned in any information gathered by the BCI/TSU. I asked Superintendent Drew to make inquiries to ascertain whether any such records exist and if so to obtain same. He felt that if any records had existed that they would have been destroyed. However he undertook to make the inquiries.

I then mentioned the evidence of Egge before the Stewart Commission concerning the Milton Morris allegation. In particular I mentioned Egge's statement that following the interception of a telephone conversation between His Honour and Morgan Ryan, wherein it was suggested that His Honour had set up a meeting between Morgan Ryan and Milton Morris on the steps of Parliament House, the BCI/TSU had staked out the steps to observe said meeting. I asked for all of the records of the BCI/TSU relevant to any such inquiry. I asked whether any stakeout might have been done by the Observation Squad, the BCI itself, or some other organisation and asked that all relevant records be checked. Superintendent Drew undertook to make those inquiries.

I also asked for all of the running sheets of the BCI/TSU for the period 1978 to 82 at least. Superintendent Drew believed

that these had been destroyed by Mr Blisset in the early 1980's following the disclosure about the existence of The Age tapes. However he undertook to make inquiries to see whether any of the running sheets still existed. I then turned to the matters disclosed in the second chapter of the second volume of the Stewart Commission Report. I asked whether any investigation had been carried out into any of the allegations raised by Stewart. Superintendent Drew told me that a Task Force had been established to thoroughly investigate all of the allegations. That Task Force is headed by Detective Superintendent Stephenson. Its establishment was delayed by Justice Stewart in handing over the relevant information, but now appears to be in full swing. All of the Stewart information is being fed into computer and I understand that police have begun their inquiries. Highest priority is the Cessna Milner Matter. Also high on the list is the alleged involvement of His Honour, Ryan, Saffron, the Yuens, and police in the Dixon Street Casinos matter. It will also appear that some further investigation has been conducted into the Lowe and Shaw attempt to influence Lewington. Superintendent Drew indicated that nothing had come of this investigation. Superintendent Drew then introduced me to Detective Superintendent Stephenson and told Superintendent Stephenson that he was to co-operate fully with our inquiry. I understand from what Superintendent Drew told me that this Commission will have full access to the ongoing investigations by the NSW Police into the various allegations raised by Justice Stewart. I intend meeting with Superintendent Stephenson at some date in the not too distant future, when the NSW Police inquiries have achieved some headway.

Finally, I mentioned the Morosi break-in in February 1975. After briefly outlining the charges brought (namely larceny and illegal use of motor vehicle) Superintendent Drew expressed his disbelief that such charges would have been laid in those circumstances - invariably, no matter what the amount involved, charges of break enter with intent are brought; moreover the charge under the Motor Traffic Act is "part of ancient

history". I asked Superintendent Drew to make inquiries to find out whether the break-in was ever reported to the NSW Police and if so, I asked him to obtain any of the files and papers that may still exist within the Police Archives relevant to that matter.

Superintendent Drew is to get back to me in the next couple of weeks in relation to all of these matters and in particular, to set up the meeting with Molloy and the other people previously mentioned.

Signed:

A black rectangular redaction box covering the signature of Andrew Phelan.

Andrew Phelan

16.7.86

0110M

Pete / Mark

Allocated to you.

I discussed the matter briefly with Michael Lynch of the CAC (now) on 9/7/86. He had no useful info, although it would appear that the relevant tender documents are in the CAC's possession. The CAC intends interviewing the 'star players' in the matter in a month or so (using 'special' powers). You might like to keep track of the CAC enquiries.

Speak to me before contacting witnesses.



15/7/86

17/7/86

ALLEGATION NO 27

*Amended
allegation
(see underlines)*

Particulars of Allegation

The Honourable Lionel Keith Murphy, in or about the early months of 1980, and whilst a Justice of the High Court of Australia, agreed with Morgan Ryan that he, the Judge, would make representations on behalf of a company associated with Abraham Gilbert Saffron to the Honourable Neville Wran, then the Premier of New South Wales, in order to obtain a lease over premises in Sydney known as Luna Park. Further, the Judge subsequently made such representations, and informed Ryan that he had done so and that the representations had been successful.

At the relevant time Saffron was, and was known by the Judge to be, a person of ill-repute.

It will be contended that this conduct by the Judge amounted to misbehaviour within the meaning of Section 72 of the Constitution in the following respect -

a) entering into an agreement to intervene to influence the grant of a lease of public land to a particular tenderer, and actually intervening to achieve that purpose;

further or in the alternative

b) entering into an agreement to influence the grant of a lease of public land to a tenderer associated with a person of ill-repute, and actually intervening to achieve that purpose.

As such it constituted conduct contrary to accepted standards of judicial behaviour.

ALLEGATION NO 27

Particulars of Allegation

The Honourable Lionel Keith Murphy, in or about the early months of 1980, and whilst a Justice of the High Court of Australia, agreed with Morgan Ryan that he, the Judge, would make representations on behalf of a company associated with Abraham Gilbert Saffron to the Honourable Neville Wran, then the Premier of New South Wales, in order to obtain a lease over premises in Sydney known as Luna Park. Further, the Judge subsequently made such representations, and informed Ryan that he had done so and that the representations had been successful.

