

IN-CONFIDENCE

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

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FILE No.

629

MINUTE

TO: Fergus Thomson

FROM: David Durack

Re: J Mc Anderson - Expenses

I refer to the attached documents received from Mr J Mc Anderson on 29 July 1986 in relation to his expenses in assisting the Commission.

The history of Mr Anderson's involvement with the Commission is as follows:

1. On 19 June 1986 Anderson rang S Charles from Auckland, New Zealand, and advised he had information which the Commission may find useful.
2. On the same day after discussions were held within the Commission Mr Anderson was contacted in Auckland and arrangements were made for Mark Weinberg and I to travel to Auckland to meet him on the following Wednesday the 25 June 1986.
3. The arrangements referred to above had to be aborted on 24 June 1986 due to an indication by representatives for the Judge that they would challenge rulings made in the Commission that day. Undertakings were also given that investigations would not proceed until determination of that challenge. Mr Anderson was advised by yourself of that occurrence and he indicated he could contact the Commission the following week and would either return to New Zealand then or stay in New Zealand until that time.
4. On 30 June 1986 I contacted J Mc Anderson in Auckland with the intention of setting up a new meeting time in Auckland following the High Court decision on 27 June 1986 which in effect meant that investigations could proceed. Anderson advised me that he felt he had been in New Zealand too long and therefore thought it best if he came to Australia to see us (in fact this would be doing what was least expected by his enemies - according to him). He further advised he could probably reach Sydney on Wednesday or Thursday of that week and would advise me of his arrival.

5. On 3 July 1986 Anderson advised me of his arrival and a meeting was arranged for 9.00 a.m. the following day at ADC House. The meeting that was arranged took place on 4 July and Mr Anderson was interviewed from approximately 10 a.m. - 12 noon.

NOTE: At this stage Mr Anderson had not specifically raised the subject of expenses but I had mentioned to him on the 30 June that his "reasonable" expenses in coming from New Zealand to meet us would be paid.

6. At the conclusion of the meeting on 4 July 1986 Mark Weinberg and I requested that Mr Anderson make some enquiries re other people that could corroborate his evidence and assist our enquiries generally. (This was after Anderson had indicated that these people would be available after he had spoken to them.)
7. It was envisaged that the next meeting with Anderson would occur on Monday 7th or Tuesday 8th July 1986. Apparently during my absence in Singapore a further meeting was arranged and this was to take place on Thursday 10 July 1986 at the Wynyard Travelodge. Due to a misunderstanding on Anderson's part this meeting did not take place and a meeting was then arranged for Sunday 13 July 86 at Anderson's wife's home.
8. The meeting referred to above took place and Anderson was interviewed between 5.00 p.m. and 7.15 p.m. At the conclusion of this interview Anderson indicated that he would be leaving Australia in the near future but still had some business of his own to attend to re Saffron paying monies to him. No further requests were made of Anderson save for him contacting us and advising of his departure.

I now turn to what would be reasonable in relation to reimbursing Anderson for his expenses:

- firstly he would be entitled to an economy airfare from Auckland to Sydney as per the arrangements made. (It is difficult to see how any further plane fare would be payable. However, Anderson claims that he came from Manila to Auckland purely for the purpose of contacting the Commission - this is after learning in Manila of our wish to speak to him);
- secondly in relation to other expenses I believe Anderson would be entitled to a daily figure for

accommodation etc. from Thursday the 3 July 86 to Sunday 13 July 86. I say that this period would be appropriate as it covers his arrival in Sydney and the period up to and including the second conference with him on 13 July. (We did request him to follow up matters after the meeting on 4 July and it was not until 13 July that these matters were completed.)

NOTE: There is some reason to think that some entitlement would also be applicable in relation to Anderson's stay in Auckland after we aborted the meeting scheduled to be held on 25 June 1986.

I would appreciate it if further contact with Anderson was now dealt with by D Smeaton as I do not think I can take the matter any further.



D Durack
Instructing Solicitor

30 July 1986

Sunman

The Hon Mr N K Wran QC
Level 20
Aetna Life Tower
Chr 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 [REDACTED] [REDACTED] [REDACTED] to arrange a suitable time for an appointment to be made.

Yours faithfully

[REDACTED]
Sir George Lush
Presiding Member

21 July 1986

The Hon. Mr J R McClelland

W 2025

Dear Mr McClelland,

PARLIAMENTARY COMMISSION OF INQUIRY - MR JUSTICE L K MURPHY

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Yours faithfully

[REDACTED]
Sir George Iush
Presiding Member

21 July 1986

The Hon Mr Justice James F Staples
Level 16
Law Courts Building
Queens Square
SYDNEY NSW 2000

Dear Judge,

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21 July 1986

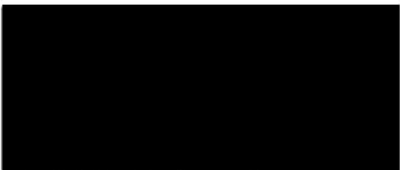
NOTE FOR FILE

On 24 June 1986 at about 4.00 p.m. I took a call from Andrew Stone, a reporter with the New Zealand Herald in Auckland. He asked whether the Murphy Commission was sending investigators to New Zealand to question witnesses. I told him no. He then asked whether we were planning to do so. I told him that I could not say.

Mr Stone then volunteered that his editor had informed him that an "Australian publisher" had called and offered \$3,000 for them to find the person (witness) concerned and to arrange for him to be interviewed by the Australian publisher before us. It was not clear to whom the \$3,000 was to be paid - the NZ Herald or the potential witness. I made no comment on this matter.

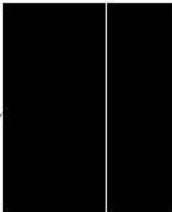
Mr Stone asked what would happen if the Commission did wish to make inquiries/interview witnesses/take evidence in New Zealand. I informed him that the usual procedure, for formal work by the Commission overseas, was for such things to be arranged on a government to government basis.

He thanked me for my time and rang off.


Daryl P Smeaton

2 July 1986

2724A


Mr Thomson
Mr Durack
Mr Weinberg
Mr Phelan
File
APL 27/86

→ file

? witness file

FILE NOTE

Today (25 June 1986) in the absence from Sydney of Mr Charles, Mr Weinberg and Mr Durack, I spoke with J McC A in Auckland (8 am *Sydney time*)

I explained that proceedings had been instituted in the High Court with the effect of suspending some of the Commission's operations, including the proposed visit to NZ. I apologized that he had been inconvenienced and asked if he would contact us, say, Tuesday next, reverse charge if he wished. I said we were anxious to speak with him, and could try to work out a later meeting. He said Auckland would be suitable for any such meeting. He said he would leave Auckland pro tem returning probably next Tuesday, when he would ring here. I told him of the time difference and said there would be someone here to receive a call from 8.00 a.m. Sydney time to 6 p.m. Sydney time.



J F Thomson
25 June 1986

1. Mr Charles
2. Mr Durack (copy taken)

To see please.

FT
25/6