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entering into an agreement to intervene to influence the grant of a lease to a particular tenderer, and actual intervention to achieve that purpose.

As such it constituted conduct contrary to accepted standards of judicial behaviour.

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] 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] 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

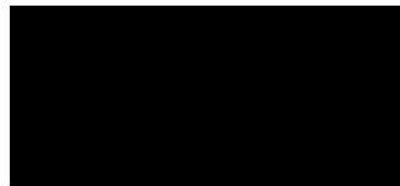
Enclosed as Attachment B is a list of persons who were attached to the New South Wales Police Bureau of Crime Intelligence and Technical Survey Unit during the periods when Morgan Ryan's telephone conversations were subjected to illegal interception. Some of those persons gave evidence to the Royal Commission 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. (T1C/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. (T1C/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. (T1C/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.

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

ALLEGATION NO. 27 - LUNA PARK - LEASE FOR SAFFRON

This matter arises in the course of the Stewart Royal Commission pages 854 to 855. Mr. Egge is giving evidence regarding the contents of a telephone conversation which he says was reduced to transcript, and which he claims to have read. We have not been able to find any reference to any such conversation in the actual Age tape transcripts themselves. There is further reference to this matter in Egge's supplementary statement dated 7th of August, 1985. Egge basically asserts that Morgan Ryan arranged for the Judge to intervene on behalf of Saffron in order to gain the lease for Luna Park in place of the Reg Grundy organisation which had been awarded that lease. It is said that a Saffron related entity ultimately acquired the lease.

Matters to be Investigated

The Corporate Affairs Commission should be approached regarding any investigations which have been conducted into this affair. In addition, it appears that the NCA may have information about the matter. It is clear that Egge must be interviewed, and obviously Morgan Ryan and Saffron would also be candidates for interview regarding this matter. It may be that the State Rail Authority is involved in this as well (Mr. Hill) and it is possible that Colbron might have some information also. If the owner of the land was the State Rail Authority, there should be files available. It is plain that the Reg Grundy organisation should be contacted as well. If Egge's evidence is true, it would appear that he would have seen a transcript which suggested that a conversation of this type had occurred. That transcript is not presently available to us. Where has it gone? Who prepared it? Who would be able to give evidence (direct evidence) of having heard the telephone conversation involving the Judge and Ryan?

FILE NOTE

File Ref: C12

On 4 July I spoke with Barbara Kinnane, Deputy Chairman, and later with John Crooke, Chairman of the Corporate Affairs Commission of NSW. (Miss Kinnane will be leaving shortly to take up a position as State Crown Prosecutor). I indicated that we were anxious to discuss formally with relevant Commission staff matters to do with the investigation that we understood was being conducted by the Commission into the granting of the Luna Park lease. I indicated also that the aim of such discussion was to identify any information that they might have that would be of use to us or, alternatively, ascertaining that they hold no such information. I said that we had powers of subpoena but that we were disinclined to exercise any of those powers unless it was clear that there was material available that was of use to us. After some discussion Mr Crooke agreed that there could be informal discussion and nominated Geoff Bower as the point of contact. I informed Mr Phelan accordingly.



J F Thomson
Secretary

4 July 1986



ROYAL COMMISSION OF INQUIRY-INTO ALLEGED TELEPHONE INTERCEPTIONS

Commissioner: THE HON MR JUSTICE D. G. STEWART
Acting Secretary: K. E. RANSOM

G.P.O. Box 7060
Sydney, N.S.W. 2001
Australia
Telephone: (02) 265 7255

25 March 1986

PRIVATE AND CONFIDENTIAL

The Honourable Mr Justice L.K. Murphy,
The High Court of Australia,
PARKES ACT 2600.

Dear Judge,

As you would be aware, I have been commissioned by the Governments of the Commonwealth, New South Wales and Victoria to inquire into certain alleged unlawful telephone interceptions in New South Wales and, in particular, whether there exists information or material that discloses the commission or the possible commission of criminal offences.

Included in the material which has been produced to the Commission is a quantity of documents which purport to be transcript, summaries and other records of intercepted telephone conversations. There are also some tape recordings which purport to record telephone conversations. Among these are conversations which apparently were intercepted while passing over the telephone system to and from the telephone service situated at the home of Mr Morgan John Ryan.

The Commission has had produced to it a number of statements and records of interview and has heard a considerable amount of evidence in relation to these alleged conversations. Some of the conversations appear to be conversations between Ryan and yourself or conversations between Ryan and others in which reference is made to yourself. Witnesses before the Commission have stated that they have knowledge of other conversations between Ryan and yourself which are not recorded in the documents and tape recordings of conversations.

Where the Commission has received evidence of conversations which suggest possible criminal activity and where the matter is of significance the Commission has, subject to certain constraints, sought evidence from the persons who could be expected to have knowledge of these conversations or the matters referred to therein. It is to be expected that the Commission will be obliged to make some reference to such conversations in its report albeit in a confidential section thereof.

000010

The Commission would, in the ordinary course of events have sought to hear evidence from you in relation to some conversations purporting to be between Ryan and yourself and Ryan and others. However, as you are presently awaiting trial in the Supreme Court of New South Wales in a criminal matter and as that matter may raise questions of your association with Ryan the Commission has decided, having regard to section 6A(3) of the Royal Commissions Act 1902 and the decision of the High Court in Hammond v Commonwealth of Australia and Others (1982) 42ALR327, to invite you to make such response as you see fit in relation to the material set out in the schedule accompanying this letter.


It should be understood that as presently advised the Commission does not propose to invoke any of its powers in order to obtain from you a response. If you choose to respond you may do so by letter, written or verbal statement, sworn evidence or some other method elected by you. If a written document is furnished by you the Commission would wish to have some verification of the fact that the document is genuine. If you choose to give evidence that evidence would, consistently with the Commission's practice to date, be given in camera. You will be aware that there are certain protections afforded to witnesses under the legislation governing the conduct of this inquiry.

As indicated above the items in relation to which your comments are invited are set forth in the schedule attached to this letter. Each item does not necessarily involve an allegation of possible criminal activity by you. It should not be assumed that the material set out in the schedule is evidence which has been accepted by the Commission, nor should it be regarded as a verbatim account of the evidence of any particular witness or a verbatim extract from any document. Each item represents an attempt to set out the substance of the more important material which concerns you.

Item 7 does not arise from a telephone conversation but was the subject of direct evidence given by a witness who was called in respect to a related matter.

As the Commission is required to report to the commissioning Governments by 30 April 1986 I should be grateful if you would let me have a reply by 4 April 1986.

Yours sincerely,



Mr Justice Stewart

Commission to the Hon. Mr Justice L K Murphy 25 March 1986

SCHEDULE

Item 1:

In April 1979 you had a telephone conversation with Ryan. In the conversation reference was made to Robert Yuen who was then living near your residence at Darling Point.

You said that Yuen had complained to you regarding an alleged casino that he, Yuen, had been conducting in Dixon Street, Sydney. The substance of the complaint was that Yuen had been paying money to Detective Chief Superintendent Patrick John Watson of the New South Wales Police but had been subject to police action in respect of the casino. During the course of the conversation you said: 'this is a disgraceful turnout ... who is this fellow called Watson ... I want to talk to you about this I've a good mind to speak to 'N' about it'.

Item 2:

Early in 1980 Abraham Gilbert Saffron in a telephone conversation told Ryan that he wished to obtain a lease of premises known as Luna Park. Ryan then telephoned you and you said in relation to the matter 'leave it with me'. A short time later you telephoned Ryan and said that you had spoken to 'Neville' and he is going to try to make some arrangements for Saffron to get the lease.

Item 3:

Early in 1980, in a telephone conversation Saffron told Ryan that he wanted the contract to remodel the Central Railway Station in Sydney for which tenders had been called. Ryan then rang you about the matter and you said 'leave it with me'. Sometime later you rang Ryan and told him that the contract would go to Saffron.

Item 4:

In the context of questions being raised by the New South Wales Parliamentary Opposition regarding the prosecution of persons named Roy Bowers Cessna and Timothy Lycett Milner and Ryan's participation in the matter, on 11 March 1980 in a telephone conversation Ryan told you that Milton Morris put John Mason into power and that Morris borrowed some money from Ryan. Ryan further said that Morris was repaying him in a way which was defrauding the Taxation Department. Ryan said that he would ring Morris and threaten to reveal this. In a telephone conversation you told Ryan that you had made arrangements for Ryan to meet Morris on the steps of Parliament House.

Item 5:

On 20 March 1979 in a telephone conversation Ryan requested you to ring Mr N K Wran the Premier of New South Wales for the purpose of securing the appointment of Wadim Jegerow to the position of Deputy Chairman of the Ethnic Affairs Commission and that you agreed to the request. On 31 March 1979 you telephoned Ryan and told him 'I talked to him and he is appointing that fellow to be Deputy Chairman ... Neville is ... appointing Jegerow ... He'll give it to him but I think your fellow might have been wanting to make it some long tenure or something, he said he wasn't doing that'.

Item 6:

Early in 1981 in a telephone conversation Ryan asked you if you had been able to find out whether Detective Sergeants D L Lewington and R A Jones of the Australian Federal Police were approachable. Lewington and Jones were then investigating an immigration conspiracy in which Ryan was alleged to be involved. You replied that you had made some inquiries and that the answer was definitely 'no', both officers were 'very straight'.

Item 7:

About the end of 1979 you invited Detective Chief Inspector D W Thomas of the Commonwealth Police to a luncheon at the Arirang House restaurant at Potts Point. In addition to yourself and Thomas, Assistant Commissioner J D Davies and Ryan were present. During that luncheon you said to Thomas that you and others needed someone in the new Australian Federal Police to be an informant. You said 'We need to know what is going on. We need somebody at the top'. In return for this you offered to have Thomas promoted to the rank of Assistant Commissioner in the Australian Federal Police the formation of which was then imminent.

That's fine